

133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 166

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(4751.24), 4751.08 (4751.201), 4751.10 (4751.32), 4751.11 273
(4751.33), 4751.12 (4751.35), 4751.13 (4751.36), 4751.14 274
(4751.03), 5167.12 (5167.05), and 5167.121 (5167.051) be amended 275
for the purpose of adopting new section numbers as indicated in 276
parentheses; and new sections 1533.09, 4751.04, and 4751.10, and 277
sections 9.242, 9.71, 121.374, 122.26, 122.84, 124.91, 125.93, 278
125.931, 126.60, 126.61, 126.62, 131.511, 173.30, 173.525, 323.16, 279
901.172, 1181.23, 1521.08, 1751.92, 1713.032, 2151.45, 2151.451, 280
2151.452, 2151.453, 2151.454, 2151.455, 3107.035, 3301.28, 281
3302.037, 3302.038, 3302.039, 3311.242, 3313.6024, 3313.818, 282
3313.912, 3314.0211, 3314.088, 3314.089, 3314.353, 3314.354, 283
3317.0219, 3317.163, 3317.26, 3318.037, 3326.42, 3327.015, 284
3333.052, 3702.21, 3721.026, 3723.081, 3727.49, 3742.50, 3799.01, 285

3901.95, 3902.31, 3902.50, 3902.51, 3923.87, 3959.20, 3962.01, 286
3962.011, 3962.02, 3962.03, 3962.04, 3962.05, 3962.06, 3962.07, 287
3962.08, 3962.081, 3962.09, 3962.10, 3962.11, 3962.12, 3962.13, 288
3962.14, 3962.15, 4109.22, 4729.48, 4729.801, 4751.101, 4751.102, 289
4751.202, 4751.21, 4751.22, 4751.23, 4751.25, 4751.30, 4751.31, 290
4751.37, 4751.38, 4751.40, 4751.41, 4751.45, 4757.25, 4759.063, 291
4760.061, 4761.061, 4762.061, 4765.60, 4765.601, 4765.602, 292
4765.603, 4765.604, 4765.605, 4765.606, 4765.607, 4765.608, 293
4765.609, 4774.061, 4778.071, 5101.1415, 5103.037, 5103.0310, 294
5103.181, 5104.211, 5123.0424, 5123.193, 5123.603, 5123.691, 295
5126.053, 5162.137, 5162.138, 5162.139, 5163.12, 5164.65, 296
5164.722, 5164.723, 5164.724, 5164.891, 5165.26, 5166.122, 297
5166.162, 5166.42, 5166.43, 5166.50, 5167.101, 5167.102, 5167.103, 298
5167.104, 5167.105, 5167.19, 5167.22, 5167.221, 5767.24, 5167.241, 299
5167.242, 5167.243, 5167.28, 5167.29, 5167.35, 5167.36, 5501.91, 300
5709.51, 5741.07, 5747.26, 5747.461, 5747.73, and 5747.82 of the 301
Revised Code be enacted to read as follows: 302

Sec. 9.242. (A) As used in this section: 303

(1) "State agency" has the meaning defined in section 1.60 of 304
the Revised Code. 305

(2) "State contract" means any contract for goods, services, 306
or construction that is paid for in whole or in part with state 307
funds. A state contract is considered to be awarded when it is 308
entered into or executed, regardless of whether the parties to the 309
contract have exchanged any money. 310

(3) "Participate" means to respond to any solicitation or 311
procurement issued by a state agency or be the recipient of an 312
award of a state contract, or to provide any goods or services to 313
any state agency. 314

(B) No vendor who has been debarred by any state agency shall 315

participate in any state contract during the period of debarment. 316
After the debarment period expires, the vendor may be eligible to 317
respond to any solicitation or procurement, provide goods or 318
services to, and be awarded contracts by state agencies if the 319
vendor is not otherwise listed on a list of debarred vendors 320
applicable to state contracts. 321

(C) State agencies shall exclude any vendor debarred under 322
sections 125.25, 153.02, or 5513.06 of the Revised Code, or any 323
other section of the Revised Code from participating in state 324
contracts. 325

Sec. 9.71. (A) As used in this section: 326

(1) "340B drug pricing program" means the program enacted 327
under section 602 of the "Veterans Health Care Act of 1992," 328
Public Law 102 - 585, codified in section 340B of the "Public 329
Health Service Act," 42 U.S.C. 256b. 330

(2) "Health insurer" means any of the following: 331

(a) A person authorized under Title XXXIX of the Revised Code 332
to engage in the business of sickness and accident insurance in 333
this state: 334

(b) A health insuring corporation; 335

(c) A medicaid managed care organization, as defined in 336
section 5167.01 of the Revised Code; 337

(d) A multiple employer welfare arrangement; 338

(e) A legal entity that is self-insured and provides health 339
care benefits to its employees and members; 340

(f) Any other person or government entity that is obligated 341
pursuant to a benefits contract to pay or reimburse for covered 342
health care services rendered to beneficiaries under such a 343
contract. 344

(B) A health insurer that is a 340B covered entity shall 345
ensure that any discount the health insurer receives from 346
acquiring a drug through the 340B drug pricing program is passed 347
on to the patient who receives the drug. 348

Sec. 101.38. (A) As used in this section, "relative" means a 349
spouse, parent, parent-in-law, sibling, sibling-in-law, child, 350
child-in-law, grandparent, aunt, or uncle. 351

(B) There is hereby created the Ohio cystic fibrosis 352
legislative task force to study and make recommendations on issues 353
pertaining to the care and treatment of individuals with cystic 354
fibrosis. The task force shall study and make recommendations on 355
the following issues: 356

(1) Use of prescription drug and innovative therapies under 357
the program for medically handicapped children established under 358
section 3701.023 of the Revised Code and the program for adults 359
with cystic fibrosis administered by the department of health 360
under division (G) of that section; 361

(2) Screening of newborn children for the presence of genetic 362
disorders, as required under section 3701.501 of the Revised Code; 363

(3) Any other issues the task force considers appropriate. 364

(C) The task force shall consist of the following members, 365
each with the authority to vote on matters before the task force: 366

(1) Three members of the senate: two appointed by the 367
president of the senate from the majority party and one appointed 368
by the minority leader of the senate; 369

(2) Three members of the house of representatives: two 370
appointed by the speaker of the house of representatives from the 371
majority party and one appointed by the minority leader of the 372
house of representatives; 373

(3) Three members, at least two of whom have been diagnosed 374

with cystic fibrosis or are relatives of individuals who have been 375
diagnosed with cystic fibrosis, appointed by the president of the 376
senate; 377

(4) Three members, at least two of whom have been diagnosed 378
with cystic fibrosis or are relatives of individuals who have been 379
diagnosed with cystic fibrosis, appointed by the speaker of the 380
house of representatives. 381

~~Initial members shall be appointed not later than sixty days~~ 382
~~after the effective date of this section. Appointments to the task~~ 383
~~force shall be made within fifteen days after the commencement of~~ 384
~~the first regular session of each general assembly in the manner~~ 385
~~prescribed in this division.~~ 386

(D) ~~Each member~~ Members of the task force shall serve a 387
~~one-year term that ends on the same day of the same month as did~~ 388
~~the term that it succeeds. Members may be reappointed on the task~~ 389
~~force until the appointments are made in the first regular session~~ 390
~~of the following general assembly or, in the case of task force~~ 391
~~members who also are general assembly members when appointed,~~ 392
~~until they are no longer general assembly members.~~ 393

(E) A vacancy shall be filled in the same manner as the 394
original appointment. Any member appointed to fill a vacancy 395
occurring prior to the expiration date of the term for which the 396
member's predecessor was appointed shall hold office as a member 397
for the remainder of that term. 398

~~A member shall continue in office subsequent to the~~ 399
~~expiration date of the member's term until a successor takes~~ 400
~~office or until a period of sixty days has elapsed, whichever~~ 401
~~occurs first.~~ 402

(F) Members of the task force shall elect a chair ~~to serve a~~ 403
~~term of one year.~~ A vacancy of the chair position shall be filled 404
by election. 405

(G) Members of the task force shall receive no compensation, 406
except to the extent that serving as a member is part of the 407
individual's regular duties of employment and except for the 408
reimbursement of expenses that may be provided under division (H) 409
of this section. 410

(H) The task force may solicit and accept grants from public 411
and private sources. Grant funds may be used to reimburse members 412
for expenses incurred in the performance of official task force 413
duties and to pursue initiatives pertaining to the care and 414
treatment of individuals with cystic fibrosis. 415

(I) A majority of the members of the task force constitutes a 416
quorum for the conduct of task force meetings. 417

Sec. 103.41. (A) As used in sections 103.41 to 103.415 of the 418
Revised Code: 419

(1) "JMOC" means the joint medicaid oversight committee 420
created under this section. 421

(2) "State and local government medicaid agency" means all of 422
the following: 423

(a) The department of medicaid; 424

(b) ~~The office of health transformation;~~ 425

~~(c)~~ Each state agency and political subdivision with which 426
the department of medicaid contracts under section 5162.35 of the 427
Revised Code to have the state agency or political subdivision 428
administer one or more components of the medicaid program, or one 429
or more aspects of a component, under the department's 430
supervision; 431

~~(d)~~(c) Each agency of a political subdivision that is 432
responsible for administering one or more components of the 433
medicaid program, or one or more aspects of a component, under the 434
supervision of the department or a state agency or political 435

subdivision described in division (A)(2)~~(e)~~(b) of this section. 436

(B) There is hereby created the joint medicaid oversight 437
committee. JMOC shall consist of the following members: 438

(1) Five members of the senate appointed by the president of 439
the senate, three of whom are members of the majority party and 440
two of whom are members of the minority party; 441

(2) Five members of the house of representatives appointed by 442
the speaker of the house of representatives, three of whom are 443
members of the majority party and two of whom are members of the 444
minority party. 445

(C) The term of each JMOC member shall begin on the day of 446
appointment to JMOC and end on the last day that the member serves 447
in the house (in the case of a member appointed by the speaker) or 448
senate (in the case of a member appointed by the president) during 449
the general assembly for which the member is appointed to JMOC. 450
The president and speaker shall make the initial appointments not 451
later than fifteen days after March 20, 2014. However, if this 452
section takes effect before January 1, 2014, the president and 453
speaker shall make the initial appointments during the period 454
beginning January 1, 2014, and ending January 15, 2014. The 455
president and speaker shall make subsequent appointments not later 456
than fifteen days after the commencement of the first regular 457
session of each general assembly. JMOC members may be reappointed. 458
A vacancy on JMOC shall be filled in the same manner as the 459
original appointment. 460

(D) In odd-numbered years, the speaker shall designate one of 461
the majority members from the house as the JMOC chairperson and 462
the president shall designate one of the minority members from the 463
senate as the JMOC ranking minority member. In even-numbered 464
years, the president shall designate one of the majority members 465
from the senate as the JMOC chairperson and the speaker shall 466

designate one of the minority members from the house as the JMOC 467
ranking minority member. 468

(E) In appointing members from the minority, and in 469
designating ranking minority members, the president and speaker 470
shall consult with the minority leader of their respective houses. 471

(F) JMOC shall meet at the call of the JMOC chairperson. The 472
chairperson shall call JMOC to meet not less often than once each 473
calendar month, unless the chairperson and ranking minority member 474
agree that the chairperson should not call JMOC to meet for a 475
particular month. 476

(G) Notwithstanding section 101.26 of the Revised Code, the 477
members, when engaged in their duties as members of JMOC on days 478
when there is not a voting session of the member's house of the 479
general assembly, shall be paid at the per diem rate of one 480
hundred fifty dollars, and their necessary traveling expenses, 481
which shall be paid from the funds appropriated for the payment of 482
expenses of legislative committees. 483

(H) The JMOC chairperson may, subject to approval by the 484
speaker of the house of representatives or the speaker's designee 485
and the president of the senate or the president's designee, 486
employ professional, technical, and clerical employees as are 487
necessary for JMOC to be able successfully and efficiently to 488
perform its duties. All such employees are in the unclassified 489
service and may be terminated by the chairperson, subject to 490
approval of the speaker or the speaker's designee and president or 491
the president's designee. JMOC may contract for the services of 492
persons who are qualified by education and experience to advise, 493
consult with, or otherwise assist JMOC in the performance of its 494
duties. 495

(I) The JMOC chairperson, when authorized by JMOC and the 496
president and speaker, may issue subpoenas and subpoenas duces 497

tecum in aid of JMOC's performance of its duties. A subpoena may
require a witness in any part of the state to appear before JMOC
at a time and place designated in the subpoena to testify. A
subpoena duces tecum may require witnesses or other persons in any
part of the state to produce books, papers, records, and other
tangible evidence before JMOC at a time and place designated in
the subpoena duces tecum. A subpoena or subpoena duces tecum shall
be issued, served, and returned, and has consequences, as
specified in sections 101.41 to 101.45 of the Revised Code.

(J) The JMOC chairperson may administer oaths to witnesses
appearing before JMOC.

Sec. 103.416. ~~JMOC on a quarterly basis shall monitor the
actions of the department of medicaid under section 5167.04 of the
Revised Code in preparing to implement inclusion of alcohol, drug
addiction, and mental health services covered by medicaid in the
care management system established under section 5167.03 of the
Revised Code. When the inclusion of the If the department of
medicaid includes alcohol, drug addiction, and mental health
services in the care management system ~~begins to be implemented~~
established under section 5167.03 of the Revised Code, JMOC on a
periodic basis shall monitor the department's inclusion of the
services in the system.~~

Sec. 103.50. The joint education oversight committee shall
consist of the following members:

(A) Five members of the house of representatives appointed by
the speaker of the house of representatives, three of whom are
members of the majority party and two of whom are members of the
minority party; ~~and~~

(B) Five members of the senate appointed by the president of
the senate, three of whom are members of the majority party and

two of whom are members of the minority party; 528

(C) Two members of the state board of education appointed by 529
the president of the state board, both of whom cannot be members 530
of the same political party. 531

The term of each member begins on the day of appointment to 532
the committee and ends on expiration or other termination of the 533
member's term as a member of the house of representatives ~~or,~~ 534
senate, or state board. The speaker and president shall make 535
subsequent appointments not later than fifteen days after the 536
commencement of the first regular session of each general 537
assembly. The president of the state board shall make appointments 538
not later than fifteen days after the organizational meeting of 539
the state board under section 3301.04 of the Revised Code. Members 540
may be reappointed. A vacancy on the committee shall be filled in 541
the same manner as the original appointment. 542

In odd-numbered years, the speaker shall designate one of the 543
majority members from the house of representatives as chairperson 544
and the president of the senate shall designate one member from 545
the senate, who is not from the same political party as the 546
chairperson, as the ranking member. In even-numbered years, the 547
president shall designate one of the majority members from the 548
senate as the chairperson and the speaker shall designate one 549
member from the house of representatives, who is not from the same 550
political party as the chairperson, as the ranking member. 551

In appointing members from the minority, and in designating 552
ranking members who are from the minority, the president of the 553
senate and speaker shall consult with the minority leader of their 554
respective houses. 555

The committee shall meet at the call of the chairperson. The 556
committee shall meet not less often than once each calendar month, 557
unless the chairperson and ranking member agree that the 558

chairperson should not call the committee to meet for a particular 559
month. 560

Notwithstanding section 101.26 of the Revised Code, the 561
members, when engaged in their duties as members of the committee 562
on days when there is not a voting session of the member's house 563
of the general assembly, shall be paid at the per diem rate of one 564
hundred fifty dollars, and their necessary traveling expenses. 565
These amounts shall be paid from the funds appropriated for the 566
payment of expenses of legislative committees. 567

The chairperson, when authorized by the committee and the 568
president of the senate and speaker, may issue subpoenas and 569
subpoenas duces tecum in aid of the committee's performance of its 570
duties. A subpoena may require a witness in any part of the state 571
to appear before the committee at a time and place designated in 572
the subpoena to testify. A subpoena duces tecum may require 573
witnesses or other persons in any part of the state to produce 574
books, papers, records, and other tangible evidence before the 575
committee at a time and place designated in the subpoena duces 576
tecum. A subpoena or subpoena duces tecum shall be issued, served, 577
and returned, and has consequences, as specified in sections 578
101.41 to 101.45 of the Revised Code. 579

The chairperson may administer oaths to witnesses appearing 580
before the committee. 581

Sec. 107.036. (A) For each business incentive tax credit, the 582
main operating appropriations act shall contain a detailed 583
estimate of the total amount of credits that may be authorized in 584
each year, an estimate of the amount of credits expected to be 585
claimed in each year, and an estimate of the amount of credits 586
expected to remain outstanding at the end of the biennium. The 587
governor shall include such estimates in the state budget 588
submitted to the general assembly pursuant to section 107.03 of 589

the Revised Code. 590

(B) As used in this section, "business incentive tax credit" 591
means all of the following: 592

(1) The job creation tax credit under section 122.17 of the 593
Revised Code; 594

(2) The job retention tax credit under section 122.171 of the 595
Revised Code; 596

(3) The historic preservation tax credit under section 597
149.311 of the Revised Code; 598

(4) The motion picture tax credit under section 122.85 of the 599
Revised Code; 600

(5) The new markets tax credit under section 5725.33 of the 601
Revised Code; 602

(6) The research and development credit under section 166.21 603
of the Revised Code; 604

(7) The small business investment credit under section 122.86 605
of the Revised Code; 606

(8) The rural growth investment credit under section 122.152 607
of the Revised Code; 608

(9) The opportunity zone investment credit under section 609
5747.82 of the Revised Code. 610

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 611
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 612
a completed form prescribed pursuant to division (C)(1) of this 613
section, and a set of fingerprint impressions obtained in the 614
manner described in division (C)(2) of this section, the 615
superintendent of the bureau of criminal identification and 616
investigation shall conduct a criminal records check in the manner 617

described in division (B) of this section to determine whether any
information exists that indicates that the person who is the
subject of the request previously has been convicted of or pleaded
guilty to any of the following:

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

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

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

(2) On receipt of a request pursuant to section 3712.09 or
3721.121 of the Revised Code, a completed form prescribed pursuant
to division (C)(1) of this section, and a set of fingerprint
impressions obtained in the manner described in division (C)(2) of

this section, the superintendent of the bureau of criminal 649
identification and investigation shall conduct a criminal records 650
check with respect to any person who has applied for employment in 651
a position for which a criminal records check is required by those 652
sections. The superintendent shall conduct the criminal records 653
check in the manner described in division (B) of this section to 654
determine whether any information exists that indicates that the 655
person who is the subject of the request previously has been 656
convicted of or pleaded guilty to any of the following: 657

(a) A violation of section 2903.01, 2903.02, 2903.03, 658
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 659
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 660
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 661
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 662
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 663
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 664
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 665
2925.22, 2925.23, or 3716.11 of the Revised Code; 666

(b) An existing or former law of this state, any other state, 667
or the United States that is substantially equivalent to any of 668
the offenses listed in division (A)(2)(a) of this section. 669

(3) On receipt of a request pursuant to section 173.27, 670
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 671
5123.081, or 5123.169 of the Revised Code, a completed form 672
prescribed pursuant to division (C)(1) of this section, and a set 673
of fingerprint impressions obtained in the manner described in 674
division (C)(2) of this section, the superintendent of the bureau 675
of criminal identification and investigation shall conduct a 676
criminal records check of the person for whom the request is made. 677
The superintendent shall conduct the criminal records check in the 678
manner described in division (B) of this section to determine 679
whether any information exists that indicates that the person who 680

is the subject of the request previously has been convicted of, 681
has pleaded guilty to, or (except in the case of a request 682
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 683
Code) has been found eligible for intervention in lieu of 684
conviction for any of the following, regardless of the date of the 685
conviction, the date of entry of the guilty plea, or (except in 686
the case of a request pursuant to section 5164.34, 5164.341, or 687
5164.342 of the Revised Code) the date the person was found 688
eligible for intervention in lieu of conviction: 689

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 690
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 691
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 692
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 693
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 694
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 695
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 696
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 697
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 698
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 699
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 700
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 701
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 702
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 703
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 704
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 705
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 706
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 707
2927.12, or 3716.11 of the Revised Code; 708

(b) Felonious sexual penetration in violation of former 709
section 2907.12 of the Revised Code; 710

(c) A violation of section 2905.04 of the Revised Code as it 711
existed prior to July 1, 1996; 712

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 713
the Revised Code when the underlying offense that is the object of 714
the conspiracy, attempt, or complicity is one of the offenses 715
listed in divisions (A)(3)(a) to (c) of this section; 716

(e) A violation of an existing or former municipal ordinance 717
or law of this state, any other state, or the United States that 718
is substantially equivalent to any of the offenses listed in 719
divisions (A)(3)(a) to (d) of this section. 720

(4) On receipt of a request pursuant to section 2151.86 of 721
the Revised Code, a completed form prescribed pursuant to division 722
(C)(1) of this section, and a set of fingerprint impressions 723
obtained in the manner described in division (C)(2) of this 724
section, the superintendent of the bureau of criminal 725
identification and investigation shall conduct a criminal records 726
check in the manner described in division (B) of this section to 727
determine whether any information exists that indicates that the 728
person who is the subject of the request previously has been 729
convicted of or pleaded guilty to any of the following: 730

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 731
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 732
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 733
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 734
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 735
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 736
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 737
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 738
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 739
of the Revised Code, a violation of section 2905.04 of the Revised 740
Code as it existed prior to July 1, 1996, a violation of section 741
2919.23 of the Revised Code that would have been a violation of 742
section 2905.04 of the Revised Code as it existed prior to July 1, 743
1996, had the violation been committed prior to that date, a 744

violation of section 2925.11 of the Revised Code that is not a 745
minor drug possession offense, two or more OVI or OVUAC violations 746
committed within the three years immediately preceding the 747
submission of the application or petition that is the basis of the 748
request, or felonious sexual penetration in violation of former 749
section 2907.12 of the Revised Code; 750

(b) A violation of an existing or former law of this state, 751
any other state, or the United States that is substantially 752
equivalent to any of the offenses listed in division (A)(4)(a) of 753
this section. 754

(5) Upon receipt of a request pursuant to section 5104.013 of 755
the Revised Code, a completed form prescribed pursuant to division 756
(C)(1) of this section, and a set of fingerprint impressions 757
obtained in the manner described in division (C)(2) of this 758
section, the superintendent of the bureau of criminal 759
identification and investigation shall conduct a criminal records 760
check in the manner described in division (B) of this section to 761
determine whether any information exists that indicates that the 762
person who is the subject of the request has been convicted of or 763
pleaded guilty to any of the following: 764

(a) A violation of section 2151.421, 2903.01, 2903.02, 765
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 766
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 767
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 768
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 769
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 770
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 771
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 772
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 773
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 774
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 775
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 776

2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 777
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 778
Revised Code, felonious sexual penetration in violation of former 779
section 2907.12 of the Revised Code, a violation of section 780
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 781
violation of section 2919.23 of the Revised Code that would have 782
been a violation of section 2905.04 of the Revised Code as it 783
existed prior to July 1, 1996, had the violation been committed 784
prior to that date, a violation of section 2925.11 of the Revised 785
Code that is not a minor drug possession offense, a violation of 786
section 2923.02 or 2923.03 of the Revised Code that relates to a 787
crime specified in this division, or a second violation of section 788
4511.19 of the Revised Code within five years of the date of 789
application for licensure or certification. 790

(b) A violation of an existing or former law of this state, 791
any other state, or the United States that is substantially 792
equivalent to any of the offenses or violations described in 793
division (A)(5)(a) of this section. 794

(6) Upon receipt of a request pursuant to section 5153.111 of 795
the Revised Code, a completed form prescribed pursuant to division 796
(C)(1) of this section, and a set of fingerprint impressions 797
obtained in the manner described in division (C)(2) of this 798
section, the superintendent of the bureau of criminal 799
identification and investigation shall conduct a criminal records 800
check in the manner described in division (B) of this section to 801
determine whether any information exists that indicates that the 802
person who is the subject of the request previously has been 803
convicted of or pleaded guilty to any of the following: 804

(a) A violation of section 2903.01, 2903.02, 2903.03, 805
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 806
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 807
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 808

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 809
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 810
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 811
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 812
felonious sexual penetration in violation of former section 813
2907.12 of the Revised Code, a violation of section 2905.04 of the 814
Revised Code as it existed prior to July 1, 1996, a violation of 815
section 2919.23 of the Revised Code that would have been a 816
violation of section 2905.04 of the Revised Code as it existed 817
prior to July 1, 1996, had the violation been committed prior to 818
that date, or a violation of section 2925.11 of the Revised Code 819
that is not a minor drug possession offense; 820

(b) A violation of an existing or former law of this state, 821
any other state, or the United States that is substantially 822
equivalent to any of the offenses listed in division (A)(6)(a) of 823
this section. 824

(7) On receipt of a request for a criminal records check from 825
an individual pursuant to section 4749.03 or 4749.06 of the 826
Revised Code, accompanied by a completed copy of the form 827
prescribed in division (C)(1) of this section and a set of 828
fingerprint impressions obtained in a manner described in division 829
(C)(2) of this section, the superintendent of the bureau of 830
criminal identification and investigation shall conduct a criminal 831
records check in the manner described in division (B) of this 832
section to determine whether any information exists indicating 833
that the person who is the subject of the request has been 834
convicted of or pleaded guilty to a felony in this state or in any 835
other state. If the individual indicates that a firearm will be 836
carried in the course of business, the superintendent shall 837
require information from the federal bureau of investigation as 838
described in division (B)(2) of this section. Subject to division 839
(F) of this section, the superintendent shall report the findings 840

of the criminal records check and any information the federal 841
bureau of investigation provides to the director of public safety. 842

(8) On receipt of a request pursuant to section 1321.37, 843
1321.53, or 4763.05 of the Revised Code, a completed form 844
prescribed pursuant to division (C)(1) of this section, and a set 845
of fingerprint impressions obtained in the manner described in 846
division (C)(2) of this section, the superintendent of the bureau 847
of criminal identification and investigation shall conduct a 848
criminal records check with respect to any person who has applied 849
for a license, permit, or certification from the department of 850
commerce or a division in the department. The superintendent shall 851
conduct the criminal records check in the manner described in 852
division (B) of this section to determine whether any information 853
exists that indicates that the person who is the subject of the 854
request previously has been convicted of or pleaded guilty to any 855
of the following: a violation of section 2913.02, 2913.11, 856
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 857
criminal offense involving theft, receiving stolen property, 858
embezzlement, forgery, fraud, passing bad checks, money 859
laundering, or drug trafficking, or any criminal offense involving 860
money or securities, as set forth in Chapters 2909., 2911., 2913., 861
2915., 2921., 2923., and 2925. of the Revised Code; or any 862
existing or former law of this state, any other state, or the 863
United States that is substantially equivalent to those offenses. 864

(9) On receipt of a request for a criminal records check from 865
the treasurer of state under section 113.041 of the Revised Code 866
or from an individual under section 4701.08, 4715.101, 4717.061, 867
4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 868
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 869
~~4731.296~~, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 870
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 871
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 872

4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 873
or 4783.04 of the Revised Code, accompanied by a completed form 874
prescribed under division (C)(1) of this section and a set of 875
fingerprint impressions obtained in the manner described in 876
division (C)(2) of this section, the superintendent of the bureau 877
of criminal identification and investigation shall conduct a 878
criminal records check in the manner described in division (B) of 879
this section to determine whether any information exists that 880
indicates that the person who is the subject of the request has 881
been convicted of or pleaded guilty to any criminal offense in 882
this state or any other state. Subject to division (F) of this 883
section, the superintendent shall send the results of a check 884
requested under section 113.041 of the Revised Code to the 885
treasurer of state and shall send the results of a check requested 886
under any of the other listed sections to the licensing board 887
specified by the individual in the request. 888

(10) On receipt of a request pursuant to section 124.74, 889
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 890
completed form prescribed pursuant to division (C)(1) of this 891
section, and a set of fingerprint impressions obtained in the 892
manner described in division (C)(2) of this section, the 893
superintendent of the bureau of criminal identification and 894
investigation shall conduct a criminal records check in the manner 895
described in division (B) of this section to determine whether any 896
information exists that indicates that the person who is the 897
subject of the request previously has been convicted of or pleaded 898
guilty to any criminal offense under any existing or former law of 899
this state, any other state, or the United States. 900

(11) On receipt of a request for a criminal records check 901
from an appointing or licensing authority under section 3772.07 of 902
the Revised Code, a completed form prescribed under division 903
(C)(1) of this section, and a set of fingerprint impressions 904

obtained in the manner prescribed in division (C)(2) of this 905
section, the superintendent of the bureau of criminal 906
identification and investigation shall conduct a criminal records 907
check in the manner described in division (B) of this section to 908
determine whether any information exists that indicates that the 909
person who is the subject of the request previously has been 910
convicted of or pleaded guilty or no contest to any offense under 911
any existing or former law of this state, any other state, or the 912
United States that is a disqualifying offense as defined in 913
section 3772.07 of the Revised Code or substantially equivalent to 914
such an offense. 915

(12) On receipt of a request pursuant to section 2151.33 or 916
2151.412 of the Revised Code, a completed form prescribed pursuant 917
to division (C)(1) of this section, and a set of fingerprint 918
impressions obtained in the manner described in division (C)(2) of 919
this section, the superintendent of the bureau of criminal 920
identification and investigation shall conduct a criminal records 921
check with respect to any person for whom a criminal records check 922
is required under that section. The superintendent shall conduct 923
the criminal records check in the manner described in division (B) 924
of this section to determine whether any information exists that 925
indicates that the person who is the subject of the request 926
previously has been convicted of or pleaded guilty to any of the 927
following: 928

(a) A violation of section 2903.01, 2903.02, 2903.03, 929
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 930
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 931
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 932
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 933
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 934
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 935
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 936

2925.22, 2925.23, or 3716.11 of the Revised Code; 937

(b) An existing or former law of this state, any other state, 938
or the United States that is substantially equivalent to any of 939
the offenses listed in division (A)(12)(a) of this section. 940

(13) On receipt of a request pursuant to section 3796.12 of 941
the Revised Code, a completed form prescribed pursuant to division 942
(C)(1) of this section, and a set of fingerprint impressions 943
obtained in a manner described in division (C)(2) of this section, 944
the superintendent of the bureau of criminal identification and 945
investigation shall conduct a criminal records check in the manner 946
described in division (B) of this section to determine whether any 947
information exists that indicates that the person who is the 948
subject of the request previously has been convicted of or pleaded 949
guilty to the following: 950

(a) A disqualifying offense as specified in rules adopted 951
under division (B)(2)(b) of section 3796.03 of the Revised Code if 952
the person who is the subject of the request is an administrator 953
or other person responsible for the daily operation of, or an 954
owner or prospective owner, officer or prospective officer, or 955
board member or prospective board member of, an entity seeking a 956
license from the department of commerce under Chapter 3796. of the 957
Revised Code; 958

(b) A disqualifying offense as specified in rules adopted 959
under division (B)(2)(b) of section 3796.04 of the Revised Code if 960
the person who is the subject of the request is an administrator 961
or other person responsible for the daily operation of, or an 962
owner or prospective owner, officer or prospective officer, or 963
board member or prospective board member of, an entity seeking a 964
license from the state board of pharmacy under Chapter 3796. of 965
the Revised Code. 966

(14) On receipt of a request required by section 3796.13 of 967

the Revised Code, a completed form prescribed pursuant to division 968
(C)(1) of this section, and a set of fingerprint impressions 969
obtained in a manner described in division (C)(2) of this section, 970
the superintendent of the bureau of criminal identification and 971
investigation shall conduct a criminal records check in the manner 972
described in division (B) of this section to determine whether any 973
information exists that indicates that the person who is the 974
subject of the request previously has been convicted of or pleaded 975
guilty to the following: 976

(a) A disqualifying offense as specified in rules adopted 977
under division (B)(8)(a) of section 3796.03 of the Revised Code if 978
the person who is the subject of the request is seeking employment 979
with an entity licensed by the department of commerce under 980
Chapter 3796. of the Revised Code; 981

(b) A disqualifying offense as specified in rules adopted 982
under division (B)(14)(a) of section 3796.04 of the Revised Code 983
if the person who is the subject of the request is seeking 984
employment with an entity licensed by the state board of pharmacy 985
under Chapter 3796. of the Revised Code. 986

(15) On receipt of a request pursuant to section 4768.06 of 987
the Revised Code, a completed form prescribed under division 988
(C)(1) of this section, and a set of fingerprint impressions 989
obtained in the manner described in division (C)(2) of this 990
section, the superintendent of the bureau of criminal 991
identification and investigation shall conduct a criminal records 992
check in the manner described in division (B) of this section to 993
determine whether any information exists indicating that the 994
person who is the subject of the request has been convicted of or 995
pleaded guilty to a felony in this state or in any other state. 996

(16) On receipt of a request pursuant to division (B) of 997
section 4764.07 of the Revised Code, a completed form prescribed 998
under division (C)(1) of this section, and a set of fingerprint 999

impressions obtained in the manner described in division (C)(2) of 1000
this section, the superintendent of the bureau of criminal 1001
identification and investigation shall conduct a criminal records 1002
check in the manner described in division (B) of this section to 1003
determine whether any information exists indicating that the 1004
person who is the subject of the request has been convicted of or 1005
pleaded guilty to any crime of moral turpitude, a felony, or an 1006
equivalent offense in any other state or the United States. 1007

(17) On receipt of a request for a criminal records check 1008
under section 147.022 of the Revised Code, a completed form 1009
prescribed under division (C)(1) of this section, and a set of 1010
fingerprint impressions obtained in the manner prescribed in 1011
division (C)(2) of this section, the superintendent of the bureau 1012
of criminal identification and investigation shall conduct a 1013
criminal records check in the manner described in division (B) of 1014
this section to determine whether any information exists that 1015
indicates that the person who is the subject of the request 1016
previously has been convicted of or pleaded guilty or no contest 1017
to any disqualifying offense, as defined in section 147.011 of the 1018
Revised Code, or to any offense under any existing or former law 1019
of this state, any other state, or the United States that is 1020
substantially equivalent to such a disqualifying offense. 1021

(B) Subject to division (F) of this section, the 1022
superintendent shall conduct any criminal records check to be 1023
conducted under this section as follows: 1024

(1) The superintendent shall review or cause to be reviewed 1025
any relevant information gathered and compiled by the bureau under 1026
division (A) of section 109.57 of the Revised Code that relates to 1027
the person who is the subject of the criminal records check, 1028
including, if the criminal records check was requested under 1029
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 1121.23, 1030
1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 1031

3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 1032
3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 1033
4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 1034
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 1035
information contained in records that have been sealed under 1036
section 2953.32 of the Revised Code; 1037

(2) If the request received by the superintendent asks for 1038
information from the federal bureau of investigation, the 1039
superintendent shall request from the federal bureau of 1040
investigation any information it has with respect to the person 1041
who is the subject of the criminal records check, including 1042
fingerprint-based checks of national crime information databases 1043
as described in 42 U.S.C. 671 if the request is made pursuant to 1044
section 2151.86 or 5104.013 of the Revised Code or if any other 1045
Revised Code section requires fingerprint-based checks of that 1046
nature, and shall review or cause to be reviewed any information 1047
the superintendent receives from that bureau. If a request under 1048
section 3319.39 of the Revised Code asks only for information from 1049
the federal bureau of investigation, the superintendent shall not 1050
conduct the review prescribed by division (B)(1) of this section. 1051

(3) The superintendent or the superintendent's designee may 1052
request criminal history records from other states or the federal 1053
government pursuant to the national crime prevention and privacy 1054
compact set forth in section 109.571 of the Revised Code. 1055

(4) The superintendent shall include in the results of the 1056
criminal records check a list or description of the offenses 1057
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1058
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 1059
of this section, whichever division requires the superintendent to 1060
conduct the criminal records check. The superintendent shall 1061
exclude from the results any information the dissemination of 1062
which is prohibited by federal law. 1063

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

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

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

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

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

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

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

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

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

(F)(1) Subject to division (F)(2) of this section, all
information regarding the results of a criminal records check

conducted under this section that the superintendent reports or 1127
sends under division (A)(7) or (9) of this section to the director 1128
of public safety, the treasurer of state, or the person, board, or 1129
entity that made the request for the criminal records check shall 1130
relate to the conviction of the subject person, or the subject 1131
person's plea of guilty to, a criminal offense. 1132

(2) Division (F)(1) of this section does not limit, restrict, 1133
or preclude the superintendent's release of information that 1134
relates to the arrest of a person who is eighteen years of age or 1135
older, to an adjudication of a child as a delinquent child, or to 1136
a criminal conviction of a person under eighteen years of age in 1137
circumstances in which a release of that nature is authorized 1138
under division (E)(2), (3), or (4) of section 109.57 of the 1139
Revised Code pursuant to a rule adopted under division (E)(1) of 1140
that section. 1141

(G) As used in this section: 1142

(1) "Criminal records check" means any criminal records check 1143
conducted by the superintendent of the bureau of criminal 1144
identification and investigation in accordance with division (B) 1145
of this section. 1146

(2) "Minor drug possession offense" has the same meaning as 1147
in section 2925.01 of the Revised Code. 1148

(3) "OVI or OVUAC violation" means a violation of section 1149
4511.19 of the Revised Code or a violation of an existing or 1150
former law of this state, any other state, or the United States 1151
that is substantially equivalent to section 4511.19 of the Revised 1152
Code. 1153

(4) "Registered private provider" means a nonpublic school or 1154
entity registered with the superintendent of public instruction 1155
under section 3310.41 of the Revised Code to participate in the 1156
autism scholarship program or section 3310.58 of the Revised Code 1157

to participate in the Jon Peterson special needs scholarship 1158
program. 1159

Sec. 111.15. (A) As used in this section: 1160

(1) "Rule" includes any rule, regulation, bylaw, or standard 1161
having a general and uniform operation adopted by an agency under 1162
the authority of the laws governing the agency; any appendix to a 1163
rule; and any internal management rule. "Rule" does not include 1164
any guideline adopted pursuant to section 3301.0714 of the Revised 1165
Code, any order respecting the duties of employees, any finding, 1166
any determination of a question of law or fact in a matter 1167
presented to an agency, or any rule promulgated pursuant to 1168
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 1169
Revised Code. "Rule" includes any amendment or rescission of a 1170
rule. 1171

(2) "Agency" means any governmental entity of the state and 1172
includes, but is not limited to, any board, department, division, 1173
commission, bureau, society, council, institution, state college 1174
or university, community college district, technical college 1175
district, or state community college. "Agency" does not include 1176
the general assembly, the controlling board, the adjutant 1177
general's department, or any court. 1178

(3) "Internal management rule" means any rule, regulation, 1179
bylaw, or standard governing the day-to-day staff procedures and 1180
operations within an agency. 1181

(B)(1) Any rule, other than a rule of an emergency nature, 1182
adopted by any agency pursuant to this section shall be effective 1183
on the tenth day after the day on which the rule in final form and 1184
in compliance with division (B)(3) of this section is filed as 1185
follows: 1186

(a) The rule shall be filed in electronic form with both the 1187

secretary of state and the director of the legislative service 1188
commission; 1189

(b) The rule shall be filed in electronic form with the joint 1190
committee on agency rule review. Division (B)(1)(b) of this 1191
section does not apply to any rule to which division (D) of this 1192
section does not apply. 1193

An agency that adopts or amends a rule that is subject to 1194
division (D) of this section shall assign a review date to the 1195
rule that is not later than five years after its effective date. 1196
If a review date assigned to a rule exceeds the five-year maximum, 1197
the review date for the rule is five years after its effective 1198
date. A rule with a review date is subject to review under section 1199
106.03 of the Revised Code. This paragraph does not apply to a 1200
rule of a state college or university, community college district, 1201
technical college district, or state community college. 1202

If an agency in adopting a rule designates an effective date 1203
that is later than the effective date provided for by division 1204
(B)(1) of this section, the rule if filed as required by such 1205
division shall become effective on the later date designated by 1206
the agency. 1207

Any rule that is required to be filed under division (B)(1) 1208
of this section is also subject to division (D) of this section if 1209
not exempted by that division. 1210

If a rule incorporates a text or other material by reference, 1211
the agency shall comply with sections 121.71 to 121.75 of the 1212
Revised Code. 1213

(2) A rule of an emergency nature necessary for the immediate 1214
preservation of the public peace, health, or safety shall state 1215
the reasons for the necessity. The emergency rule, in final form 1216
and in compliance with division (B)(3) of this section, shall be 1217
filed in electronic form with the secretary of state, the director 1218

of the legislative service commission, and the joint committee on 1219
agency rule review. The emergency rule is effective immediately 1220
upon completion of the latest filing, except that if the agency in 1221
adopting the emergency rule designates an effective date, or date 1222
and time of day, that is later than the effective date and time 1223
provided for by division (B)(2) of this section, the emergency 1224
rule if filed as required by such division shall become effective 1225
at the later date, or later date and time of day, designated by 1226
the agency. 1227

An emergency rule becomes invalid at the end of the one 1228
hundred twentieth day it is in effect. Prior to that date, the 1229
agency may file the emergency rule as a nonemergency rule in 1230
compliance with division (B)(1) of this section. The agency may 1231
not refile the emergency rule in compliance with division (B)(2) 1232
of this section so that, upon the emergency rule becoming invalid 1233
under such division, the emergency rule will continue in effect 1234
without interruption for another one hundred twenty-day period. 1235

(3) An agency shall file a rule under division (B)(1) or (2) 1236
of this section in compliance with the following standards and 1237
procedures: 1238

(a) The rule shall be numbered in accordance with the 1239
numbering system devised by the director for the Ohio 1240
administrative code. 1241

(b) The rule shall be prepared and submitted in compliance 1242
with the rules of the legislative service commission. 1243

(c) The rule shall clearly state the date on which it is to 1244
be effective and the date on which it will expire, if known. 1245

(d) Each rule that amends or rescinds another rule shall 1246
clearly refer to the rule that is amended or rescinded. Each 1247
amendment shall fully restate the rule as amended. 1248

If the director of the legislative service commission or the 1249

director's designee gives an agency notice pursuant to section 1250
103.05 of the Revised Code that a rule filed by the agency is not 1251
in compliance with the rules of the legislative service 1252
commission, the agency shall within thirty days after receipt of 1253
the notice conform the rule to the rules of the commission as 1254
directed in the notice. 1255

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 1256
of this section shall be recorded by the secretary of state and 1257
the director under the title of the agency adopting the rule and 1258
shall be numbered according to the numbering system devised by the 1259
director. The secretary of state and the director shall preserve 1260
the rules in an accessible manner. Each such rule shall be a 1261
public record open to public inspection and may be transmitted to 1262
any law publishing company that wishes to reproduce it. 1263

(D) At least sixty-five days before a board, commission, 1264
department, division, or bureau of the government of the state 1265
files a rule under division (B)(1) of this section, it shall file 1266
the full text of the proposed rule in electronic form with the 1267
joint committee on agency rule review, and the proposed rule is 1268
subject to legislative review and invalidation under section 1269
106.021 of the Revised Code. If a state board, commission, 1270
department, division, or bureau makes a revision in a proposed 1271
rule after it is filed with the joint committee, the state board, 1272
commission, department, division, or bureau shall promptly file 1273
the full text of the proposed rule in its revised form in 1274
electronic form with the joint committee. A state board, 1275
commission, department, division, or bureau shall also file the 1276
rule summary and fiscal analysis prepared under section 106.024 of 1277
the Revised Code in electronic form along with a proposed rule, 1278
and along with a proposed rule in revised form, that is filed 1279
under this division. If a proposed rule has an adverse impact on 1280
businesses, the state board, commission, department, division, or 1281

bureau also shall file the business impact analysis, any 1282
recommendations received from the common sense initiative office, 1283
and the associated memorandum of response, if any, in electronic 1284
form along with the proposed rule, or the proposed rule in revised 1285
form, that is filed under this division. 1286

A proposed rule that is subject to legislative review under 1287
this division may not be adopted and filed in final form under 1288
division (B)(1) of this section unless the proposed rule has been 1289
filed with the joint committee on agency rule review under this 1290
division and the time for the joint committee to review the 1291
proposed rule has expired without recommendation of a concurrent 1292
resolution to invalidate the proposed rule. 1293

As used in this division, "commission" includes the public 1294
utilities commission when adopting rules under a federal or state 1295
statute. 1296

This division does not apply to any of the following: 1297

(1) A proposed rule of an emergency nature; 1298

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1299
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 1300
4123.411, 4123.44, or 4123.442 of the Revised Code; 1301

(3) A rule proposed by an agency other than a board, 1302
commission, department, division, or bureau of the government of 1303
the state; 1304

(4) A proposed internal management rule of a board, 1305
commission, department, division, or bureau of the government of 1306
the state; 1307

(5) Any proposed rule that must be adopted verbatim by an 1308
agency pursuant to federal law or rule, to become effective within 1309
sixty days of adoption, in order to continue the operation of a 1310
federally reimbursed program in this state, so long as the 1311

proposed rule contains both of the following: 1312

(a) A statement that it is proposed for the purpose of 1313
complying with a federal law or rule; 1314

(b) A citation to the federal law or rule that requires 1315
verbatim compliance. 1316

(6) An initial rule proposed by the director of health to 1317
impose safety standards and quality-of-care standards with respect 1318
to a health service specified in section 3702.11 of the Revised 1319
Code, or an initial rule proposed by the director to impose 1320
quality standards on a health care facility ~~listed~~ as defined in 1321
~~division (A)(4) of~~ section 3702.30 of the Revised Code, if section 1322
3702.12 of the Revised Code requires that the rule be adopted 1323
under this section; 1324

(7) A rule of the state lottery commission pertaining to 1325
instant game rules. 1326

If a rule is exempt from legislative review under division 1327
(D)(5) of this section, and if the federal law or rule pursuant to 1328
which the rule was adopted expires, is repealed or rescinded, or 1329
otherwise terminates, the rule is thereafter subject to 1330
legislative review under division (D) of this section. 1331

Whenever a state board, commission, department, division, or 1332
bureau files a proposed rule or a proposed rule in revised form 1333
under division (D) of this section, it shall also file the full 1334
text of the same proposed rule or proposed rule in revised form in 1335
electronic form with the secretary of state and the director of 1336
the legislative service commission. A state board, commission, 1337
department, division, or bureau shall file the rule summary and 1338
fiscal analysis prepared under section 106.024 of the Revised Code 1339
in electronic form along with a proposed rule or proposed rule in 1340
revised form that is filed with the secretary of state or the 1341
director of the legislative service commission. 1342

Sec. 111.28. (A) There is hereby created in the state 1343
treasury the help America vote act (HAVA) fund. All moneys 1344
received by the secretary of state from the United States election 1345
assistance commission shall be credited to the fund. The secretary 1346
of state shall use the moneys credited to the fund for activities 1347
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 1348
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 1349
shall be credited to the fund. 1350

~~(B) There is hereby created in the state treasury the 1351
election reform/health and human services fund. All moneys 1352
received by the secretary of state from the United States 1353
department of health and human services shall be credited to the 1354
fund. The secretary of state shall use the moneys credited to the 1355
fund for activities conducted pursuant to grants awarded to the 1356
state under Title II, Subtitle D, Sections 261 to 265 of the Help 1357
America Vote Act of 2002 to assure access for individuals with 1358
disabilities. All investment earnings of the fund shall be 1359
credited to the fund. 1360~~

~~(C)~~ There is hereby created in the state treasury the 1361
miscellaneous federal grants fund. All moneys the secretary of 1362
state receives as grants from federal sources that are not 1363
otherwise designated shall be credited to the fund. The secretary 1364
of state shall use the moneys credited to the fund for the 1365
purposes and activities required by the applicable federal grant 1366
agreements. All investment earnings of the fund shall be credited 1367
to the fund. 1368

Sec. 113.50. As used in sections 113.50 to 113.56 of the 1369
Revised Code: 1370

~~(A) "ABLE account" means an individual account opened in 1371
accordance with the program or a similar ABLE account program 1372~~

~~established by another state in accordance with section 529A of~~ 1373
~~the Internal Revenue Code.~~ 1374

~~(B)~~ "Account owner" means a designated beneficiary or any 1375
other person authorized to be the owner of ~~an ABLE~~ a STABLE 1376
account under federal law. 1377

~~(C)~~(B) "Designated beneficiary" means an eligible individual 1378
whose qualified disability expenses may be paid from ~~an ABLE~~ a 1379
STABLE account. 1380

~~(D)~~(C) "Eligible individual," "member of the family," 1381
"qualified disability expenses," and "qualified ABLE program" have 1382
the same meanings as in section 529A of the Internal Revenue Code. 1383

~~(E)~~(D) "Financial organization" means an insurance company, 1384
bank, or other financial institution or a broker-dealer registered 1385
with the securities and exchange commission. 1386

~~(F)~~(E) "Management contract" means a contract between the 1387
treasurer of state and a program manager under division (B) of 1388
section 113.52 of the Revised Code. 1389

~~(G)~~(F) "Maximum account value" means the dollar amount 1390
calculated by the Ohio tuition trust authority pursuant to 1391
sections 3334.01 to 3334.21 of the Revised Code as the maximum 1392
amount that may be necessary to pay for the qualified higher 1393
education expenses of a beneficiary under those sections, 1394
consistent with the maximum contributions permitted under section 1395
529 of the Internal Revenue Code. 1396

~~(H)~~(G) "Program" means the ~~ABLE~~ STABLE account program 1397
established under sections 113.50 to 113.56 of the Revised Code. 1398

~~(I)~~(H) "Program account" means an individual account opened 1399
in accordance with the program. 1400

~~(J)~~(I) "Program manager" means a financial organization 1401
selected by the treasurer of state to be a depository and manager 1402

of the program under section 113.52 of the Revised Code. 1403

~~(K)~~(J) "Secretary" means the secretary of the treasury of the 1404
United States. 1405

(K) "STABLE account" means an individual account opened in 1406
accordance with the program or a similar program established by 1407
another state in accordance with section 529A of the Internal 1408
Revenue Code. 1409

(L) "Internal Revenue Code" has the same meaning as in 1410
section 5747.01 of the Revised Code. 1411

Sec. 113.51. (A) The treasurer of state shall implement and 1412
administer a program under the terms and conditions established 1413
under sections 113.50 to 113.56 of the Revised Code. For that 1414
purpose, the treasurer shall do all of the following: 1415

(1) Develop and implement the program in a manner consistent 1416
with the provisions of sections 113.50 to 113.56 of the Revised 1417
Code; 1418

(2) Engage the services of consultants on a contract basis 1419
for rendering professional and technical assistance and advice; 1420

(3) Seek rulings and other guidance from the secretary and 1421
the internal revenue service relating to the program; 1422

(4) Make modifications to the program as necessary for 1423
participants in the program to qualify for the federal income tax 1424
benefits or treatment provided under section 529A of the Internal 1425
Revenue Code or rules adopted thereunder; 1426

(5) Impose and collect administrative fees and service 1427
charges in connection with any agreement or transaction relating 1428
to the program; 1429

(6) Develop marketing plans and promotional materials to 1430
publicize the program; 1431

(7) Establish the procedures by which funds held in program 1432
accounts shall be disbursed; 1433

(8) Administer the issuance of interests by the Ohio ~~ABLE~~ 1434
STABLE savings program trust fund to designated beneficiaries; 1435

(9) Establish the procedures by which funds held in program 1436
accounts shall be allocated to pay for administrative costs; 1437

(10) Take any other action necessary to implement and 1438
administer the program; 1439

(11) Adopt rules in accordance with Chapter 119. of the 1440
Revised Code necessary to implement and administer the program; 1441

(12) Notify the secretary when a program account has been 1442
opened for a designated beneficiary and submit other reports 1443
concerning the program as required by the secretary or under 1444
section 529A of the Internal Revenue Code. 1445

(B) The treasurer of state may enter into agreements with 1446
other states or agencies of, subdivisions of, or residents of 1447
those states related to the program or a similar ~~ABLE-account~~ 1448
program established by another state in accordance with section 1449
529A of the Internal Revenue Code. 1450

Sec. 113.53. (A) A designated beneficiary, or a trustee or 1451
guardian of a designated beneficiary who lacks capacity to enter 1452
into an agreement, may apply, on forms prescribed by the treasurer 1453
of state, to open a program account. A beneficiary may have only 1454
one ~~ABLE~~ STABLE account. The treasurer of state may impose a 1455
nonrefundable application fee. The application shall require the 1456
applicant to provide the following information: 1457

(1) The name, address, social security number, and birth date 1458
of the designated beneficiary; 1459

(2) The name, address, and social security number of the 1460
designated beneficiary's trustee or guardian, if applicable; 1461

(3) Certification by the applicant that the applicant 1462
understands the maximum account value and the consequences under 1463
division (C) of this section for excess contributions and 1464
understands how program account values exceeding the amount 1465
designated under section 103 of the "Stephen Beck, Jr., ABLE Act 1466
of 2014," 26 U.S.C. 529A note, may affect the applicant's 1467
resources for determining the applicant's eligibility for the 1468
supplemental security income program; 1469

(4) Any additional information required by the treasurer of 1470
state. 1471

(B)(1) To qualify for a program account, a designated 1472
beneficiary must be an eligible individual at the time the program 1473
account is opened. Before opening a program account, the treasurer 1474
of state or program manager shall enter into an agreement with the 1475
account owner that discloses the requirements and restrictions on 1476
contributions and withdrawals from the program account. 1477

(2) Any person may make contributions to a program account 1478
after the account is opened, subject to the limitations imposed by 1479
section 529A of the Internal Revenue Code and any rules adopted by 1480
the secretary. 1481

(C) Contributions to a program account shall be made in cash. 1482
The treasurer of state or program manager shall reject or promptly 1483
withdraw a contribution to a program account if that contribution 1484
would exceed the annual limits prescribed in subsection (b)(2)(B) 1485
of section 529A of the Internal Revenue Code. The treasurer or 1486
program manager shall reject or promptly withdraw a contribution 1487
if the value of the program account equals or exceeds the maximum 1488
account value or the designated beneficiary is not an eligible 1489
individual in the current calendar year. 1490

(D)(1) To the extent authorized by federal law, and in 1491
accordance with rules adopted by the treasurer of state, an 1492

account owner may change the designated beneficiary of a program 1493
account to another individual. 1494

(2) No account owner may use an interest in ~~an ABLE~~ a STABLE 1495
account as security for a loan. Any pledge of an interest in an 1496
account shall be void and of no force and effect. 1497

(E)(1) A distribution from a program account to any 1498
individual or for the benefit of any individual during a calendar 1499
year shall be reported to the internal revenue service and the 1500
designated beneficiary or the distributee to the extent required 1501
under state or federal law. 1502

(2) Statements shall be provided to each account owner of a 1503
program account at least four times each year within thirty days 1504
after the end of the quarterly period to which a statement 1505
relates. The statement shall identify the contributions made 1506
during the preceding quarter, the total contributions made to the 1507
account through the last day of that quarter, the value of the 1508
account on the last day of that quarter, distributions made during 1509
that quarter, and any other information that the treasurer of 1510
state requires to be reported to the account owner. 1511

(3) Statements and information relating to program accounts 1512
shall be prepared and filed to the extent required under sections 1513
113.50 to 113.56 of the Revised Code and any other state or 1514
federal law. 1515

(F) The program shall provide separate accounting for each 1516
designated beneficiary. An annual fee may be imposed upon the 1517
account owner for the maintenance of a program account. 1518

(G) Money in ~~an ABLE~~ a STABLE account shall be exempt from 1519
attachment, execution, or garnishment as provided in section 1520
2329.66 of the Revised Code, and is subject to claims made under 1521
the medicaid estate recovery program instituted pursuant to 1522
section 5162.21 of the Revised Code, in accordance with subsection 1523

(f) of section 529A of the Internal Revenue Code and subject to 1524
any limitations imposed by the secretary. 1525

(H)(1) Notwithstanding any other provision of state law, all 1526
of the following shall be disregarded for the purposes of 1527
determining an individual's eligibility for a means-tested public 1528
assistance program funded only with state, local, or state and 1529
local funds and the amount of assistance or benefits the 1530
individual is eligible to receive under the program: 1531

(a) Any amount in ~~an ABLE~~ a STABLE account, including 1532
earnings on the account; 1533

(b) Any contributions to ~~an ABLE~~ a STABLE account; 1534

(c) Any distribution from ~~an ABLE~~ a STABLE account for 1535
qualified disability expenses. 1536

(2) Division (H)(1) of this section applies only to an 1537
individual who is either of the following: 1538

(a) The designated beneficiary of the ~~ABLE~~ STABLE account; 1539

(b) An individual whose eligibility for the means-tested 1540
program is conditioned on the ~~ABLE~~ STABLE account's designated 1541
beneficiary disclosing the designated beneficiary's income, 1542
resources, or both to the entity administering the means-tested 1543
public assistance program. 1544

Sec. 113.55. (A) The Ohio ~~ABLE~~ STABLE savings program trust 1545
fund is hereby created, which shall be in the custody of the 1546
treasurer of state but shall not be part of the state treasury. 1547
The fund shall be used if the treasurer of state elects to accept 1548
deposits from contributors rather than have deposits sent directly 1549
to a program manager. The fund shall consist of any moneys 1550
deposited by contributors in accordance with sections 113.50 to 1551
113.56 of the Revised Code that are not deposited directly with 1552
the program manager. Money shall be disbursed from the fund upon 1553

an order of the treasurer. All interest from the money in the fund 1554
shall be credited to the Ohio ~~ABLE~~ STABLE savings expense fund. 1555

(B)(1) The Ohio ~~ABLE~~ STABLE savings expense fund is hereby 1556
created in the state treasury. The fund shall consist of money 1557
received from program managers, governmental or private grants, or 1558
appropriations for the program. 1559

(2) All expenses incurred by the treasurer of state in 1560
developing and administering the ~~ABLE~~ STABLE account program and 1561
all expenses and reimbursements allowed for the ~~ABLE~~ STABLE 1562
account program advisory board created under section 113.56 of the 1563
Revised Code shall be payable from the Ohio ~~ABLE~~ STABLE savings 1564
expense fund. 1565

Sec. 113.56. (A) There is hereby created the ~~ABLE~~ STABLE 1566
account program advisory board, consisting of nine members, 1567
composed of the following: 1568

(1) The director of developmental disabilities or the 1569
director's designee; 1570

(2) One member of the house of representatives appointed by 1571
the speaker of the house of representatives; 1572

(3) One member of the senate appointed by the president of 1573
the senate; 1574

(4) One member appointed by the governor who is a 1575
representative of an intellectual or developmental disability 1576
advocacy organization; 1577

(5) One member appointed by the governor who is a 1578
representative of a service provider for individuals with 1579
disabilities; 1580

(6) One member appointed by the governor who is the parent of 1581
a child with a disability and who has significant experience with 1582

disability issues; 1583

(7) One member appointed by the governor who is a person with 1584
a disability and who has significant experience with disability 1585
issues; 1586

(8) Two members appointed by the governor who have 1587
significant experience in finance, accounting, investment 1588
management, or other areas that may assist the board in carrying 1589
out its duties. 1590

(B) Terms of office of the appointed members described in 1591
divisions (A)(4) to (8) of this section are for four years, which 1592
shall end on the thirty-first day of December. Terms of office of 1593
the appointed members described in divisions (A)(2) and (3) of 1594
this section shall be for the term of the general assembly. Any 1595
member may be reappointed, provided the member continues to meet 1596
all other eligibility requirements. Vacancies shall be filled in 1597
the manner provided for original appointments. Any such member 1598
appointed to fill a vacancy before the expiration of the term for 1599
which the predecessor was appointed shall hold office as a member 1600
for the remainder of that term. Appointed members of the board 1601
serve at the pleasure of the member's appointing authority and may 1602
be removed only by that authority. 1603

~~(C) The member described in division (A)(1) of this section 1604~~
~~shall call the first meeting of the ABLE account program advisory 1605~~
~~board, which shall occur not later than sixty days after the 1606~~
~~effective date of the enactment of this section. At the board's 1607~~
~~first meeting, members of the board shall elect a chairperson. If 1608~~
a vacancy occurs in the office of chairperson, members shall elect 1609
a new chairperson. The board shall meet at least four times each 1610
year or more frequently at the call of the chairperson. The board 1611
is a public body for purposes of section 121.22 of the Revised 1612
Code. 1613

(D) A vacancy on the board does not impair the right of the
other members to exercise all the functions of the board. The
presence of a majority of the members of the board constitutes a
quorum for the conduct of business of the board. The concurrence
of at least a majority of the members of the board is necessary
for any action to be taken by the board. On request to the
treasurer of state, each member of the board shall be reimbursed
for the actual and necessary travel expenses incurred in the
performance of the member's official duties.

(E)(1) The board shall do all of the following:

(a) Review the work of the treasurer of state related to the
program;

(b) Advise the treasurer on the program as requested by the
treasurer;

(c) Make recommendations to the treasurer for the improvement
of the program;

(d) On or before the thirty-first day of December of each
year, in consultation with the treasurer of state, prepare a
report of the board's activities and recommendations and deliver
that report to the governor, speaker of the house of
representatives, and president of the senate.

(2) The board may prepare reports of the board's activities
and recommendations in addition to the report described in
division (E)(1)(d) of this section. The board shall deliver such a
report to the governor, speaker of the house of representatives,
and president of the senate.

(F) The treasurer of state shall provide the board with the
resources necessary to conduct its business. The board may accept
uncompensated assistance from individuals, research organizations,
and other state agencies.

Sec. 117.13. (A) The total costs of audits of state agencies, 1644
both direct and indirect, shall be recovered by the auditor of 1645
state in the following manner: 1646

(1) The total costs of all audits of state agencies, both 1647
direct and indirect, shall be paid to the auditor of state on 1648
statements rendered by the auditor of state. Money so received by 1649
the auditor of state shall be paid into the state treasury to the 1650
credit of the public audit expense fund--intrastate, which is 1651
hereby created, and shall be used to pay costs related to such 1652
audits. The costs of audits of a state agency shall be charged to 1653
the state agency being audited, unless otherwise determined by the 1654
auditor of state. The costs of any assistant auditor, employee, or 1655
expert employed pursuant to section 117.09 of the Revised Code 1656
called upon to testify in any legal proceedings in regard to any 1657
audit, or called upon to review or discuss any matter related to 1658
any audit, may be charged to the state agency to which the audit 1659
relates. 1660

(2) The auditor of state shall ~~establish by rule~~ determine 1661
and publish annually rates to be charged to state agencies for 1662
recovering the costs of audits of state agencies. The rates shall 1663
take into consideration federal cost recovery guidelines 1664

(B) As used in this division, "government auditing standards" 1665
means the government auditing standards published by the 1666
comptroller general of the United States general accounting 1667
office. 1668

(1) Except as provided in divisions (B)(2) and (3) of this 1669
section, any costs of an audit of a private institution, 1670
association, board, or corporation receiving public money for its 1671
use shall be charged to the public office providing the public 1672
money in the same manner as costs of an audit of the public 1673
office. 1674

(2) If an audit of a private child placing agency or private noncustodial agency receiving public money from a public children services agency for providing child welfare or child protection services sets forth that money has been illegally expended, converted, misappropriated, or is unaccounted for, the costs of the audit shall be charged to the agency being audited in the same manner as costs of an audit of a public office, unless the findings are inconsequential, as defined by government auditing standards.

(3) If such an audit does not set forth that money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards, the costs of the audit shall be charged as follows:

(a) One-third of the costs to the agency being audited;

(b) One-third of the costs to the public children services agency that provided the public money to the agency being audited;

(c) One-third of the costs to the department of job and family services.

(C) The total costs of audits of local public offices, both direct and indirect, shall be recovered by the auditor of state in the following manner:

~~(1) The total amount of compensation paid assistant auditors of state, their expenses, the cost of employees assigned to assist the assistant auditors of state, the cost of experts employed pursuant to section 117.09 of the Revised Code, and the cost of typing, reviewing, and copying reports shall be borne by the public office to which such assistant auditors of state are so assigned. Assistant auditors of state shall be compensated by the taxing district or other public office audited for activities undertaken pursuant to division (B) of section 117.18 and section~~

~~117.24 of the Revised Code. costs of all audits of local public~~ 1706
~~offices, both direct and indirect, shall be paid to the auditor of~~ 1707
~~state on statements rendered by the auditor of state. Money so~~ 1708
~~received by the auditor of state shall be paid into the state~~ 1709
~~treasury to the credit of the public audit expense fund-local~~ 1710
~~government, which is hereby created, and shall be used to pay~~ 1711
~~costs related to such audits. The costs of audits of a local~~ 1712
~~public office shall be charged to the local public office being~~ 1713
~~audited, unless otherwise determined by the auditor of state. The~~ 1714
~~charges billed to the local public office for the cost of audits~~ 1715
~~performed shall be offset subject to the availability of resources~~ 1716
~~from the local government audit support fund, the general revenue~~ 1717
~~fund, or other state sources provided to the auditor of state for~~ 1718
~~such purposes. The auditor of state shall establish the manner in~~ 1719
~~which the offset shall be determined. The costs of any assistant~~ 1720
~~auditor, employee, or expert employed pursuant to section 117.09~~ 1721
~~of the Revised Code called upon to testify in any legal~~ 1722
~~proceedings in regard to any audit, or called upon to review or~~ 1723
~~discuss any matter related to any audit, may be charged to the~~ 1724
~~public office to which the audit relates.~~ 1725

~~(2) The auditor of state shall certify the amount of such~~ 1726
~~compensation, expenses, cost of experts, reviewing, copying, and~~ 1727
~~typing to the fiscal officer of the local public office audited.~~ 1728
~~The fiscal officer of the local public office shall forthwith draw~~ 1729
~~a warrant upon the general fund or other appropriate funds of the~~ 1730
~~local public office to the order of the auditor of state;~~ 1731
~~provided, that the auditor of state is authorized to negotiate~~ 1732
~~with any local public office and, upon agreement between the~~ 1733
~~auditor of state and the local public office, may adopt a schedule~~ 1734
~~for payment of the amount due under this section. Money so~~ 1735
~~received by the auditor of state shall be paid into the state~~ 1736
~~treasury to the credit of the public audit expense fund-local~~ 1737
~~government, which is hereby created, and shall be used to pay the~~ 1738

~~compensation, expense, cost of experts and employees, reviewing,~~ 1739
~~copying, and typing of reports.~~ 1740

~~(3)~~ At the conclusion of each audit, or analysis and report 1741
made pursuant to section 117.24 of the Revised Code, ~~the auditor~~ 1742
~~of state shall furnish~~ the fiscal officer of the local public 1743
office audited ~~a statement showing~~ may allocate the total cost of 1744
the audit, or of the audit and the analysis and report, ~~and the~~ 1745
~~percentage of the total cost chargeable to each fund audited. The~~ 1746
~~fiscal officer may distribute such total cost to each fund audited~~ 1747
~~in accordance with its percentage of the total cost to appropriate~~ 1748
funds using a methodology that follows guidance provided by the 1749
auditor of state. 1750

~~(4)~~(3) The auditor of state shall provide each local public 1751
office a statement or certification of the amount due from the 1752
public office for services performed by the auditor of state under 1753
this or any other section of the Revised Code, as well as the date 1754
upon which payment is due to the auditor of state. The auditor of 1755
state is authorized to negotiate with any local public office and, 1756
upon agreement between the auditor of state and the local public 1757
office, may adopt a schedule for payment of the amount due under 1758
this section. Any local public office that does not pay the amount 1759
due to the auditor of state by that date may be assessed by the 1760
auditor of state for interest from the date upon which the payment 1761
is due at the rate per annum prescribed by section 5703.47 of the 1762
Revised Code. All interest charges assessed by the auditor of 1763
state may be collected in the same manner as audit costs pursuant 1764
to division (D) of this section. 1765

~~(5)~~(4) The auditor of state shall ~~establish by rule~~ determine 1766
and publish annually rates to be charged to local public offices 1767
for recovering the costs of audits of local public offices. 1768

(D) If the auditor of state fails to receive payment for any 1769
amount due, including, but not limited to, fines, fees, and costs, 1770

from a public office for services performed under this or any 1771
other section of the Revised Code, the auditor of state may seek 1772
payment through the office of budget and management. (Amounts due 1773
include any amount due to an independent public accountant with 1774
whom the auditor has contracted to perform services, all costs and 1775
fees associated with participation in the uniform accounting 1776
network, and all costs associated with the auditor's provision of 1777
local government services.) Upon certification by the auditor of 1778
state to the director of budget and management of any such amount 1779
due, the director shall withhold from the public office any amount 1780
available, up to and including the amount certified as due, from 1781
any funds under the director's control that belong to or are 1782
lawfully payable or due to the public office. The director shall 1783
promptly pay the amount withheld to the auditor of state. If the 1784
director determines that no funds due and payable to the public 1785
office are available or that insufficient amounts of such funds 1786
are available to cover the amount due, the director shall withhold 1787
and pay to the auditor of state the amounts available and, in the 1788
case of a local public office, certify the remaining amount to the 1789
county auditor of the county in which the local public office is 1790
located. The county auditor shall withhold from the local public 1791
office any amount available, up to and including the amount 1792
certified as due, from any funds under the county auditor's 1793
control and belonging to or lawfully payable or due to the local 1794
public office. The county auditor shall promptly pay any such 1795
amount withheld to the auditor of state. 1796

Sec. 120.04. (A) The state public defender shall serve at the 1797
pleasure of the Ohio public defender commission and shall be an 1798
attorney with a minimum of four years of experience in the 1799
practice of law and be admitted to the practice of law in this 1800
state at least one year prior to appointment. 1801

(B) The state public defender shall do all of the following: 1802

(1) Maintain a central office in Columbus. The central office 1803
shall be provided with a library of adequate size, considering the 1804
needs of the office and the accessibility of other libraries, and 1805
other necessary facilities and equipment. 1806

(2) Appoint assistant state public defenders, all of whom 1807
shall be attorneys admitted to the practice of law in this state, 1808
and other personnel necessary for the operation of the state 1809
public defender office. Assistant state public defenders shall be 1810
appointed on a full-time basis. The state public defender, 1811
assistant state public defenders, and employees appointed by the 1812
state public defender shall not engage in the private practice of 1813
law. 1814

(3) Supervise the compliance of county public defender 1815
offices, joint county public defender offices, and county 1816
appointed counsel systems with standards established by rules of 1817
the Ohio public defender commission pursuant to division (B) of 1818
section 120.03 of the Revised Code; 1819

(4) Keep and maintain financial records of all cases handled 1820
and develop records for use in the calculation of direct and 1821
indirect costs, in the operation of the office, and report 1822
periodically, but not less than annually, to the commission on all 1823
relevant data on the operations of the office, costs, projected 1824
needs, and recommendations for legislation or amendments to court 1825
rules, as may be appropriate to improve the criminal justice 1826
system; 1827

(5) Collect all moneys due the state for reimbursement for 1828
legal services under this chapter and under section 2941.51 of the 1829
Revised Code and institute any actions in court on behalf of the 1830
state for the collection of such sums that the state public 1831
defender considers advisable. Except as provided otherwise in 1832
division (D) of section 120.06 of the Revised Code, all moneys 1833
collected by the state public defender under this chapter and 1834

section 2941.51 of the Revised Code shall be deposited in the 1835
state treasury to the credit of the client payment fund, which is 1836
hereby created. All moneys credited to the fund shall be used by 1837
the state public defender to appoint assistant state public 1838
defenders and to provide other personnel, equipment, and 1839
facilities necessary for the operation of the state public 1840
defender office, to reimburse counties for the operation of county 1841
public defender offices, joint county public defender offices, and 1842
county appointed counsel systems pursuant to sections 120.18, 1843
120.28, and 120.33 of the Revised Code, or to provide assistance 1844
to counties in the operation of county indigent defense systems. 1845

(6) With respect to funds appropriated to the commission to 1846
pay criminal costs, perform the duties imposed by sections 2949.19 1847
and 2949.201 of the Revised Code; 1848

(7) Establish standards and guidelines for the reimbursement, 1849
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 1850
of the Revised Code, of counties for the operation of county 1851
public defender offices, joint county public defender offices, and 1852
county appointed counsel systems and for other costs related to 1853
felony prosecutions; 1854

(8) Establish maximum amounts that the state will reimburse 1855
the counties pursuant to sections 120.18, 120.28, 120.33, and 1856
2941.51 of the Revised Code; 1857

(9) Establish maximum amounts that the state will reimburse 1858
the counties pursuant to section 120.33 of the Revised Code for 1859
each specific type of legal service performed by a county 1860
appointed counsel system; 1861

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 1862
2949.19 of the Revised Code and make reimbursements pursuant to 1863
those sections; 1864

(11) Administer the program established pursuant to sections 1865

120.51 to 120.55 of the Revised Code for the charitable public 1866
purpose of providing financial assistance to legal aid societies. 1867
Neither the state public defender nor any of the state public 1868
defender's employees who is responsible in any way for the 1869
administration of that program and who performs those 1870
administrative responsibilities in good faith is in any manner 1871
liable if a legal aid society that is provided financial 1872
assistance under the program uses the financial assistance other 1873
than in accordance with sections 120.51 to 120.55 of the Revised 1874
Code or fails to comply with the requirements of those sections. 1875

(12) Establish an office for the handling of appeal and 1876
postconviction matters; 1877

(13) Provide technical aid and assistance to county public 1878
defender offices, joint county public defender offices, and other 1879
local counsel providing legal representation to indigent persons, 1880
including representation and assistance on appeals. 1881

(C) The state public defender may do any of the following: 1882

(1) In providing legal representation, conduct 1883
investigations, obtain expert testimony, take depositions, use 1884
other discovery methods, order transcripts, and make all other 1885
preparations which are appropriate and necessary to an adequate 1886
defense or the prosecution of appeals and other legal proceedings; 1887

(2) Seek, solicit, and apply for grants for the operation of 1888
programs for the defense of indigent persons from any public or 1889
private source, and may receive donations, grants, awards, and 1890
similar funds from any lawful source. Such funds shall be 1891
deposited in the state treasury to the credit of the public 1892
defender gifts and grants fund, which is hereby created. 1893

(3) Make all the necessary arrangements to coordinate the 1894
services of the office with any federal, county, or private 1895
programs established to provide legal representation to indigent 1896

persons and others, and to obtain and provide all funds allowable 1897
under any such programs; 1898

(4) Consult and cooperate with professional groups concerned 1899
with the causes of criminal conduct, the reduction of crime, the 1900
rehabilitation and correction of persons convicted of crime, the 1901
administration of criminal justice, and the administration and 1902
operation of the state public defender's office; 1903

(5) Accept the services of volunteer workers and consultants 1904
at no compensation other than reimbursement for actual and 1905
necessary expenses; 1906

(6) Prescribe any forms that are necessary for the uniform 1907
operation of this chapter; 1908

(7) Contract with a county public defender commission or a 1909
joint county public defender commission to provide all or any part 1910
of the services that a county public defender or joint county 1911
public defender is required or permitted to provide by this 1912
chapter, or contract with a board of county commissioners of a 1913
county that is not served by a county public defender commission 1914
or a joint county public defender commission for the provision of 1915
services in accordance with section 120.33 of the Revised Code. 1916
All money received by the state public defender pursuant to such a 1917
contract shall be credited to either the ~~multi-county~~ multicounty: 1918
county share fund or, if received as a result of a contract with 1919
Trumbull county, the Trumbull county: county share fund. 1920

(8) Authorize persons employed as criminal investigators to 1921
attend the Ohio peace officer training academy or any other peace 1922
officer training school for training; 1923

(9) Procure a policy or policies of malpractice insurance 1924
that provide coverage for the state public defender and assistant 1925
state public defenders in connection with malpractice claims that 1926
may arise from their actions or omissions related to 1927

responsibilities derived pursuant to this chapter; 1928

(10) Enter into agreements to license, lease, sell, and 1929
market for sale intellectual property owned by the office and 1930
receive payments from those agreements for use in the operation of 1931
the office and programs for the defense of indigent persons. All 1932
funds received by the state public defender pursuant to such 1933
agreements shall be deposited in the state treasury to the credit 1934
of the public defender gifts and grants fund. 1935

(D) No person employed by the state public defender as a 1936
criminal investigator shall attend the Ohio peace officer training 1937
academy or any other peace officer training school unless 1938
authorized to do so by the state public defender. 1939

Sec. 120.18. (A) The county public defender commission's 1940
report to the board of county commissioners shall be audited by 1941
the county auditor. The board of county commissioners, after 1942
review and approval of the audited report, may then certify it to 1943
the state public defender for reimbursement. If a request for the 1944
reimbursement of any operating expenditure incurred by a county 1945
public defender office is not received by the state public 1946
defender within sixty days after the end of the calendar month in 1947
which the expenditure is incurred, the state public defender shall 1948
not pay the requested reimbursement, unless the county has 1949
requested, and the state public defender has granted, an extension 1950
of the sixty-day time limit. Each request for reimbursement shall 1951
include a certification by the county public defender that the 1952
persons provided representation by the county public defender's 1953
office during the period covered by the report were indigent and, 1954
for each person provided representation during that period, a 1955
financial disclosure form completed by the person on a form 1956
prescribed by the state public defender. The state public defender 1957
shall also review the report and, in accordance with the 1958

standards, guidelines, and maximums established pursuant to 1959
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 1960
prepare a voucher for ~~fifty per cent of~~ up to the total cost of 1961
each county public defender's office for the period of time 1962
covered by the certified report and a voucher for ~~fifty per cent~~ 1963
~~of~~ the costs and expenses that are reimbursable under section 1964
120.35 of the Revised Code, if any, ~~or, if the amount of money~~ 1965
~~appropriated by the general assembly to reimburse counties for the~~ 1966
~~operation of county public defender offices, joint county public~~ 1967
~~defender offices, and county appointed counsel systems is not~~ 1968
~~sufficient to pay fifty per cent of the total cost of all of the~~ 1969
~~offices and systems, for the lesser amount required by section~~ 1970
~~120.34 of the Revised Code.~~ For the purposes of this section, 1971
"total cost" means total expenses minus costs and expenses 1972
reimbursable under section 120.35 of the Revised Code and any 1973
funds received by the county public defender commission pursuant 1974
to a contract, except a contract entered into with a municipal 1975
corporation pursuant to division (E) of section 120.14 of the 1976
Revised Code, gift, or grant. 1977

(B) If the county public defender fails to maintain the 1978
standards for the conduct of the office established by rules of 1979
the Ohio public defender commission pursuant to divisions (B) and 1980
(C) of section 120.03 or the standards established by the state 1981
public defender pursuant to division (B)(7) of section 120.04 of 1982
the Revised Code, the Ohio public defender commission shall notify 1983
the county public defender commission and the board of county 1984
commissioners of the county that the county public defender has 1985
failed to comply with its rules or the standards of the state 1986
public defender. Unless the county public defender commission or 1987
the county public defender corrects the conduct of the county 1988
public defender's office to comply with the rules and standards 1989
within ninety days after the date of the notice, the state public 1990
defender may deny payment of all or part of the county's 1991

reimbursement from the state provided for in division (A) of this 1992
section. 1993

Sec. 120.28. (A) The joint county public defender 1994
commission's report to the joint board of county commissioners 1995
shall be audited by the fiscal officer of the district. The joint 1996
board of county commissioners, after review and approval of the 1997
audited report, may then certify it to the state public defender 1998
for reimbursement. If a request for the reimbursement of any 1999
operating expenditure incurred by a joint county public defender 2000
office is not received by the state public defender within sixty 2001
days after the end of the calendar month in which the expenditure 2002
is incurred, the state public defender shall not pay the requested 2003
reimbursement, unless the joint board of county commissioners has 2004
requested, and the state public defender has granted, an extension 2005
of the sixty-day time limit. Each request for reimbursement shall 2006
include a certification by the joint county public defender that 2007
all persons provided representation by the joint county public 2008
defender's office during the period covered by the request were 2009
indigent and, for each person provided representation during that 2010
period, a financial disclosure form completed by the person on a 2011
form prescribed by the state public defender. The state public 2012
defender shall also review the report and, in accordance with the 2013
standards, guidelines, and maximums established pursuant to 2014
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2015
prepare a voucher for ~~fifty per cent of~~ up to the total cost of 2016
each joint county public defender's office for the period of time 2017
covered by the certified report and a voucher for ~~fifty per cent~~ 2018
~~of~~ the costs and expenses that are reimbursable under section 2019
120.35 of the Revised Code, if any, ~~or, if the amount of money~~ 2020
~~appropriated by the general assembly to reimburse counties for the~~ 2021
~~operation of county public defender offices, joint county public~~ 2022
~~defender offices, and county appointed counsel systems is not~~ 2023

~~sufficient to pay fifty per cent of the total cost of all of the~~ 2024
~~offices and systems, for the lesser amount required by section~~ 2025
~~120.34 of the Revised Code.~~ For purposes of this section, "total 2026
cost" means total expenses minus costs and expenses reimbursable 2027
under section 120.35 of the Revised Code and any funds received by 2028
the joint county public defender commission pursuant to a 2029
contract, except a contract entered into with a municipal 2030
corporation pursuant to division (E) of section 120.24 of the 2031
Revised Code, gift, or grant. Each county in the district shall be 2032
entitled to a share of such state reimbursement in proportion to 2033
the percentage of the total cost it has agreed to pay. 2034

(B) If the joint county public defender fails to maintain the 2035
standards for the conduct of the office established by the rules 2036
of the Ohio public defender commission pursuant to divisions (B) 2037
and (C) of section 120.03 or the standards established by the 2038
state public defender pursuant to division (B)(7) of section 2039
120.04 of the Revised Code, the Ohio public defender commission 2040
shall notify the joint county public defender commission and the 2041
board of county commissioners of each county in the district that 2042
the joint county public defender has failed to comply with its 2043
rules or the standards of the state public defender. Unless the 2044
joint public defender commission or the joint county public 2045
defender corrects the conduct of the joint county public 2046
defender's office to comply with the rules and standards within 2047
ninety days after the date of the notice, the state public 2048
defender may deny all or part of the counties' reimbursement from 2049
the state provided for in division (A) of this section. 2050

Sec. 120.33. (A) In lieu of using a county public defender or 2051
joint county public defender to represent indigent persons in the 2052
proceedings set forth in division (A) of section 120.16 of the 2053
Revised Code, the board of county commissioners of any county may 2054
adopt a resolution to pay counsel who are either personally 2055

selected by the indigent person or appointed by the court. The 2056
resolution shall include those provisions the board of county 2057
commissioners considers necessary to provide effective 2058
representation of indigent persons in any proceeding for which 2059
counsel is provided under this section. The resolution shall 2060
include provisions for contracts with any municipal corporation 2061
under which the municipal corporation shall reimburse the county 2062
for counsel appointed to represent indigent persons charged with 2063
violations of the ordinances of the municipal corporation. 2064

(1) In a county that adopts a resolution to pay counsel, an 2065
indigent person shall have the right to do either of the 2066
following: 2067

(a) To select the person's own personal counsel to represent 2068
the person in any proceeding included within the provisions of the 2069
resolution; 2070

(b) To request the court to appoint counsel to represent the 2071
person in such a proceeding. 2072

(2) The court having jurisdiction over the proceeding in a 2073
county that adopts a resolution to pay counsel shall, after 2074
determining that the person is indigent and entitled to legal 2075
representation under this section, do either of the following: 2076

(a) By signed journal entry recorded on its docket, enter the 2077
name of the lawyer selected by the indigent person as counsel of 2078
record; 2079

(b) Appoint counsel for the indigent person if the person has 2080
requested the court to appoint counsel and, by signed journal 2081
entry recorded on its dockets, enter the name of the lawyer 2082
appointed for the indigent person as counsel of record. 2083

(3) The board of county commissioners shall establish a 2084
schedule of fees by case or on an hourly basis to be paid to 2085
counsel for legal services provided pursuant to a resolution 2086

adopted under this section. Prior to establishing the schedule, 2087
the board of county commissioners shall request the bar 2088
association or associations of the county to submit a proposed 2089
schedule for cases other than capital cases. The schedule 2090
submitted shall be subject to the review, amendment, and approval 2091
of the board of county commissioners, except with respect to 2092
capital cases. With respect to capital cases, the schedule shall 2093
provide for fees by case or on an hourly basis to be paid to 2094
counsel in the amount or at the rate set by the capital case 2095
attorney fee council pursuant to division (D) of this section, and 2096
the board of county commissioners shall approve that amount or 2097
rate. 2098

(4) Counsel selected by the indigent person or appointed by 2099
the court at the request of an indigent person in a county that 2100
adopts a resolution to pay counsel, except for counsel appointed 2101
to represent a person charged with any violation of an ordinance 2102
of a municipal corporation that has not contracted with the county 2103
commissioners for the payment of appointed counsel, shall be paid 2104
by the county and shall receive the compensation and expenses the 2105
court approves. With respect to capital cases, the court shall 2106
approve compensation and expenses in accordance with the amount or 2107
at the rate set by the capital case attorney fee council pursuant 2108
to division (D) of this section. Each request for payment shall 2109
include a financial disclosure form completed by the indigent 2110
person on a form prescribed by the state public defender. 2111
Compensation and expenses shall not exceed the amounts fixed by 2112
the board of county commissioners in the schedule adopted pursuant 2113
to division (A)(3) of this section. No court shall approve 2114
compensation and expenses that exceed the amount fixed pursuant to 2115
division (A)(3) of this section. 2116

The fees and expenses approved by the court shall not be 2117
taxed as part of the costs and shall be paid by the county. 2118

However, if the person represented has, or may reasonably be 2119
expected to have, the means to meet some part of the cost of the 2120
services rendered to the person, the person shall pay the county 2121
an amount that the person reasonably can be expected to pay. 2122
Pursuant to section 120.04 of the Revised Code, the county shall 2123
pay to the state public defender a percentage of the payment 2124
received from the person in an amount proportionate to the 2125
percentage of the costs of the person's case that were paid to the 2126
county by the state public defender pursuant to this section. The 2127
money paid to the state public defender shall be credited to the 2128
client payment fund created pursuant to division (B)(5) of section 2129
120.04 of the Revised Code. 2130

The county auditor shall draw a warrant on the county 2131
treasurer for the payment of counsel in the amount fixed by the 2132
court, plus the expenses the court fixes and certifies to the 2133
auditor. The county auditor shall report periodically, but not 2134
less than annually, to the board of county commissioners and to 2135
the state public defender the amounts paid out pursuant to the 2136
approval of the court. The board of county commissioners, after 2137
review and approval of the auditor's report, or the county 2138
auditor, with permission from and notice to the board of county 2139
commissioners, may then certify it to the state public defender 2140
for reimbursement. The state public defender may pay a requested 2141
reimbursement only if the request for reimbursement includes a 2142
financial disclosure form completed by the indigent person on a 2143
form prescribed by the state public defender or if the court 2144
certifies by electronic signature as prescribed by the state 2145
public defender that a financial disclosure form has been 2146
completed by the indigent person and is available for inspection. 2147
If a request for the reimbursement of the cost of counsel in any 2148
case is not received by the state public defender within ninety 2149
days after the end of the calendar month in which the case is 2150
finally disposed of by the court, unless the county has requested 2151

and the state public defender has granted an extension of the 2152
ninety-day limit, the state public defender shall not pay the 2153
requested reimbursement. The state public defender shall also 2154
review the report and, in accordance with the standards, 2155
guidelines, and maximums established pursuant to divisions (B)(7) 2156
and (8) of section 120.04 of the Revised Code, prepare a voucher 2157
for ~~fifty per cent of up to~~ the total cost of each county 2158
appointed counsel system in the period of time covered by the 2159
certified report and a voucher for ~~fifty per cent of~~ the costs and 2160
expenses that are reimbursable under section 120.35 of the Revised 2161
Code, if any, ~~or, if the amount of money appropriated by the~~ 2162
~~general assembly to reimburse counties for the operation of county~~ 2163
~~public defender offices, joint county public defender offices, and~~ 2164
~~county appointed counsel systems is not sufficient to pay fifty~~ 2165
~~per cent of the total cost of all of the offices and systems other~~ 2166
~~than costs and expenses that are reimbursable under section 120.35~~ 2167
~~of the Revised Code, for the lesser amount required by section~~ 2168
~~120.34 of the Revised Code.~~ 2169

(5) If any county appointed counsel system fails to maintain 2170
the standards for the conduct of the system established by the 2171
rules of the Ohio public defender commission pursuant to divisions 2172
(B) and (C) of section 120.03 or the standards established by the 2173
state public defender pursuant to division (B)(7) of section 2174
120.04 of the Revised Code, the Ohio public defender commission 2175
shall notify the board of county commissioners of the county that 2176
the county appointed counsel system has failed to comply with its 2177
rules or the standards of the state public defender. Unless the 2178
board of county commissioners corrects the conduct of its 2179
appointed counsel system to comply with the rules and standards 2180
within ninety days after the date of the notice, the state public 2181
defender may deny all or part of the county's reimbursement from 2182
the state provided for in division (A)(4) of this section. 2183

(B) In lieu of using a county public defender or joint county public defender to represent indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, and in lieu of adopting the resolution and following the procedure described in division (A) of this section, the board of county commissioners of any county may contract with the state public defender for the state public defender's legal representation of indigent persons. A contract entered into pursuant to this division may provide for payment for the services provided on a per case, hourly, or fixed contract basis.

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

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

(2) The capital case attorney fee council shall consist of five members, all of whom shall be active judges serving on one of the district courts of appeals in this state. Terms for council members shall be the lesser of three years or until the member ceases to be an active judge of a district court of appeals. The initial terms shall commence ninety days after September 28, 2016. The chief justice of the supreme court shall appoint the members of the council, and shall make all of the appointments not later

than sixty days after September 28, 2016. When any vacancy occurs, 2216
the chief justice shall appoint an active judge of a district 2217
court of appeals in this state to fill the vacancy for the 2218
unexpired term, in the same manner as prescribed in this division. 2219
The chief justice shall designate a chairperson from the appointed 2220
members of the council. Members of the council shall receive no 2221
additional compensation for their service as a member, but may be 2222
reimbursed for expenses reasonably incurred in service to the 2223
council, to be paid by the supreme court. The supreme court may 2224
provide administrative support to the council. 2225

(3) The capital case attorney fee council initially shall 2226
meet not later than one hundred twenty days after September 28, 2227
2016. Thereafter, the council shall meet not less than annually. 2228

(4) Upon setting the amount or rate described in division 2229
(D)(1) of this section, the chairperson of the capital case 2230
attorney fee council promptly shall provide written notice to the 2231
state public defender of the amount or rate so set. The amount or 2232
rate so set shall become effective ninety days after the date on 2233
which the chairperson provides that written notice to the state 2234
public defender. The council shall specify that effective date in 2235
the written notice provided to the state public defender. All 2236
amounts or rates set by the council shall be final, subject to 2237
modification as described in division (D)(5) of this section, and 2238
not subject to appeal. 2239

(5) The capital case attorney fee council may modify an 2240
amount or rate set as described in division (D)(4) of this 2241
section. The provisions of that division apply with respect to any 2242
such modification of an amount or rate. 2243

Sec. 120.34. The total amount of money paid to all counties 2244
in any fiscal year pursuant to sections 120.18, 120.28, ~~and~~ 2245
120.33, and 120.35 of the Revised Code for the reimbursement of a 2246

~~percentage of the counties' cost of operating county public 2247
defender offices, joint county public defender offices, and county 2248
appointed counsel systems, and the counties' costs and expenses of 2249
conducting the defense in capital cases, shall not exceed the 2250
total amount appropriated for that fiscal year by the general 2251
assembly for the reimbursement of the counties for the operation 2252
of the offices and systems. ~~If the amount appropriated by the 2253
general assembly in any fiscal year is insufficient to pay fifty 2254
per cent of the total cost in the fiscal year of all county public 2255
defender offices, all joint county public defender offices, and 2256
all county appointed counsel systems, the amount of money paid in 2257
that fiscal year pursuant to sections 120.18, 120.28, and 120.33 2258
of the Revised Code to each county for the fiscal year shall be 2259
reduced proportionately so that each county is paid an equal 2260
percentage of its total cost in the fiscal year for operating its 2261
county public defender system, its joint county public defender 2262
system, and its county appointed counsel system.~~ 2263~~

~~The total amount of money paid to all counties in any fiscal 2264
year pursuant to section 120.35 of the Revised Code for the 2265
reimbursement of a percentage of the counties' costs and expenses 2266
of conducting the defense in capital cases shall not exceed the 2267
total amount appropriated for that fiscal year by the general 2268
assembly for the reimbursement of the counties for conducting the 2269
defense in capital cases. ~~If the amount appropriated by the 2270
general assembly in any fiscal year is insufficient to pay fifty 2271
per cent of the counties' total costs and expenses of conducting 2272
the defense in capital cases in the fiscal year, the amount of 2273
money paid in that fiscal year pursuant to section 120.35 of the 2274
Revised Code to each county for the fiscal year shall be reduced 2275
proportionately so that each county is paid an equal percentage of 2276
its costs and expenses of conducting the defense in capital cases 2277
in the fiscal year.~~ 2278~~

If any county receives an amount of money pursuant to section 2279
120.18, 120.28, 120.33, or 120.35 of the Revised Code that is in 2280
excess of the amount of reimbursement it is entitled to receive 2281
pursuant to this section, the state public defender shall request 2282
the board of county commissioners to return the excess payment and 2283
the board of county commissioners, upon receipt of the request, 2284
shall direct the appropriate county officer to return the excess 2285
payment to the state. 2286

Within thirty days of the end of each fiscal quarter, the 2287
state public defender shall provide to the office of budget and 2288
management and the ~~legislative budget office of the~~ legislative 2289
service commission an estimate of the amount of money that will be 2290
required for the balance of the fiscal year to make the payments 2291
required by sections 120.18, 120.28, 120.33, and 120.35 of the 2292
Revised Code. 2293

Sec. 120.35. The state public defender shall, pursuant to 2294
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 2295
reimburse ~~fifty per cent of up to the total of~~ all costs and 2296
expenses of conducting the defense in capital cases. ~~If~~ 2297
~~appropriations are insufficient to pay fifty per cent of such~~ 2298
~~costs and expenses, the state public defender shall reimburse such~~ 2299
~~costs and expenses as provided in section 120.34 of the Revised~~ 2300
~~Code.~~ 2301

Sec. 121.083. (A) The superintendent of industrial compliance 2302
in the department of commerce shall do all of the following: 2303
2304

~~(A)~~(1) Administer and enforce the general laws of this state 2305
pertaining to buildings, pressure piping, boilers, bedding, 2306
upholstered furniture, and stuffed toys, steam engineering, 2307
elevators, plumbing, licensed occupations regulated by the 2308

department, and travel agents, as they apply to plans review, 2309
inspection, code enforcement, testing, licensing, registration, 2310
and certification. 2311

~~(B)~~(2) Exercise the powers and perform the duties delegated 2312
to the superintendent by the director of commerce under Chapters 2313
4109., 4111., and 4115. of the Revised Code. 2314

~~(C)~~(3) Collect and collate statistics as are necessary. 2315

~~(D)~~(4) Examine and license persons who desire to act as steam 2316
engineers, to operate steam boilers, and to act as inspectors of 2317
steam boilers, provide for the scope, conduct, and time of such 2318
examinations, provide for, regulate, and enforce the renewal and 2319
revocation of such licenses, inspect and examine steam boilers and 2320
make, publish, and enforce rules and orders for the construction, 2321
installation, inspection, and operation of steam boilers, and do, 2322
require, and enforce all things necessary to make such 2323
examination, inspection, and requirement efficient. 2324

~~(E)~~(5) Rent and furnish offices as needed in cities in this 2325
state for the conduct of its affairs. 2326

~~(F)~~(6) Oversee a chief of construction and compliance, a 2327
chief of operations and maintenance, a chief of licensing and 2328
certification, a chief of worker protection, and other designees 2329
appointed by the director to perform the duties described in this 2330
section. 2331

~~(G)~~(7) Enforce the rules the board of building standards 2332
adopts pursuant to division (A)(2) of section 4104.43 of the 2333
Revised Code under the circumstances described in division (D) of 2334
that section. 2335

~~(H)~~(8) Accept submissions, establish a fee for submissions, 2336
and review submissions of certified welding and brazing procedure 2337
specifications, procedure qualification records, and performance 2338
qualification records for building services piping as required by 2339

section 4104.44 of the Revised Code. 2340

(B) The superintendent may enter into a contract with a 2341
municipal corporation, township, or county building department 2342
certified by the board of building standards pursuant to division 2343
(E) of section 3781.10 of the Revised Code, or a municipal or 2344
county health district, to do any of the following on behalf of 2345
the building department or health district: 2346

(1) Exercise enforcement authority pursuant to section 2347
3781.03 of the Revised Code; 2348

(2) Accept and approve plans and specifications, and make 2349
inspections, pursuant to section 3791.04 of the Revised Code; 2350

(3) Enforce the rules adopted pursuant to division (A)(2) of 2351
section 4104.43 of the Revised Code. 2352

Sec. 121.22. (A) This section shall be liberally construed to 2353
require public officials to take official action and to conduct 2354
all deliberations upon official business only in open meetings 2355
unless the subject matter is specifically excepted by law. 2356

(B) As used in this section: 2357

(1) "Public body" means any of the following: 2358

(a) Any board, commission, committee, council, or similar 2359
decision-making body of a state agency, institution, or authority, 2360
and any legislative authority or board, commission, committee, 2361
council, agency, authority, or similar decision-making body of any 2362
county, township, municipal corporation, school district, or other 2363
political subdivision or local public institution; 2364

(b) Any committee or subcommittee of a body described in 2365
division (B)(1)(a) of this section; 2366

(c) A court of jurisdiction of a sanitary district organized 2367
wholly for the purpose of providing a water supply for domestic, 2368

municipal, and public use when meeting for the purpose of the 2369
appointment, removal, or reappointment of a member of the board of 2370
directors of such a district pursuant to section 6115.10 of the 2371
Revised Code, if applicable, or for any other matter related to 2372
such a district other than litigation involving the district. As 2373
used in division (B)(1)(c) of this section, "court of 2374
jurisdiction" has the same meaning as "court" in section 6115.01 2375
of the Revised Code. 2376

(2) "Meeting" means any prearranged discussion of the public 2377
business of the public body by a majority of its members. 2378

(3) "Regulated individual" means either of the following: 2379

(a) A student in a state or local public educational 2380
institution; 2381

(b) A person who is, voluntarily or involuntarily, an inmate, 2382
patient, or resident of a state or local institution because of 2383
criminal behavior, mental illness, an intellectual disability, 2384
disease, disability, age, or other condition requiring custodial 2385
care. 2386

(4) "Public office" has the same meaning as in section 2387
149.011 of the Revised Code. 2388

(C) All meetings of any public body are declared to be public 2389
meetings open to the public at all times. A member of a public 2390
body shall be present in person at a meeting open to the public to 2391
be considered present or to vote at the meeting and for purposes 2392
of determining whether a quorum is present at the meeting. 2393

The minutes of a regular or special meeting of any public 2394
body shall be promptly prepared, filed, and maintained and shall 2395
be open to public inspection. The minutes need only reflect the 2396
general subject matter of discussions in executive sessions 2397
authorized under division (G) or (J) of this section. 2398

(D) This section does not apply to any of the following:	2399
(1) A grand jury;	2400
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	2401 2402 2403
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	2404 2405 2406 2407 2408 2409 2410 2411
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	2412 2413
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	2414 2415 2416 2417 2418 2419
(6) The state medical board when determining whether to suspend a <u>license or</u> certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	2420 2421 2422 2423
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	2424 2425 2426
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D)	2427 2428

of section 4729.16 of the Revised Code; 2429

(9) The state chiropractic board when determining whether to 2430
suspend a license without a hearing pursuant to section 4734.37 of 2431
the Revised Code; 2432

(10) The executive committee of the emergency response 2433
commission when determining whether to issue an enforcement order 2434
or request that a civil action, civil penalty action, or criminal 2435
action be brought to enforce Chapter 3750. of the Revised Code; 2436

(11) The board of directors of the nonprofit corporation 2437
formed under section 187.01 of the Revised Code or any committee 2438
thereof, and the board of directors of any subsidiary of that 2439
corporation or a committee thereof; 2440

(12) An audit conference conducted by the audit staff of the 2441
department of job and family services with officials of the public 2442
office that is the subject of that audit under section 5101.37 of 2443
the Revised Code; 2444

(13) The occupational therapy section of the occupational 2445
therapy, physical therapy, and athletic trainers board when 2446
determining whether to suspend a license or limited permit without 2447
a hearing pursuant to division (D) of section 4755.11 of the 2448
Revised Code; 2449

(14) The physical therapy section of the occupational 2450
therapy, physical therapy, and athletic trainers board when 2451
determining whether to suspend a license without a hearing 2452
pursuant to division (E) of section 4755.47 of the Revised Code; 2453

(15) The athletic trainers section of the occupational 2454
therapy, physical therapy, and athletic trainers board when 2455
determining whether to suspend a license without a hearing 2456
pursuant to division (D) of section 4755.64 of the Revised Code; 2457

(16) If established by the department of health under section 2458

<u>3738.01 of the Revised Code, meetings of the pregnancy-associated</u>	2459
<u>mortality review board;</u>	2460
<u>(17) Meetings of a fetal-infant mortality review board</u>	2461
<u>established under section 3707.71 of the Revised Code;</u>	2462
<u>(18) Meetings of a drug overdose fatality review committee</u>	2463
<u>established under section 307.631 of the Revised Code.</u>	2464
(E) The controlling board, the tax credit authority, or the	2465
minority development financing advisory board, when meeting to	2466
consider granting assistance pursuant to Chapter 122. or 166. of	2467
the Revised Code, in order to protect the interest of the	2468
applicant or the possible investment of public funds, by unanimous	2469
vote of all board or authority members present, may close the	2470
meeting during consideration of the following information	2471
confidentially received by the authority or board from the	2472
applicant:	2473
(1) Marketing plans;	2474
(2) Specific business strategy;	2475
(3) Production techniques and trade secrets;	2476
(4) Financial projections;	2477
(5) Personal financial statements of the applicant or members	2478
of the applicant's immediate family, including, but not limited	2479
to, tax records or other similar information not open to public	2480
inspection.	2481
The vote by the authority or board to accept or reject the	2482
application, as well as all proceedings of the authority or board	2483
not subject to this division, shall be open to the public and	2484
governed by this section.	2485
(F) Every public body, by rule, shall establish a reasonable	2486
method whereby any person may determine the time and place of all	2487
regularly scheduled meetings and the time, place, and purpose of	2488

all special meetings. A public body shall not hold a special 2489
meeting unless it gives at least twenty-four hours' advance notice 2490
to the news media that have requested notification, except in the 2491
event of an emergency requiring immediate official action. In the 2492
event of an emergency, the member or members calling the meeting 2493
shall notify the news media that have requested notification 2494
immediately of the time, place, and purpose of the meeting. 2495

The rule shall provide that any person, upon request and 2496
payment of a reasonable fee, may obtain reasonable advance 2497
notification of all meetings at which any specific type of public 2498
business is to be discussed. Provisions for advance notification 2499
may include, but are not limited to, mailing the agenda of 2500
meetings to all subscribers on a mailing list or mailing notices 2501
in self-addressed, stamped envelopes provided by the person. 2502

(G) Except as provided in divisions (G)(8) and (J) of this 2503
section, the members of a public body may hold an executive 2504
session only after a majority of a quorum of the public body 2505
determines, by a roll call vote, to hold an executive session and 2506
only at a regular or special meeting for the sole purpose of the 2507
consideration of any of the following matters: 2508

(1) To consider the appointment, employment, dismissal, 2509
discipline, promotion, demotion, or compensation of a public 2510
employee or official, or the investigation of charges or 2511
complaints against a public employee, official, licensee, or 2512
regulated individual, unless the public employee, official, 2513
licensee, or regulated individual requests a public hearing. 2514
Except as otherwise provided by law, no public body shall hold an 2515
executive session for the discipline of an elected official for 2516
conduct related to the performance of the elected official's 2517
official duties or for the elected official's removal from office. 2518
If a public body holds an executive session pursuant to division 2519
(G)(1) of this section, the motion and vote to hold that executive 2520

session shall state which one or more of the approved purposes 2521
listed in division (G)(1) of this section are the purposes for 2522
which the executive session is to be held, but need not include 2523
the name of any person to be considered at the meeting. 2524

(2) To consider the purchase of property for public purposes, 2525
the sale of property at competitive bidding, or the sale or other 2526
disposition of unneeded, obsolete, or unfit-for-use property in 2527
accordance with section 505.10 of the Revised Code, if premature 2528
disclosure of information would give an unfair competitive or 2529
bargaining advantage to a person whose personal, private interest 2530
is adverse to the general public interest. No member of a public 2531
body shall use division (G)(2) of this section as a subterfuge for 2532
providing covert information to prospective buyers or sellers. A 2533
purchase or sale of public property is void if the seller or buyer 2534
of the public property has received covert information from a 2535
member of a public body that has not been disclosed to the general 2536
public in sufficient time for other prospective buyers and sellers 2537
to prepare and submit offers. 2538

If the minutes of the public body show that all meetings and 2539
deliberations of the public body have been conducted in compliance 2540
with this section, any instrument executed by the public body 2541
purporting to convey, lease, or otherwise dispose of any right, 2542
title, or interest in any public property shall be conclusively 2543
presumed to have been executed in compliance with this section 2544
insofar as title or other interest of any bona fide purchasers, 2545
lessees, or transferees of the property is concerned. 2546

(3) Conferences with an attorney for the public body 2547
concerning disputes involving the public body that are the subject 2548
of pending or imminent court action; 2549

(4) Preparing for, conducting, or reviewing negotiations or 2550
bargaining sessions with public employees concerning their 2551
compensation or other terms and conditions of their employment; 2552

(5) Matters required to be kept confidential by federal law 2553
or regulations or state statutes; 2554

(6) Details relative to the security arrangements and 2555
emergency response protocols for a public body or a public office, 2556
if disclosure of the matters discussed could reasonably be 2557
expected to jeopardize the security of the public body or public 2558
office; 2559

(7) In the case of a county hospital operated pursuant to 2560
Chapter 339. of the Revised Code, a joint township hospital 2561
operated pursuant to Chapter 513. of the Revised Code, or a 2562
municipal hospital operated pursuant to Chapter 749. of the 2563
Revised Code, to consider trade secrets, as defined in section 2564
1333.61 of the Revised Code; 2565

(8) To consider confidential information related to the 2566
marketing plans, specific business strategy, production 2567
techniques, trade secrets, or personal financial statements of an 2568
applicant for economic development assistance, or to negotiations 2569
with other political subdivisions respecting requests for economic 2570
development assistance, provided that both of the following 2571
conditions apply: 2572

(a) The information is directly related to a request for 2573
economic development assistance that is to be provided or 2574
administered under any provision of Chapter 715., 725., 1724., or 2575
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 2576
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 2577
the Revised Code, or that involves public infrastructure 2578
improvements or the extension of utility services that are 2579
directly related to an economic development project. 2580

(b) A unanimous quorum of the public body determines, by a 2581
roll call vote, that the executive session is necessary to protect 2582
the interests of the applicant or the possible investment or 2583

expenditure of public funds to be made in connection with the 2584
economic development project. 2585

If a public body holds an executive session to consider any 2586
of the matters listed in divisions (G)(2) to (8) of this section, 2587
the motion and vote to hold that executive session shall state 2588
which one or more of the approved matters listed in those 2589
divisions are to be considered at the executive session. 2590

A public body specified in division (B)(1)(c) of this section 2591
shall not hold an executive session when meeting for the purposes 2592
specified in that division. 2593

(H) A resolution, rule, or formal action of any kind is 2594
invalid unless adopted in an open meeting of the public body. A 2595
resolution, rule, or formal action adopted in an open meeting that 2596
results from deliberations in a meeting not open to the public is 2597
invalid unless the deliberations were for a purpose specifically 2598
authorized in division (G) or (J) of this section and conducted at 2599
an executive session held in compliance with this section. A 2600
resolution, rule, or formal action adopted in an open meeting is 2601
invalid if the public body that adopted the resolution, rule, or 2602
formal action violated division (F) of this section. 2603

(I)(1) Any person may bring an action to enforce this 2604
section. An action under division (I)(1) of this section shall be 2605
brought within two years after the date of the alleged violation 2606
or threatened violation. Upon proof of a violation or threatened 2607
violation of this section in an action brought by any person, the 2608
court of common pleas shall issue an injunction to compel the 2609
members of the public body to comply with its provisions. 2610

(2)(a) If the court of common pleas issues an injunction 2611
pursuant to division (I)(1) of this section, the court shall order 2612
the public body that it enjoins to pay a civil forfeiture of five 2613
hundred dollars to the party that sought the injunction and shall 2614

award to that party all court costs and, subject to reduction as 2615
described in division (I)(2) of this section, reasonable 2616
attorney's fees. The court, in its discretion, may reduce an award 2617
of attorney's fees to the party that sought the injunction or not 2618
award attorney's fees to that party if the court determines both 2619
of the following: 2620

(i) That, based on the ordinary application of statutory law 2621
and case law as it existed at the time of violation or threatened 2622
violation that was the basis of the injunction, a well-informed 2623
public body reasonably would believe that the public body was not 2624
violating or threatening to violate this section; 2625

(ii) That a well-informed public body reasonably would 2626
believe that the conduct or threatened conduct that was the basis 2627
of the injunction would serve the public policy that underlies the 2628
authority that is asserted as permitting that conduct or 2629
threatened conduct. 2630

(b) If the court of common pleas does not issue an injunction 2631
pursuant to division (I)(1) of this section and the court 2632
determines at that time that the bringing of the action was 2633
frivolous conduct, as defined in division (A) of section 2323.51 2634
of the Revised Code, the court shall award to the public body all 2635
court costs and reasonable attorney's fees, as determined by the 2636
court. 2637

(3) Irreparable harm and prejudice to the party that sought 2638
the injunction shall be conclusively and irrebuttably presumed 2639
upon proof of a violation or threatened violation of this section. 2640

(4) A member of a public body who knowingly violates an 2641
injunction issued pursuant to division (I)(1) of this section may 2642
be removed from office by an action brought in the court of common 2643
pleas for that purpose by the prosecuting attorney or the attorney 2644
general. 2645

(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

Sec. 121.37. (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction, the executive director of the opportunities for Ohioans with disabilities

agency, the medicaid director, and the directors of youth 2676
services, job and family services, mental health and addiction 2677
services, health, developmental disabilities, aging, 2678
rehabilitation and correction, and budget and management. The 2679
chairperson of the council shall be the governor or the governor's 2680
designee and shall establish procedures for the council's internal 2681
control and management. 2682

The purpose of the cabinet council is to help families 2683
seeking government services. This section shall not be interpreted 2684
or applied to usurp the role of parents, but solely to streamline 2685
and coordinate existing government services for families seeking 2686
assistance for their children. 2687

(2) In seeking to fulfill its purpose, the council may do any 2688
of the following: 2689

(a) Advise and make recommendations to the governor and 2690
general assembly regarding the provision of services to children; 2691

(b) Advise and assess local governments on the coordination 2692
of service delivery to children; 2693

(c) Hold meetings at such times and places as may be 2694
prescribed by the council's procedures and maintain records of the 2695
meetings, except that records identifying individual children are 2696
confidential and shall be disclosed only as provided by law; 2697

(d) Develop programs and projects, including pilot projects, 2698
to encourage coordinated efforts at the state and local level to 2699
improve the state's social service delivery system; 2700

(e) Enter into contracts with and administer grants to county 2701
family and children first councils, as well as other county or 2702
multicounty organizations to plan and coordinate service delivery 2703
between state agencies and local service providers for families 2704
and children; 2705

(f) Enter into contracts with and apply for grants from federal agencies or private organizations; 2706
2707

(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds; 2708
2709
2710
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(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services; 2713
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(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs; 2717
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(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children; 2721
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(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children. 2725
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(3) The cabinet council shall provide for the following: 2729

(a) Reviews of service and treatment plans for children for which such reviews are requested; 2730
2731

(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils; 2732
2733
2734

(c) Monitoring and supervision of a statewide, comprehensive, 2735

coordinated, multi-disciplinary, interagency system for infants 2736
and toddlers with developmental disabilities or delays and their 2737
families, as established pursuant to federal grants received and 2738
administered by the department of health for early intervention 2739
services under the "Individuals with Disabilities Education Act of 2740
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 2741

(4) The cabinet council shall develop and implement the 2742
following: 2743

(a) An interagency process to select the indicators that will 2744
be used to measure progress toward increasing child well-being in 2745
the state and to update the indicators on an annual basis. The 2746
indicators shall focus on expectant parents and newborns thriving; 2747
infants and toddlers thriving; children being ready for school; 2748
children and youth succeeding in school; youth choosing healthy 2749
behaviors; and youth successfully transitioning into adulthood. 2750

(b) An interagency system to offer guidance and monitor 2751
progress toward increasing child well-being in the state and in 2752
each county; 2753

(c) An annual plan that identifies state-level agency efforts 2754
taken to ensure progress towards increasing child well-being in 2755
the state. 2756

On an annual basis, the cabinet council shall submit to the 2757
governor and the general assembly a report on the status of 2758
efforts to increase child well-being in the state. This report 2759
shall be made available to any other person on request. 2760

(B)(1) Each board of county commissioners shall establish a 2761
county family and children first council. The board may invite any 2762
local public or private agency or group that funds, advocates, or 2763
provides services to children and families to have a 2764
representative become a permanent or temporary member of its 2765
county council. Each county council must include the following 2766

individuals: 2767

(a) At least three individuals who are not employed by an 2768
agency represented on the council and whose families are or have 2769
received services from an agency represented on the council or 2770
another county's council. Where possible, the number of members 2771
representing families shall be equal to twenty per cent of the 2772
council's membership. 2773

(b) The director of the board of alcohol, drug addiction, and 2774
mental health services that serves the county, or, in the case of 2775
a county that has a board of alcohol and drug addiction services 2776
and a community mental health board, the directors of both boards. 2777
If a board of alcohol, drug addiction, and mental health services 2778
covers more than one county, the director may designate a person 2779
to participate on the county's council. 2780

(c) The health commissioner, or the commissioner's designee, 2781
of the board of health of each city and general health district in 2782
the county. If the county has two or more health districts, the 2783
health commissioner membership may be limited to the commissioners 2784
of the two districts with the largest populations. 2785

(d) The director of the county department of job and family 2786
services; 2787

(e) The executive director of the public children services 2788
agency; 2789

(f) The superintendent of the county board of developmental 2790
disabilities or, if the superintendent serves as superintendent of 2791
more than one county board of developmental disabilities, the 2792
superintendent's designee; 2793

(g) The superintendent of the city, exempted village, or 2794
local school district with the largest number of pupils residing 2795
in the county, as determined by the department of education, which 2796
shall notify each board of county commissioners of its 2797

determination at least biennially; 2798

(h) A school superintendent representing all other school 2799
districts with territory in the county, as designated at a 2800
biennial meeting of the superintendents of those districts; 2801

(i) A representative of the municipal corporation with the 2802
largest population in the county; 2803

(j) The president of the board of county commissioners or an 2804
individual designated by the board; 2805

(k) A representative of the ~~regional office of the~~ department 2806
of youth services or an individual designated by the department; 2807

(l) A representative of the county's head start agencies, as 2808
defined in section 3301.32 of the Revised Code; 2809

(m) A representative of the county's early intervention 2810
collaborative established pursuant to the federal early 2811
intervention program operated under the "Individuals with 2812
Disabilities Education Act of 2004"; 2813

(n) A representative of a local nonprofit entity that funds, 2814
advocates, or provides services to children and families. 2815

Notwithstanding any other provision of law, the public 2816
members of a county council are not prohibited from serving on the 2817
council and making decisions regarding the duties of the council, 2818
including those involving the funding of joint projects and those 2819
outlined in the county's service coordination mechanism 2820
implemented pursuant to division (C) of this section. 2821

The cabinet council shall establish a state appeals process 2822
to resolve disputes among the members of a county council 2823
concerning whether reasonable responsibilities as members are 2824
being shared. The appeals process may be accessed only by a 2825
majority vote of the council members who are required to serve on 2826
the council. Upon appeal, the cabinet council may order that state 2827

funds for services to children and families be redirected to a 2828
county's board of county commissioners. 2829

The county's juvenile court judge senior in service or 2830
another judge of the juvenile court designated by the 2831
administrative judge or, where there is no administrative judge, 2832
by the judge senior in service shall serve as the judicial advisor 2833
to the county family and children first council. The judge may 2834
advise the county council on the court's utilization of resources, 2835
services, or programs provided by the entities represented by the 2836
members of the county council and how those resources, services, 2837
or programs assist the court in its administration of justice. 2838
Service of a judge as a judicial advisor pursuant to this section 2839
is a judicial function. 2840

(2) The purpose of the county council is to streamline and 2841
coordinate existing government services for families seeking 2842
services for their children. In seeking to fulfill its purpose, a 2843
county council shall provide for the following: 2844

(a) Referrals to the cabinet council of those children for 2845
whom the county council cannot provide adequate services; 2846

(b) Development and implementation of a process that annually 2847
evaluates and prioritizes services, fills service gaps where 2848
possible, and invents new approaches to achieve better results for 2849
families and children; 2850

(c) Participation in the development of a countywide, 2851
comprehensive, coordinated, multi-disciplinary, interagency system 2852
for infants and toddlers with developmental disabilities or delays 2853
and their families, as established pursuant to federal grants 2854
received and administered by the department of health for early 2855
intervention services under the "Individuals with Disabilities 2856
Education Act of 2004"; 2857

(d) Maintenance of an accountability system to monitor the 2858

county council's progress in achieving results for families and 2859
children; 2860

(e) Establishment of a mechanism to ensure ongoing input from 2861
a broad representation of families who are receiving services 2862
within the county system. 2863

(3) A county council shall develop and implement the 2864
following: 2865

(a) An interagency process to establish local indicators and 2866
monitor the county's progress toward increasing child well-being 2867
in the county; 2868

(b) An interagency process to identify local priorities to 2869
increase child well-being. The local priorities shall focus on 2870
expectant parents and newborns thriving; infants and toddlers 2871
thriving; children being ready for school; children and youth 2872
succeeding in school; youth choosing healthy behaviors; and youth 2873
successfully transitioning into adulthood and take into account 2874
the indicators established by the cabinet council under division 2875
(A)(4)(a) of this section. 2876

(c) An annual plan that identifies the county's interagency 2877
efforts to increase child well-being in the county. 2878

On an annual basis, the county council shall submit a report 2879
on the status of efforts by the county to increase child 2880
well-being in the county to the county's board of county 2881
commissioners and the cabinet council. This report shall be made 2882
available to any other person on request. 2883

(4)(a) Except as provided in division (B)(4)(b) of this 2884
section, a county council shall comply with the policies, 2885
procedures, and activities prescribed by the rules or interagency 2886
agreements of a state department participating on the cabinet 2887
council whenever the county council performs a function subject to 2888
those rules or agreements. 2889

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

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

A county council's administrative agent shall serve as the
council's appointing authority for any employees of the council.
The council shall file an annual budget with its administrative
agent, with copies filed with the county auditor and with the

board of county commissioners, unless the board is serving as the 2922
council's administrative agent. The council's administrative agent 2923
shall ensure that all expenditures are handled in accordance with 2924
policies, procedures, and activities prescribed by state 2925
departments in rules or interagency agreements that are applicable 2926
to the council's functions. 2927

The administrative agent of a county council shall send 2928
notice of a member's absence if a member listed in division (B)(1) 2929
of this section has been absent from either three consecutive 2930
meetings of the county council or a county council subcommittee, 2931
or from one-quarter of such meetings in a calendar year, whichever 2932
is less. The notice shall be sent to the board of county 2933
commissioners that establishes the county council and, for the 2934
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 2935
section, to the governing board overseeing the respective entity; 2936
for the member listed in division (B)(1)(f) of this section, to 2937
the county board of developmental disabilities that employs the 2938
superintendent; for a member listed in division (B)(1)(g) or (h) 2939
of this section, to the school board that employs the 2940
superintendent; for the member listed in division (B)(1)(i) of 2941
this section, to the mayor of the municipal corporation; for the 2942
member listed in division (B)(1)(k) of this section, to the 2943
director of youth services; and for the member listed in division 2944
(B)(1)(n) of this section, to that member's board of trustees. 2945

The administrative agent for a county council may do any of 2946
the following on behalf of the council: 2947

(i) Enter into agreements or administer contracts with public 2948
or private entities to fulfill specific council business. Such 2949
agreements and contracts are exempt from the competitive bidding 2950
requirements of section 307.86 of the Revised Code if they have 2951
been approved by the county council and they are for the purchase 2952
of family and child welfare or child protection services or other 2953

social or job and family services for families and children. The 2954
approval of the county council is not required to exempt 2955
agreements or contracts entered into under section 5139.34, 2956
5139.41, or 5139.43 of the Revised Code from the competitive 2957
bidding requirements of section 307.86 of the Revised Code. 2958

(ii) As determined by the council, provide financial 2959
stipends, reimbursements, or both, to family representatives for 2960
expenses related to council activity; 2961

(iii) Receive by gift, grant, devise, or bequest any moneys, 2962
lands, or other property for the purposes for which the council is 2963
established. The agent shall hold, apply, and dispose of the 2964
moneys, lands, or other property according to the terms of the 2965
gift, grant, devise, or bequest. Any interest or earnings shall be 2966
treated in the same manner and are subject to the same terms as 2967
the gift, grant, devise, or bequest from which it accrues. 2968

(b)(i) If the county council designates the board of county 2969
commissioners as its administrative agent, the board may, by 2970
resolution, delegate any of its powers and duties as 2971
administrative agent to an executive committee the board 2972
establishes from the membership of the county council. The board 2973
shall name to the executive committee at least the individuals 2974
described in divisions (B)(1)(b) to (h) of this section and may 2975
appoint the president of the board or another individual as the 2976
chair of the executive committee. The executive committee must 2977
include at least one family county council representative who does 2978
not have a family member employed by an agency represented on the 2979
council. 2980

(ii) The executive committee may, with the approval of the 2981
board, hire an executive director to assist the county council in 2982
administering its powers and duties. The executive director shall 2983
serve in the unclassified civil service at the pleasure of the 2984
executive committee. The executive director may, with the approval 2985

of the executive committee, hire other employees as necessary to 2986
properly conduct the county council's business. 2987

(iii) The board may require the executive committee to submit 2988
an annual budget to the board for approval and may amend or repeal 2989
the resolution that delegated to the executive committee its 2990
authority as the county council's administrative agent. 2991

(6) Two or more county councils may enter into an agreement 2992
to administer their county councils jointly by creating a regional 2993
family and children first council. A regional council possesses 2994
the same duties and authority possessed by a county council, 2995
except that the duties and authority apply regionally rather than 2996
to individual counties. Prior to entering into an agreement to 2997
create a regional council, the members of each county council to 2998
be part of the regional council shall meet to determine whether 2999
all or part of the members of each county council will serve as 3000
members of the regional council. 3001

(7) A board of county commissioners may approve a resolution 3002
by a majority vote of the board's members that requires the county 3003
council to submit a statement to the board each time the council 3004
proposes to enter into an agreement, adopt a plan, or make a 3005
decision, other than a decision pursuant to section 121.38 of the 3006
Revised Code, that requires the expenditure of funds for two or 3007
more families. The statement shall describe the proposed 3008
agreement, plan, or decision. 3009

Not later than fifteen days after the board receives the 3010
statement, it shall, by resolution approved by a majority of its 3011
members, approve or disapprove the agreement, plan, or decision. 3012
Failure of the board to pass a resolution during that time period 3013
shall be considered approval of the agreement, plan, or decision. 3014

An agreement, plan, or decision for which a statement is 3015
required to be submitted to the board shall be implemented only if 3016

it is approved by the board. 3017

(C) Each county shall develop a county service coordination 3018
mechanism. The county service coordination mechanism shall serve 3019
as the guiding document for coordination of services in the 3020
county. For children who also receive services under the help me 3021
grow program, the service coordination mechanism shall be 3022
consistent with rules adopted by the department of health under 3023
section 3701.61 of the Revised Code. All family service 3024
coordination plans shall be developed in accordance with the 3025
county service coordination mechanism. The mechanism shall be 3026
developed and approved with the participation of the county 3027
entities representing child welfare; developmental disabilities; 3028
alcohol, drug addiction, and mental health services; health; 3029
juvenile judges; education; the county family and children first 3030
council; and the county early intervention collaborative 3031
established pursuant to the federal early intervention program 3032
operated under the "Individuals with Disabilities Education Act of 3033
2004." The county shall establish an implementation schedule for 3034
the mechanism. The cabinet council may monitor the implementation 3035
and administration of each county's service coordination 3036
mechanism. 3037

Each mechanism shall include all of the following: 3038

(1) A procedure for an agency, including a juvenile court, or 3039
a family voluntarily seeking service coordination, to refer the 3040
child and family to the county council for service coordination in 3041
accordance with the mechanism; 3042

(2) A procedure ensuring that a family and all appropriate 3043
staff from involved agencies, including a representative from the 3044
appropriate school district, are notified of and invited to 3045
participate in all family service coordination plan meetings; 3046

(3) A procedure that permits a family to initiate a meeting 3047

to develop or review the family's service coordination plan and 3048
allows the family to invite a family advocate, mentor, or support 3049
person of the family's choice to participate in any such meeting; 3050

(4) A procedure for ensuring that a family service 3051
coordination plan meeting is conducted for each child who receives 3052
service coordination under the mechanism and for whom an emergency 3053
out-of-home placement has been made or for whom a nonemergency 3054
out-of-home placement is being considered. The meeting shall be 3055
conducted within ten days of an emergency out-of-home placement. 3056
The meeting shall be conducted before a nonemergency out-of-home 3057
placement. The family service coordination plan shall outline how 3058
the county council members will jointly pay for services, where 3059
applicable, and provide services in the least restrictive 3060
environment. 3061

(5) A procedure for monitoring the progress and tracking the 3062
outcomes of each service coordination plan requested in the county 3063
including monitoring and tracking children in out-of-home 3064
placements to assure continued progress, appropriateness of 3065
placement, and continuity of care after discharge from placement 3066
with appropriate arrangements for housing, treatment, and 3067
education; 3068

(6) A procedure for protecting the confidentiality of all 3069
personal family information disclosed during service coordination 3070
meetings or contained in the comprehensive family service 3071
coordination plan; 3072

(7) A procedure for assessing the needs and strengths of any 3073
child or family that has been referred to the council for service 3074
coordination, including a child whose parent or custodian is 3075
voluntarily seeking services, and for ensuring that parents and 3076
custodians are afforded the opportunity to participate; 3077

(8) A procedure for development of a family service 3078

coordination plan described in division (D) of this section; 3079

(9) A local dispute resolution process to serve as the 3080
process that must be used first to resolve disputes among the 3081
agencies represented on the county council concerning the 3082
provision of services to children, including children who are 3083
abused, neglected, dependent, unruly, alleged unruly, or 3084
delinquent children and under the jurisdiction of the juvenile 3085
court and children whose parents or custodians are voluntarily 3086
seeking services. The local dispute resolution process shall 3087
comply with sections 121.38, 121.381, and 121.382 of the Revised 3088
Code. The local dispute resolution process shall be used to 3089
resolve disputes between a child's parents or custodians and the 3090
county council regarding service coordination. The county council 3091
shall inform the parents or custodians of their right to use the 3092
dispute resolution process. Parents or custodians shall use 3093
existing local agency grievance procedures to address disputes not 3094
involving service coordination. The dispute resolution process is 3095
in addition to and does not replace other rights or procedures 3096
that parents or custodians may have under other sections of the 3097
Revised Code. 3098

The cabinet council shall adopt rules in accordance with 3099
Chapter 119. of the Revised Code establishing an administrative 3100
review process to address problems that arise concerning the 3101
operation of a local dispute resolution process. 3102

Nothing in division (C)(4) of this section shall be 3103
interpreted as overriding or affecting decisions of a juvenile 3104
court regarding an out-of-home placement, long-term placement, or 3105
emergency out-of-home placement. 3106

(D) Each county shall develop a family service coordination 3107
plan that does all of the following: 3108

(1) Designates service responsibilities among the various 3109

state and local agencies that provide services to children and 3110
their families, including children who are abused, neglected, 3111
dependent, unruly, or delinquent children and under the 3112
jurisdiction of the juvenile court and children whose parents or 3113
custodians are voluntarily seeking services; 3114

(2) Designates an individual, approved by the family, to 3115
track the progress of the family service coordination plan, 3116
schedule reviews as necessary, and facilitate the family service 3117
coordination plan meeting process; 3118

(3) Ensures that assistance and services to be provided are 3119
responsive to the strengths and needs of the family, as well as 3120
the family's culture, race, and ethnic group, by allowing the 3121
family to offer information and suggestions and participate in 3122
decisions. Identified assistance and services shall be provided in 3123
the least restrictive environment possible. 3124

(4) Includes a process for dealing with a child who is 3125
alleged to be an unruly child. The process shall include methods 3126
to divert the child from the juvenile court system; 3127

(5) Includes timelines for completion of goals specified in 3128
the plan with regular reviews scheduled to monitor progress toward 3129
those goals; 3130

(6) Includes a plan for dealing with short-term crisis 3131
situations and safety concerns. 3132

(E)(1) The process provided for under division (D)(4) of this 3133
section may include, but is not limited to, the following: 3134

(a) Designation of the person or agency to conduct the 3135
assessment of the child and the child's family as described in 3136
division (C)(7) of this section and designation of the instrument 3137
or instruments to be used to conduct the assessment; 3138

(b) An emphasis on the personal responsibilities of the child 3139

and the parental responsibilities of the parents, guardian, or 3140
custodian of the child; 3141

(c) Involvement of local law enforcement agencies and 3142
officials. 3143

(2) The method to divert a child from the juvenile court 3144
system that must be included in the service coordination process 3145
may include, but is not limited to, the following: 3146

(a) The preparation of a complaint under section 2151.27 of 3147
the Revised Code alleging that the child is an unruly child and 3148
notifying the child and the parents, guardian, or custodian that 3149
the complaint has been prepared to encourage the child and the 3150
parents, guardian, or custodian to comply with other methods to 3151
divert the child from the juvenile court system; 3152

(b) Conducting a meeting with the child, the parents, 3153
guardian, or custodian, and other interested parties to determine 3154
the appropriate methods to divert the child from the juvenile 3155
court system; 3156

(c) A method to provide to the child and the child's family a 3157
short-term respite from a short-term crisis situation involving a 3158
confrontation between the child and the parents, guardian, or 3159
custodian; 3160

(d) A program to provide a mentor to the child or the 3161
parents, guardian, or custodian; 3162

(e) A program to provide parenting education to the parents, 3163
guardian, or custodian; 3164

(f) An alternative school program for children who are truant 3165
from school, repeatedly disruptive in school, or suspended or 3166
expelled from school; 3167

(g) Other appropriate measures, including, but not limited 3168
to, any alternative methods to divert a child from the juvenile 3169

court system that are identified by the Ohio family and children 3170
first cabinet council. 3171

(F) Each county may review and revise the service 3172
coordination process described in division (D) of this section 3173
based on the availability of funds under Title IV-A of the "Social 3174
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 3175
or to the extent resources are available from any other federal, 3176
state, or local funds. 3177

Sec. 121.374. (A) It is the intent of this state and the 3178
general assembly that custody relinquishment for the sole purpose 3179
of gaining access to child-specific services for multi-system 3180
children and youth shall cease. 3181

(B) The Ohio family and children first council shall develop 3182
a comprehensive multi-system youth action plan that does the 3183
following: 3184

(1) Defines and establishes shared responsibility between 3185
county and state child-serving systems for providing and funding 3186
multi-system youth services; 3187

(2) Provides recommendations for flexible spending at the 3188
state level within the cabinet council; 3189

(3) Defines the model and process by which the flexible 3190
spending may be accessed to pay for services for multi-system 3191
youth; 3192

(4) Identifies strategies to assist with reducing custody 3193
relinquishment for the sole purpose of gaining access to services 3194
for multi-system children and youth; 3195

(5) Implements the full final recommendations of the joint 3196
legislative committee for multi-system youth. 3197

(C) Not later than December 31, 2019, the cabinet council 3198
shall submit its final action plan to the general assembly. 3199

Sec. 122.075. (A) As used in this section:	3200
(1) "Alternative fuel" has the same meaning as in section 125.831 of the Revised Code.	3201 3202
(2) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents, and that meets American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.	3203 3204 3205 3206 3207
(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code.	3208 3209
(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code.	3210 3211
(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume.	3212 3213
(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume.	3214 3215
(7) "Incremental cost" means either of the following:	3216
(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased;	3217 3218 3219
(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased.	3220 3221 3222
(B) For the purpose of improving the air quality in this state, the director of development services shall establish an alternative fuel transportation program under which the director may make grants and loans to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling or distribution	3223 3224 3225 3226 3227 3228

facilities and terminals, for the purchase and use of alternative 3229
fuel, to pay the cost of fleet conversion, and to pay the costs of 3230
educational and promotional materials and activities intended for 3231
prospective alternative fuel consumers, fuel marketers, and others 3232
in order to increase the availability and use of alternative fuel. 3233

(C) The director, in consultation with the director of 3234
agriculture, shall adopt rules in accordance with Chapter 119. of 3235
the Revised Code that are necessary for the administration of the 3236
alternative fuel transportation program. The rules shall establish 3237
at least all of the following: 3238

(1) An application form and procedures governing the 3239
application process for receiving funds under the program; 3240

(2) A procedure for prioritizing the award of grants and 3241
loans under the program. The procedures shall give preference to 3242
all of the following: 3243

(a) Publicly accessible refueling facilities; 3244

(b) Entities applying to the program that have secured 3245
funding from other sources, including, but not limited to, private 3246
or federal incentives; 3247

(c) Entities that have presented compelling evidence of 3248
demand in the market in which the facilities or terminals will be 3249
located; 3250

(d) Entities that have committed to utilizing purchased or 3251
installed facilities or terminals for the greatest number of 3252
years; 3253

(e) Entities that will be purchasing or installing facilities 3254
or terminals for any type of alternative fuel. 3255

(3) A requirement that the maximum incentive for the purchase 3256
and installation of an alternative fuel refueling or distribution 3257
facility or terminal be eighty per cent of the cost of the 3258

facility or terminal, except that at least twenty per cent of the 3259
total cost of the facility or terminal shall be incurred by the 3260
recipient and not compensated for by any other source; 3261

(4) A requirement that the maximum incentive for the purchase 3262
of alternative fuel be eighty per cent of the cost of the fuel or, 3263
in the case of blended biodiesel or blended gasoline, eighty per 3264
cent of the incremental cost of the blended biodiesel or blended 3265
gasoline; 3266

(5) Any other criteria, procedures, or guidelines that the 3267
director determines are necessary to administer the program, 3268
including fees, charges, interest rates, and payment schedules. 3269

(D) An applicant for a grant or loan under this section that 3270
sells motor vehicle fuel at retail shall agree that if the 3271
applicant receives funding, the applicant will report to the 3272
director the gallon or gallon equivalent amounts of alternative 3273
fuel the applicant sells at retail in this state for a period of 3274
three years after the project is completed. 3275

The director shall enter into a written confidentiality 3276
agreement with the applicant regarding the gallon or gallon 3277
equivalent amounts sold as described in this division, and upon 3278
execution of the agreement this information is not a public 3279
record. 3280

(E) There is hereby created in the state treasury the 3281
alternative fuel transportation fund. The fund shall consist of 3282
money transferred to the fund under division (B) of section 3283
125.836 ~~and under division (B)(2) of section 3706.27~~ of the 3284
Revised Code, money that is appropriated to it by the general 3285
assembly, money as may be specified by the general assembly from 3286
the advanced energy fund created by section 4928.61 of the Revised 3287
Code, and all money received from the repayment of loans made from 3288
the fund or in the event of a default on any such loan. Money in 3289

the fund shall be used to make grants and loans under the 3290
alternative fuel transportation program and by the director in the 3291
administration of that program. 3292

Sec. 122.26. The rural industrial park loan fund is hereby 3293
created in the state treasury for the purposes of the program 3294
established under section 122.24 of the Revised Code. The director 3295
of development services shall deposit money received for the 3296
purposes of that section to the credit of the fund. 3297

Sec. 122.175. (A) As used in this section: 3298

(1) "Capital investment project" means a plan of investment 3299
at a project site for the acquisition, construction, renovation, 3300
expansion, replacement, or repair of a computer data center or of 3301
computer data center equipment, but does not include any of the 3302
following: 3303

(a) Project costs paid before a date determined by the tax 3304
credit authority for each capital investment project; 3305

(b) Payments made to a related member as defined in section 3306
5733.042 of the Revised Code or to a consolidated elected taxpayer 3307
or a combined taxpayer as defined in section 5751.01 of the 3308
Revised Code. 3309

(2) "Computer data center" means a facility used or to be 3310
used primarily to house computer data center equipment used or to 3311
be used in conducting one or more computer data center businesses, 3312
as determined by the tax credit authority. 3313

(3) "Computer data center business" means, as may be further 3314
determined by the tax credit authority, a business that provides 3315
electronic information services as defined in division (Y)(1)(c) 3316
of section 5739.01 of the Revised Code, or that leases a facility 3317
to one or more such businesses. "Computer data center business" 3318
does not include providing electronic publishing as defined in 3319

~~division (LLL) of that section.~~ 3320

(4) "Computer data center equipment" means tangible personal 3321
property used or to be used for any of the following: 3322

(a) To conduct a computer data center business, including 3323
equipment cooling systems to manage the performance of computer 3324
data center equipment; 3325

(b) To generate, transform, transmit, distribute, or manage 3326
electricity necessary to operate the tangible personal property 3327
used or to be used in conducting a computer data center business; 3328

(c) As building and construction materials sold to 3329
construction contractors for incorporation into a computer data 3330
center. 3331

(5) "Eligible computer data center" means a computer data 3332
center that satisfies all of the following requirements: 3333

(a) One or more taxpayers operating a computer data center 3334
business at the project site will, in the aggregate, make payments 3335
for a capital investment project of at least one hundred million 3336
dollars at the project site during one of the following cumulative 3337
periods: 3338

(i) For projects beginning in 2013, six consecutive calendar 3339
years; 3340

(ii) For projects beginning in 2014, four consecutive 3341
calendar years; 3342

(iii) For projects beginning in or after 2015, three 3343
consecutive calendar years. 3344

(b) One or more taxpayers operating a computer data center 3345
business at the project site will, in the aggregate, pay annual 3346
compensation that is subject to the withholding obligation imposed 3347
under section 5747.06 of the Revised Code of at least one million 3348
five hundred thousand dollars to employees employed at the project 3349

site for each year of the agreement beginning on or after the 3350
first day of the twenty-fifth month after the agreement was 3351
entered into under this section. 3352

(6) "Person" has the same meaning as in section 5701.01 of 3353
the Revised Code. 3354

(7) "Project site," "related member," and "tax credit 3355
authority" have the same meanings as in sections 122.17 and 3356
122.171 of the Revised Code. 3357

(8) "Taxpayer" means any person subject to the taxes imposed 3358
under Chapters 5739. and 5741. of the Revised Code. 3359

(B) The tax credit authority may completely or partially 3360
exempt from the taxes levied under Chapters 5739. and 5741. of the 3361
Revised Code the sale, storage, use, or other consumption of 3362
computer data center equipment used or to be used at an eligible 3363
computer data center. Any such exemption shall extend to charges 3364
for the delivery, installation, or repair of the computer data 3365
center equipment subject to the exemption under this section. 3366

(C) A taxpayer that proposes a capital improvement project 3367
for an eligible computer data center in this state may apply to 3368
the tax credit authority to enter into an agreement under this 3369
section authorizing a complete or partial exemption from the taxes 3370
imposed under Chapters 5739. and 5741. of the Revised Code on 3371
computer data center equipment purchased by the applicant or any 3372
other taxpayer that operates a computer data center business at 3373
the project site and used or to be used at the eligible computer 3374
data center. The director of development services shall prescribe 3375
the form of the application. After receipt of an application, the 3376
authority shall forward copies of the application to the director 3377
of budget and management and the tax commissioner, each of whom 3378
shall review the application to determine the economic impact that 3379
the proposed eligible computer data center would have on the state 3380

and any affected political subdivisions and submit to the 3381
authority a summary of their determinations. The authority shall 3382
also forward a copy of the application to the director of 3383
development services who shall review the application to determine 3384
the economic impact that the proposed eligible computer data 3385
center would have on the state and the affected political 3386
subdivisions and shall submit a summary of their determinations 3387
and recommendations to the authority. 3388

(D) Upon review and consideration of such determinations and 3389
recommendations, the tax credit authority may enter into an 3390
agreement with the applicant and any other taxpayer that operates 3391
a computer data center business at the project site for a complete 3392
or partial exemption from the taxes imposed under Chapters 5739. 3393
and 5741. of the Revised Code on computer data center equipment 3394
used or to be used at an eligible computer data center if the 3395
authority determines all of the following: 3396

(1) The capital investment project for the eligible computer 3397
data center will increase payroll and the amount of income taxes 3398
to be withheld from employee compensation pursuant to section 3399
5747.06 of the Revised Code. 3400

(2) The applicant is economically sound and has the ability 3401
to complete or effect the completion of the proposed capital 3402
investment project. 3403

(3) The applicant intends to and has the ability to maintain 3404
operations at the project site for the term of the agreement. 3405

(4) Receiving the exemption is a major factor in the 3406
applicant's decision to begin, continue with, or complete the 3407
capital investment project. 3408

(E) An agreement entered into under this section shall 3409
include all of the following: 3410

(1) A detailed description of the capital investment project 3411

that is the subject of the agreement, including the amount of the 3412
investment, the period over which the investment has been or is 3413
being made, the annual compensation to be paid by each taxpayer 3414
subject to the agreement to its employees at the project site, and 3415
the anticipated amount of income taxes to be withheld from 3416
employee compensation pursuant to section 5747.06 of the Revised 3417
Code. 3418

(2) The percentage of the exemption from the taxes imposed 3419
under Chapters 5739. and 5741. of the Revised Code for the 3420
computer data center equipment used or to be used at the eligible 3421
computer data center, the length of time the computer data center 3422
equipment will be exempted, and the first date on which the 3423
exemption applies. 3424

(3) A requirement that the computer data center remain an 3425
eligible computer data center during the term of the agreement and 3426
that the applicant maintain operations at the eligible computer 3427
data center during that term. An applicant does not violate the 3428
requirement described in division (E)(3) of this section if the 3429
applicant ceases operations at the eligible computer data center 3430
during the term of the agreement but resumes those operations 3431
within eighteen months after the date of cessation. The agreement 3432
shall provide that, in such a case, the applicant and any other 3433
taxpayer that operates a computer data center business at the 3434
project site shall not claim the tax exemption authorized in the 3435
agreement for any purchase of computer data center equipment made 3436
during the period in which the applicant did not maintain 3437
operations at the eligible computer data center. 3438

(4) A requirement that, for each year of the term of the 3439
agreement beginning on or after the first day of the twenty-fifth 3440
month after the date the agreement was entered into, one or more 3441
taxpayers operating a computer data center business at the project 3442
site will, in the aggregate, pay annual compensation that is 3443

subject to the withholding obligation imposed under section 3444
5747.06 of the Revised Code of at least one million five hundred 3445
thousand dollars to employees at the eligible computer data 3446
center. 3447

(5) A requirement that each taxpayer subject to the agreement 3448
annually report to the director of development services 3449
employment, tax withholding, capital investment, and other 3450
information required by the director to perform the director's 3451
duties under this section. 3452

(6) A requirement that the director of development services 3453
annually review the annual reports of each taxpayer subject to the 3454
agreement to verify the information reported under division (E)(5) 3455
of this section and compliance with the agreement. Upon 3456
verification, the director shall issue a certificate to each such 3457
taxpayer stating that the information has been verified and that 3458
the taxpayer remains eligible for the exemption specified in the 3459
agreement. 3460

(7) A provision providing that the taxpayers subject to the 3461
agreement may not relocate a substantial number of employment 3462
positions from elsewhere in this state to the project site unless 3463
the director of development services determines that the 3464
appropriate taxpayer notified the legislative authority of the 3465
county, township, or municipal corporation from which the 3466
employment positions would be relocated. For purposes of this 3467
paragraph, the movement of an employment position from one 3468
political subdivision to another political subdivision shall be 3469
considered a relocation of an employment position unless the 3470
movement is confined to the project site. The transfer of an 3471
employment position from one political subdivision to another 3472
political subdivision shall not be considered a relocation of an 3473
employment position if the employment position in the first 3474
political subdivision is replaced by another employment position. 3475

(8) A waiver by each taxpayer subject to the agreement of any limitations periods relating to assessments or adjustments resulting from the taxpayer's failure to comply with the agreement.

(F) The term of an agreement under this section shall be determined by the tax credit authority, and the amount of the exemption shall not exceed one hundred per cent of such taxes that would otherwise be owed in respect to the exempted computer data center equipment.

(G) If any taxpayer subject to an agreement under this section fails to meet or comply with any condition or requirement set forth in the agreement, the tax credit authority may amend the agreement to reduce the percentage of the exemption or term during which the exemption applies to the computer data center equipment used or to be used by the noncompliant taxpayer at an eligible computer data center. The reduction of the percentage or term may take effect in the current calendar year.

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

(I) The tax commissioner shall issue a direct payment permit 3508
under section 5739.031 of the Revised Code to each taxpayer 3509
subject to an agreement under this section. Such direct payment 3510
permit shall authorize the taxpayer to pay any sales and use taxes 3511
due on purchases of computer data center equipment used or to be 3512
used in an eligible computer data center and to pay any sales and 3513
use taxes due on purchases of tangible personal property or 3514
taxable services other than computer data center equipment used or 3515
to be used in an eligible computer data center directly to the tax 3516
commissioner. Each such taxpayer shall pay pursuant to such direct 3517
payment permit all sales tax levied on such purchases under 3518
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 3519
Code and all use tax levied on such purchases under sections 3520
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 3521
consistent with the terms of the agreement entered into under this 3522
section. 3523

During the term of an agreement under this section each 3524
taxpayer subject to the agreement shall submit to the tax 3525
commissioner a return that shows the amount of computer data 3526
center equipment purchased for use at the eligible computer data 3527
center, the amount of tangible personal property and taxable 3528
services other than computer data center equipment purchased for 3529
use at the eligible computer data center, the amount of tax under 3530
Chapter 5739. or 5741. of the Revised Code that would be due in 3531
the absence of the agreement under this section, the exemption 3532
percentage for computer data center equipment specified in the 3533
agreement, and the amount of tax due under Chapter 5739. or 5741. 3534
of the Revised Code as a result of the agreement under this 3535
section. Each such taxpayer shall pay the tax shown on the return 3536
to be due in the manner and at the times as may be further 3537
prescribed by the tax commissioner. Each such taxpayer shall 3538
include a copy of the director of development services' 3539
certificate of verification issued under division (E)(6) of this 3540

section. Failure to submit a copy of the certificate with the 3541
return does not invalidate the claim for exemption if the taxpayer 3542
submits a copy of the certificate to the tax commissioner within 3543
the time prescribed by section 5703.0510 of the Revised Code. 3544

(J) If the director of development services determines that 3545
one or more taxpayers received an exemption from taxes due on the 3546
purchase of computer data center equipment purchased for use at a 3547
computer data center that no longer complies with the requirement 3548
under division (E)(3) of this section, the director shall notify 3549
the tax credit authority and, if applicable, the taxpayer that 3550
applied to enter the agreement for the exemption under division 3551
(C) of this section of the noncompliance. After receiving such a 3552
notice, and after giving each taxpayer subject to the agreement an 3553
opportunity to explain the noncompliance, the authority may 3554
terminate the agreement and require each such taxpayer to pay to 3555
the state all or a portion of the taxes that would have been owed 3556
in regards to the exempt equipment in previous years, all as 3557
determined under rules adopted pursuant to division (K) of this 3558
section. In determining the portion of the taxes that would have 3559
been owed on the previously exempted equipment to be paid to this 3560
state by a taxpayer, the authority shall consider the effect of 3561
market conditions on the eligible computer data center, whether 3562
the taxpayer continues to maintain other operations in this state, 3563
and, with respect to agreements involving multiple taxpayers, the 3564
taxpayer's level of responsibility for the noncompliance. After 3565
making the determination, the authority shall certify to the tax 3566
commissioner the amount to be paid by each taxpayer subject to the 3567
agreement. The tax commissioner shall make an assessment for that 3568
amount against each such taxpayer under Chapter 5739. or 5741. of 3569
the Revised Code. The time limitations on assessments under those 3570
chapters do not apply to an assessment under this division, but 3571
the tax commissioner shall make the assessment within one year 3572
after the date the authority certifies to the tax commissioner the 3573

amount to be paid by the taxpayer. 3574

(K) The director of development services, after consultation 3575
with the tax commissioner and in accordance with Chapter 119. of 3576
the Revised Code, shall adopt rules necessary to implement this 3577
section. The rules may provide for recipients of tax exemptions 3578
under this section to be charged fees to cover administrative 3579
costs incurred in the administration of this section. The fees 3580
collected shall be credited to the tax incentives operating fund 3581
created in section 122.174 of the Revised Code. At the time the 3582
director gives public notice under division (A) of section 119.03 3583
of the Revised Code of the adoption of the rules, the director 3584
shall submit copies of the proposed rules to the chairpersons of 3585
the standing committees on economic development in the senate and 3586
the house of representatives. 3587

(L) On or before the first day of August of each year, the 3588
director of development services shall submit a report to the 3589
governor, the president of the senate, and the speaker of the 3590
house of representatives on the tax exemption authorized under 3591
this section. The report shall include information on the number 3592
of agreements that were entered into under this section during the 3593
preceding calendar year, a description of the eligible computer 3594
data center that is the subject of each such agreement, and an 3595
update on the status of eligible computer data centers under 3596
agreements entered into before the preceding calendar year. 3597

(M) A taxpayer may be made a party to an existing agreement 3598
entered into under this section by the tax credit authority and 3599
another taxpayer or group of taxpayers. In such a case, the 3600
taxpayer shall be entitled to all benefits and bound by all 3601
obligations contained in the agreement and all requirements 3602
described in this section. When an agreement includes multiple 3603
taxpayers, each taxpayer shall be entitled to a direct payment 3604
permit as authorized in division (I) of this section. 3605

Sec. 122.84. (A) As used in this section:

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(1) "Ohio qualified opportunity fund" means a qualified opportunity fund that holds at least ninety per cent of its invested assets in qualified opportunity zone property situated in an Ohio opportunity zone.

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In the case of qualified opportunity zone property that is qualified opportunity zone stock or qualified opportunity zone partnership interest, the stock or interest is situated in an Ohio opportunity zone only if, during substantially all of the qualified opportunity fund's holding period for such stock or interest, substantially all of the use of the corporation's or partnership's tangible property was in an Ohio opportunity zone. In the case of qualified opportunity zone property that is qualified opportunity zone business property, the property is situated in an Ohio opportunity zone only if, during substantially all of the fund's holding period for such property, substantially all of the use of the property was in an Ohio opportunity zone.

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(2) "Ohio opportunity zone" means a qualified opportunity zone designated in this state under 26 U.S.C. 1400Z-1.

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(3) "Individual," "taxpayer," and "taxable year" have the same meanings as in section 5747.01 of the Revised Code.

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(B) An individual taxpayer that invests in one or more Ohio qualified opportunity funds may apply to the director of development services for a tax credit certificate entitling the taxpayer to a nonrefundable credit under section 5747.82 of the Revised Code. The application shall be made on forms prescribed by the director on or after the first day of January and on or before the first day of February of each year. The credit shall equal ten per cent of the amount of the taxpayer's investment in the fund during the taxpayer's taxable year ending in the preceding calendar year.

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The taxpayer shall include the following information with the 3637
taxpayer's application, in addition to any other information 3638
required by the director in consultation with the tax 3639
commissioner: 3640

(1) The amount of the taxpayer's investment in Ohio qualified 3641
opportunity funds during the taxpayer's taxable year, arranged 3642
according to the amount invested in each such fund if the taxpayer 3643
invested in more than one such fund; 3644

(2) A statement from an employee or officer of each Ohio 3645
qualified opportunity fund identified by the taxpayer under 3646
division (B)(1) of this section certifying the amount of the 3647
taxpayer's investment in the fund and the date the investment was 3648
made. 3649

The director shall review applications in the order in which 3650
applications are received. 3651

(C)(1) Subject to division (C)(2) of this section, if the 3652
director determines that the applicant qualifies for a credit 3653
under this section, the director shall issue, within twenty days 3654
after the receipt of a complete application under division (B) of 3655
this section, a tax credit certificate to the taxpayer identified 3656
with a unique number and listing the amount of credit the director 3657
determines the taxpayer is eligible to claim for the taxable year. 3658

(2) The director shall not issue certificates in a total 3659
amount that would cause the tax credits claimed in any fiscal 3660
biennium to exceed fifty million dollars. The director shall not 3661
issue certificates to a single applicant in an amount that would 3662
cause the tax credits claimed in any fiscal biennium by an 3663
individual taxpayer to exceed one million dollars. 3664

The director may not issue a certificate under this section 3665
on the basis of any investment for which a small business 3666
investment certificate has been issued under section 122.86 of the 3667

Revised Code. 3668

Sec. 122.85. (A) As used in this section and in sections 3669
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 3670

(1) "Tax credit-eligible production" means a motion picture 3671
production certified by the director of development services under 3672
~~division (B) of~~ this section as qualifying the motion picture 3673
company for a tax credit under section 5726.55, 5733.59, 5747.66, 3674
or 5751.54 of the Revised Code before July 1, 2019. 3675

(2) "Certificate owner" means a motion picture company to 3676
which a tax credit certificate is issued or a person to which the 3677
company has transferred under division ~~(H)~~(G) of this section the 3678
authority to claim all or a part of the tax credit authorized by 3679
that certificate. 3680

(3) "Motion picture company" means an individual, 3681
corporation, partnership, limited liability company, or other form 3682
of business association producing a motion picture. 3683

(4) "Eligible production expenditures" means expenditures 3684
made after June 30, 2009, for goods or services purchased and 3685
consumed in this state by a motion picture company directly for 3686
the production of a tax credit-eligible production. 3687

"Eligible production expenditures" includes, but is not 3688
limited to, expenditures for cast and crew wages, accommodations, 3689
costs of set construction and operations, editing and related 3690
services, photography, sound synchronization, lighting, wardrobe, 3691
makeup and accessories, film processing, transfer, sound mixing, 3692
special and visual effects, music, location fees, and the purchase 3693
or rental of facilities and equipment. 3694

(5) "Motion picture" means entertainment content created in 3695
whole or in part within this state for distribution or exhibition 3696
to the general public, including, but not limited to, 3697

feature-length films; documentaries; long-form, specials, 3698
miniseries, series, and interstitial television programming; 3699
interactive web sites; sound recordings; videos; music videos; 3700
interactive television; interactive games; video games; 3701
commercials; any format of digital media; and any trailer, pilot, 3702
video teaser, or demo created primarily to stimulate the sale, 3703
marketing, promotion, or exploitation of future investment in 3704
either a product or a motion picture by any means and media in any 3705
digital media format, film, or videotape, provided the motion 3706
picture qualifies as a motion picture. "Motion picture" does not 3707
include any television program created primarily as news, weather, 3708
or financial market reports, a production featuring current events 3709
or sporting events, an awards show or other gala event, a 3710
production whose sole purpose is fundraising, a long-form 3711
production that primarily markets a product or service or in-house 3712
corporate advertising or other similar productions, a production 3713
for purposes of political advocacy, or any production for which 3714
records are required to be maintained under 18 U.S.C. 2257 with 3715
respect to sexually explicit content. 3716

~~(B) For the purpose of encouraging and developing a strong 3717
film industry in this state, the director of development services 3718
may certify a motion picture produced by a motion picture company 3719
as a tax credit eligible production. In the case of a television 3720
series, the director may certify the production of each episode of 3721
the series as a separate tax credit eligible production. A motion 3722
picture company shall apply for certification of a motion picture 3723
as a tax credit eligible production on a form and in the manner 3724
prescribed by the director. Each application shall include the 3725
following information: 3726~~

~~(1) The name and telephone number of the motion picture 3727
production company; 3728~~

~~(2) The name and telephone number of the company's contact 3729~~

person;	3730
(3) A list of the first preproduction date through the last	3731
production date in Ohio;	3732
(4) The Ohio production office address and telephone number;	3733
(5) The total production budget of the motion picture;	3734
(6) The total budgeted eligible production expenditures and	3735
the percentage that amount is of the total production budget of	3736
the motion picture;	3737
(7) The total percentage of the motion picture being shot in	3738
Ohio;	3739
(8) The level of employment of cast and crew who reside in	3740
Ohio;	3741
(9) A synopsis of the script;	3742
(10) The shooting script;	3743
(11) A creative elements list that includes the names of the	3744
principal cast and crew and the producer and director;	3745
(12) Documentation of financial ability to undertake and	3746
complete the motion picture, including documentation that shows	3747
that the company has secured funding equal to at least fifty per	3748
cent of the total production budget of the motion picture;	3749
(13) Estimated value of the tax credit based upon total	3750
budgeted eligible production expenditures;	3751
(14) Any other information considered necessary by the	3752
director.	3753
Within ninety days after certification of a motion picture as	3754
a tax credit eligible production, and any time thereafter upon the	3755
request of the director of development services, the motion	3756
picture company shall present to the director sufficient evidence	3757
of reviewable progress. If the motion picture company fails to	3758

~~present sufficient evidence, the director may rescind the~~ 3759
~~certification. Upon rescission, the director shall notify the~~ 3760
~~applicant that the certification has been rescinded. Nothing in~~ 3761
~~this section prohibits an applicant whose tax credit-eligible~~ 3762
~~production certification has been rescinded from submitting a~~ 3763
~~subsequent application for certification.~~ 3764

~~(C)~~(1) A motion picture company whose motion picture has been 3765
certified as a tax credit-eligible production before July 1, 2019, 3766
may apply to the director of development services ~~on or after July~~ 3767
~~1, 2009,~~ for a refundable credit against the tax imposed by 3768
section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. 3769
The director in consultation with the tax commissioner shall 3770
prescribe the form and manner of the application and the 3771
information or documentation required to be submitted with the 3772
application. 3773

The credit is determined as follows: 3774

(a) If the total budgeted eligible production expenditures 3775
stated in the application submitted under ~~division (B) of~~ this 3776
section or the actual eligible production expenditures as finally 3777
determined under ~~division (D) of~~ this section, whichever is least, 3778
is less than or equal to three hundred thousand dollars, no credit 3779
is allowed; 3780

(b) If the total budgeted eligible production expenditures 3781
stated in the application submitted under ~~division (B) of~~ this 3782
section or the actual eligible production expenditures as finally 3783
determined under ~~division (D) of~~ this section, whichever is least, 3784
is greater than three hundred thousand dollars, the credit equals 3785
thirty per cent of the least of such budgeted or actual eligible 3786
expenditure amounts. 3787

(2) Except as provided in division ~~(C)~~(B)(4) of this section, 3788
if the director of development services approves a motion picture 3789

company's application for a credit, the director shall issue a tax 3790
credit certificate to the company. The director in consultation 3791
with the tax commissioner shall prescribe the form and manner of 3792
issuing certificates. The director shall assign a unique 3793
identifying number to each tax credit certificate and shall record 3794
the certificate in a register devised and maintained by the 3795
director for that purpose. The certificate shall state the amount 3796
of the eligible production expenditures on which the credit is 3797
based and the amount of the credit. Upon the issuance of a 3798
certificate, the director shall certify to the tax commissioner 3799
the name of the applicant, the amount of eligible production 3800
expenditures shown on the certificate, and any other information 3801
required by the rules adopted to administer this section. 3802

(3) The amount of eligible production expenditures for which 3803
a tax credit may be claimed is subject to inspection and 3804
examination by the tax commissioner or employees of the 3805
commissioner under section 5703.19 of the Revised Code and any 3806
other applicable law. Once the eligible production expenditures 3807
are finally determined under section 5703.19 of the Revised Code 3808
and ~~division (D)~~ of this section, the credit amount is not subject 3809
to adjustment unless the director determines an error was 3810
committed in the computation of the credit amount. 3811

(4) No tax credit certificate may be issued before the 3812
completion of the tax credit-eligible production. Not more than 3813
forty million dollars of tax credit may be allowed per fiscal year 3814
beginning July 1, 2016, and before July 1, 2019, provided that, 3815
for any fiscal year in which the amount of tax credits allowed 3816
under this section is less than that maximum annual amount, the 3817
amount not allowed for that fiscal year shall be added to the 3818
maximum annual amount that may be allowed for the following fiscal 3819
year. 3820

(5) In approving applications for tax credits under this 3821

section, the director shall give priority to tax-credit eligible 3822
productions that are television series or miniseries. 3823

~~(D)~~(C) A motion picture company whose motion picture has been 3824
certified as a tax credit-eligible production shall engage, at the 3825
company's expense, an independent certified public accountant to 3826
examine the company's production expenditures to identify the 3827
expenditures that qualify as eligible production expenditures. The 3828
certified public accountant shall issue a report to the company 3829
and to the director of development services certifying the 3830
company's eligible production expenditures and any other 3831
information required by the director. Upon receiving and examining 3832
the report, the director may disallow any expenditure the director 3833
determines is not an eligible production expenditure. If the 3834
director disallows an expenditure, the director shall issue a 3835
written notice to the motion picture production company stating 3836
that the expenditure is disallowed and the reason for the 3837
disallowance. Upon examination of the report and disallowance of 3838
any expenditures, the director shall determine finally the lesser 3839
of the total budgeted eligible production expenditures stated in 3840
the application submitted under ~~division (B)~~ of this section or 3841
the actual eligible production expenditures for the purpose of 3842
computing the amount of the credit. 3843

~~(E)~~(D) No credit shall be allowed under section 5726.55, 3844
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 3845
director has reviewed the report and made the determination 3846
prescribed by division ~~(D)~~(C) of this section. 3847

~~(F)~~(E) This state reserves the right to refuse the use of 3848
this state's name in the credits of any tax credit-eligible motion 3849
picture production. 3850

~~(G)~~(F)(1) The director of development services in 3851
consultation with the tax commissioner shall adopt rules for the 3852
administration of this section, including rules setting forth and 3853

governing the criteria for determining whether a motion picture 3854
production is a tax credit-eligible production; activities that 3855
constitute the production of a motion picture; reporting 3856
sufficient evidence of reviewable progress; expenditures that 3857
qualify as eligible production expenditures; a competitive process 3858
for approving credits; consideration of geographic distribution of 3859
credits; and implementation of the program described in division 3860
~~(I)~~(H) of this section. The rules shall be adopted under Chapter 3861
119. of the Revised Code. 3862

(2) To cover the administrative costs of the program, the 3863
director shall require each applicant to pay an application fee 3864
equal to the lesser of ten thousand dollars or one per cent of the 3865
estimated value of the tax credit as stated in the application. 3866
The fees collected shall be credited to the tax incentives 3867
operating fund created in section 122.174 of the Revised Code. All 3868
grants, gifts, fees, and contributions made to the director for 3869
marketing and promotion of the motion picture industry within this 3870
state shall also be credited to the fund. 3871

~~(H)~~(G)(1) After the director of development services makes 3872
the determination required under division ~~(D)~~(C) of this section, 3873
a motion picture company to which a tax credit certificate is 3874
issued may transfer the authority to claim all or a portion of the 3875
amount of the tax credit the motion picture company is authorized 3876
to claim pursuant to that certificate under section 5726.55, 3877
5733.59, 5747.66, or 5751.54 of the Revised Code to one or more 3878
other persons. Within thirty days after a transfer under this 3879
division, the motion picture company shall submit the following 3880
information to the director, on a form prescribed by the director: 3881

(a) Information necessary for the director to identify the 3882
certificate that is the basis for the transfer; 3883

(b) The portion or amount of the tax credit transferred to 3884
each transferee; 3885

(c) The portion or amount of the tax credit that the motion picture company retains the authority to claim; 3886
3887

(d) The tax identification number of each transferee; 3888

(e) The date of the transfer; 3889

(f) Any other information required by the director; 3890

(g) Any information required by the tax commissioner. 3891

The director shall deliver a copy of any submission received under division ~~(H)~~(G)(1) of this section to the tax commissioner. 3892
3893

(2) A transferee may not claim a credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless and until the transferring motion picture company complies with division ~~(H)~~(G)(1) of this section. A transferee may claim the transferred amount of any credit or portion of a credit for the same taxable year or tax period for which the transferring motion picture company was authorized to claim the credit or portion of a credit pursuant to the certificate. A motion picture company shall make no transfer under division ~~(H)~~(G)(1) of this section after the last day of the tax period or taxable year for which the motion picture company is required to claim the credit pursuant to the certificate. 3894
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A motion picture company may make not more than one transfer under division ~~(H)~~(G)(1) of this section for each tax credit certificate, but pursuant to that transaction, may allocate the authority to claim a portion of the credit to more than one transferee. A motion picture company may not authorize more than one transferee to claim the same portion of a credit. 3906
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~~(I)~~(H) The director of development services shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall: 3912
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(1) Certify individuals as film and multimedia trainees. In 3916
order to receive such a certification, an individual must be an 3917
Ohio resident, have participated in relevant on-the-job training 3918
or have completed a relevant training course approved by the 3919
director, and have met any other requirements established by the 3920
director. 3921

(2) Accept applications from motion picture companies that 3922
intend to hire and provide on-the-job training to one or more 3923
certified film and multimedia trainees who will be employed in the 3924
company's tax credit-eligible production. 3925

(3) Upon completion of a tax-credit eligible production, and 3926
upon the receipt of any salary information and other documentation 3927
required by the director, authorize a reimbursement payment to 3928
each motion picture company whose application was approved under 3929
division ~~(I)~~(H)(2) of this section. The payment shall equal fifty 3930
per cent of the salaries paid to film and multimedia trainees 3931
employed in the production. 3932

Sec. 122.86. (A) As used in this section and section 5747.81 3933
of the Revised Code: 3934

(1) "Small business enterprise" means a corporation, 3935
pass-through entity, or other person satisfying all of the 3936
following: 3937

(a) At the time of a qualifying investment, the enterprise 3938
meets all of the following requirements: 3939

(i) Has no outstanding tax or other liabilities owed to the 3940
state; 3941

(ii) Is in good standing with the secretary of state, if the 3942
enterprise is required to be registered with the secretary; 3943

(iii) Is current with any court-ordered payments; 3944

(iv) Is not engaged in any illegal activity. 3945

(b) At the time of a qualifying investment, the enterprise's assets according to generally accepted accounting principles do not exceed fifty million dollars, or its annual sales do not exceed ten million dollars. When making this determination, the assets and annual sales of all of the enterprise's related or affiliated entities shall be included in the calculation.

(c) ~~The~~ At the time of a qualifying investment and for the two-year period immediately preceding the qualifying investment, ~~the~~ enterprise employs at least fifty full-time equivalent employees in this state for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, or more than one-half the enterprise's total number of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.

(d) The enterprise, within six months after an eligible investor's qualifying investment is made, ~~invests in or~~ incurs cost for one or more of the following ~~in an amount at least equal to the amount of the qualifying investment:~~

(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's holding period, including the installation of such tangible personal property;

(ii) Motor vehicles operated on public roads and highways if, from the time of acquisition by the enterprise until the end of the investor's holding period, the motor vehicles are purchased in this state, registered in this state under Chapter 4503. of the Revised Code, are used primarily for business purposes, and are necessary for the operation of the enterprise's business;

(iii) Real property located in this state that is used in the

business from the time of its acquisition by the enterprise until 3977
the end of the holding period; 3978

(iv) ~~Intangible personal property, including patents,~~ 3979
~~copyrights, trademarks, service marks, or licenses used in~~ 3980
~~business primarily in this state from the time of its acquisition~~ 3981
~~by the enterprise until the end of the holding period~~ Leasehold 3982
improvements and construction costs for property located in this 3983
state that is used in the business from the time its improvement 3984
or construction was completed until the end of the holding period; 3985

(v) Compensation for new employees of the enterprise hired 3986
after the date the qualifying investment is made for whom the 3987
enterprise is required to withhold income tax under section 3988
5747.06 of the Revised Code, ~~not including increased compensation~~ 3989
~~for owners, officers, or managers of the enterprise. For this~~ 3990
~~purpose compensation for new employees includes compensation for~~ 3991
~~newly hired or retained employees.~~ 3992

(2) "Qualifying investment" means an investment of money made 3993
on or after July 1, ~~2011~~ 2019, to acquire capital stock or other 3994
equity interest in a small business enterprise. "Qualifying 3995
investment" does not include either of the following: 3996

(a) Any investment of money an eligible investor derives, 3997
directly or indirectly, from a grant or loan from the federal 3998
government or the state or a political subdivision, including the 3999
third frontier program under Chapter 184. of the Revised Code; 4000

(b) Any investment of money which is the basis of a tax 4001
credit granted under any other section of the Revised Code. 4002

(3) "Eligible investor" means an individual, estate, or trust 4003
subject to the tax imposed by section 5747.02 of the Revised Code, 4004
or a pass-through entity in which such an individual, estate, or 4005
trust holds a direct or indirect ownership or other equity 4006
interest. To qualify as an eligible investor, the individual, 4007

estate, trust, or pass-through entity shall not owe any 4008
outstanding tax or other liability to the state at the time of a 4009
qualifying investment. 4010

(4) "Holding period" means the two-year period beginning on 4011
the day a qualifying investment is made. 4012

(5) "Pass-through entity" has the same meaning as in section 4013
5733.04 of the Revised Code. 4014

(B) ~~Any~~ An eligible investor that makes a qualifying 4015
investment in a small business enterprise on or after July 1, ~~2011~~ 4016
2019, may apply to the director of development services to obtain 4017
an allocation for a small business investment certificate from the 4018
director. Alternatively, a small business enterprise may apply on 4019
behalf of eligible investors to obtain the ~~certificates~~ allocation 4020
for those investors. The application must be submitted to the 4021
director within sixty days after the date of the qualifying 4022
investment, but within the same biennium as the qualifying 4023
investment. The director, in consultation with the tax 4024
commissioner, shall prescribe the form or manner in which an 4025
applicant shall apply for the certificate, devise the form of the 4026
certificate, and prescribe any records or other information an 4027
applicant shall furnish with the application to evidence the 4028
qualifying investment. ~~The applicant shall state the amount of the~~ 4029
~~intended investment.~~ The applicant shall pay an application fee 4030
equal to the greater of one-tenth of one per cent of the amount of 4031
the intended investment or one hundred dollars. 4032

~~A small business investment certificate entitles the~~ 4033
~~certificate holder to receive a tax credit under section 5747.81~~ 4034
~~of the Revised Code if the certificate holder qualifies for the~~ 4035
~~credit as otherwise provided in this section. If the certificate~~ 4036
~~holder is a pass-through entity, the certificate entitles the~~ 4037
~~entity's equity owners to receive their distributive or~~ 4038
~~proportionate shares of the credit. In any fiscal biennium, an~~ 4039

~~eligible investor may not apply for small business investment~~ 4040
~~certificates representing intended investment amounts in excess of~~ 4041
~~ten million dollars. Such certificates are not transferable.~~ 4042

The director of development services may reserve small 4043
business investment ~~certificates~~ allocations to qualifying 4044
applicants in the order in which the director receives 4045
applications, ~~but may issue the certificates as the applications~~ 4046
~~are completed.~~ An application is completed when the director has 4047
validated that an eligible investor has made a qualified 4048
investment and receives all required documentation needed to 4049
demonstrate the small business enterprise ~~has made the appropriate~~ 4050
~~reinvestment of the qualified investment pursuant to~~ satisfies the 4051
requirements of division (A)(1)(~~d~~) of this section. To qualify for 4052
~~a certificate~~ an allocation, an eligible investor must satisfy 4053
both of the following, subject to the limitation on the amount of 4054
qualifying investments for which ~~certificates~~ allocations may be 4055
issued under division (C) of this section: 4056

(1) The eligible investor makes a qualifying investment on or 4057
after July 1, ~~2011~~ 2019. 4058

(2) The eligible investor pledges not to sell or otherwise 4059
dispose of the qualifying investment before the conclusion of the 4060
applicable holding period. 4061

(C)(1) The amount of any eligible investor's qualifying 4062
investments for which small business investment ~~certificates~~ 4063
allocations may be issued for a fiscal biennium shall not exceed 4064
ten million dollars. 4065

(2) The director of development services shall not issue a 4066
small business investment ~~certificate~~ allocation to an eligible 4067
investor representing an amount of qualifying investment in excess 4068
of the amount of the ~~intended~~ investment indicated on the 4069
investor's application ~~for the certificate~~. 4070

(3) The director of development services shall not issue 4071
small business investment ~~certificates~~ allocations in a total 4072
amount that would cause the tax credits claimed in any fiscal 4073
biennium to exceed ~~one hundred~~ fifty million dollars. 4074

(4) The director of development services may issue a small 4075
business investment ~~certificate~~ allocation only if both of the 4076
following apply at the time of issuance: 4077

(a) The small business enterprise meets all the requirements 4078
listed in divisions (A)(1)(a)(i) to (iv) of this section; 4079

(b) The eligible investor does not owe any outstanding tax or 4080
other liability to the state. 4081

(D) Before the end of the applicable holding period of a 4082
qualifying investment, each enterprise in which a qualifying 4083
investment was made for which a small business investment 4084
~~certificate~~ allocation has been issued, upon the request of the 4085
director of development services, shall provide to the director 4086
records or other evidence satisfactory to the director that the 4087
enterprise is a small business enterprise for the purposes of this 4088
section. Each enterprise shall also provide annually to the 4089
director records or evidence regarding the number of jobs created 4090
or retained in the state. ~~No credit may be claimed under this~~ 4091
~~section and section 5747.81 of the Revised Code if the director~~ 4092
~~finds that an enterprise is not a small business enterprise for~~ 4093
~~the purposes of this section.~~ The director shall compile and 4094
maintain a register of small business enterprises qualifying under 4095
this section and shall certify the register to the tax 4096
commissioner. The director shall also compile and maintain a 4097
record of the number of jobs created or retained as a result of 4098
qualifying investments made pursuant to this section. 4099

(E) After the conclusion of the applicable holding period for 4100
a qualifying investment, a person to whom a small business 4101

investment ~~certificate~~ allocation has been issued under this 4102
section ~~may~~ shall receive a small business investment 4103
certification, which entitles the person to claim a credit as 4104
provided under section 5747.81 of the Revised Code. However, no 4105
certificate may be issued if the director finds that any 4106
requirement under this section is not met. 4107

(F) The director of development services, in consultation 4108
with the tax commissioner, may adopt rules for the administration 4109
of this section, including rules governing the following: 4110

(1) Documents, records, or other information eligible 4111
investors shall provide to the director; 4112

(2) Any information a small business enterprise shall provide 4113
for the purposes of this section and section 5747.81 of the 4114
Revised Code; 4115

(3) Determination of the number of full-time equivalent 4116
employees of a small business enterprise; 4117

(4) Verification of a small business enterprise's investment 4118
~~in tangible personal property and intangible personal property~~ 4119
~~under division (A)(1)(d) of this section, including when such~~ 4120
~~investments have been made and where the property is used in~~ 4121
~~business;~~ 4122

(5) Circumstances under which small business enterprises or 4123
eligible investors may be subverting the purposes of this section 4124
and section 5747.81 of the Revised Code. 4125

(G) Application fees paid under division (B) of this section 4126
shall be credited to the tax incentives operating fund created in 4127
section 122.174 of the Revised Code. 4128

Sec. 123.21. (A) The Ohio facilities construction commission 4129
may perform any act and ensure the performance of any function 4130
necessary or appropriate to carry out the purposes of, and 4131

exercise the powers granted under this chapter or any other 4132
provision of the Revised Code, including any of the following: 4133

(1) Except as otherwise provided in section 123.211 of the 4134
Revised Code, prepare, or contract to be prepared, by licensed 4135
engineers or architects, surveys, general and detailed plans, 4136
specifications, bills of materials, and estimates of cost for any 4137
projects, improvements, or public buildings to be constructed by 4138
state agencies that may be authorized by legislative 4139
appropriations or any other funds made available therefor, 4140
provided that the construction of the projects, improvements, or 4141
public buildings is a statutory duty of the commission. This 4142
section does not require the independent employment of an 4143
architect or engineer as provided by section 153.01 of the Revised 4144
Code in the cases to which section 153.01 of the Revised Code 4145
applies. This section does not affect or alter the existing powers 4146
of the director of transportation. 4147

(2) Except as otherwise provided in section 123.211 of the 4148
Revised Code, have general supervision over the construction of 4149
any projects, improvements, or public buildings constructed for a 4150
state agency and over the inspection of materials prior to their 4151
incorporation into those projects, improvements, or buildings. 4152

(3) Except as otherwise provided in section 123.211 of the 4153
Revised Code, make contracts for and supervise the design and 4154
construction of any projects and improvements or the construction 4155
and repair of buildings under the control of a state agency. All 4156
such contracts may be based in whole or in part on the unit price 4157
or maximum estimated cost, with payment computed and made upon 4158
actual quantities or units. 4159

(4) Adopt, amend, and rescind rules pertaining to the 4160
administration of the construction of the public works of the 4161
state as required by law, in accordance with Chapter 119. of the 4162
Revised Code. 4163

(5) Contract with, retain the services of, or designate, and 4164
fix the compensation of, such agents, accountants, consultants, 4165
advisers, and other independent contractors as may be necessary or 4166
desirable to carry out the programs authorized under this chapter, 4167
or authorize the executive director to perform such powers and 4168
duties. 4169

(6) Receive and accept any gifts, grants, donations, and 4170
pledges, and receipts therefrom, to be used for the programs 4171
authorized under this chapter. 4172

(7) Make and enter into all contracts, commitments, and 4173
agreements, and execute all instruments, necessary or incidental 4174
to the performance of its duties and the execution of its rights 4175
and powers under this chapter, or authorize the executive director 4176
to perform such powers and duties. 4177

(8) Debar a contractor as provided in section 153.02 of the 4178
Revised Code. 4179

(9) Enter into and administer cooperative agreements for 4180
cultural projects, as provided in sections 123.28 and 123.281 of 4181
the Revised Code. 4182

(B) The commission shall appoint and fix the compensation of 4183
an executive director who shall serve at the pleasure of the 4184
commission. The executive director shall ~~exercise all powers that~~ 4185
~~the commission possesses,~~ supervise the operations of the 4186
commission, and perform such other duties as delegated by the 4187
commission. The executive director also shall employ and fix the 4188
compensation of such employees as will facilitate the activities 4189
and purposes of the commission, who shall serve at the pleasure of 4190
the executive director. The employees of the commission are exempt 4191
from Chapter 4117. of the Revised Code and are not considered 4192
public employees as defined in section 4117.01 of the Revised 4193
Code. Any agreement entered into prior to July 1, 2012, between 4194

the office of collective bargaining and the exclusive 4195
representative for employees of the commission is binding and 4196
shall continue to have effect. 4197

(C) The attorney general shall serve as the legal 4198
representative for the commission and may appoint other counsel as 4199
necessary for that purpose in accordance with section 109.07 of 4200
the Revised Code. 4201

(D) Purchases for, and the custody and repair of, buildings 4202
under the management and control of the capitol square review and 4203
advisory board are not subject to the control and jurisdiction of 4204
the Ohio facilities construction commission. 4205

Sec. 124.132. A state employee who is a certified disaster 4206
service volunteer of the American red cross or who is a verified 4207
team rubicon volunteer may be granted leave from ~~his~~ work with pay 4208
for not to exceed thirty work days in each year to participate in 4209
specialized disaster relief services ~~for the American red cross,~~ 4210
upon the request of the American red cross or of team rubicon for 4211
the services of that employee and upon the approval of that 4212
employee's appointing authority. The appointing authority shall 4213
compensate an employee granted leave under this section at ~~his~~ the 4214
employee's regular rate of pay for those regular work hours during 4215
which the employee is absent from ~~his~~ work. 4216

Sec. 124.82. (A) Except as provided in division (D) of this 4217
section, the department of administrative services, in 4218
consultation with the superintendent of insurance, shall, in 4219
accordance with competitive selection procedures of Chapter 125. 4220
of the Revised Code, contract with an insurance company or a 4221
health plan in combination with an insurance company, authorized 4222
to do business in this state, for the issuance of a policy or 4223
contract of health, medical, hospital, dental, vision, or surgical 4224

benefits, or any combination of those benefits, covering state 4225
employees who are paid directly by warrant of the director of 4226
budget and management, including elected state officials. The 4227
department may fulfill its obligation under this division by 4228
exercising its authority under division (A)(2) of section 124.81 4229
of the Revised Code. 4230

(B) Except as provided in division (D) of this section, the 4231
department may, in addition, in consultation with the 4232
superintendent of insurance, negotiate and contract with health 4233
insuring corporations holding a certificate of authority under 4234
Chapter 1751. of the Revised Code, in their approved service areas 4235
only, for issuance of a contract or contracts of health care 4236
services, covering state employees who are paid directly by 4237
warrant of the director of budget and management, including 4238
elected state officials. The department may enter into contracts 4239
with one or more insurance carriers or health plans to provide the 4240
same plan of benefits, provided that: 4241

(1) The employee be permitted to exercise the option as to 4242
which plan the employee will select under division (A) or (B) of 4243
this section, at a time that shall be determined by the 4244
department; 4245

(2) The health insuring corporations do not refuse to accept 4246
the employee, or the employee and the employee's family, if the 4247
employee exercises the option to select care provided by the 4248
corporations; 4249

(3) The employee may choose participation in only one of the 4250
plans sponsored by the department; 4251

(4) The director of health examines and certifies to the 4252
department that the quality and adequacy of care rendered by the 4253
health insuring corporations meet at least the standards of care 4254
provided by hospitals and physicians in that employee's community, 4255

who would be providing such care as would be covered by a contract 4256
awarded under division (A) of this section. 4257

(C) All or any portion of the cost, premium, or charge for 4258
the coverage in divisions (A) and (B) of this section may be paid 4259
in such manner or combination of manners as the department 4260
determines and may include the proration of health care costs, 4261
premiums, or charges for part-time employees. 4262

(D) Notwithstanding divisions (A) and (B) of this section, 4263
the department may provide benefits equivalent to those that may 4264
be paid under a policy or contract issued by an insurance company 4265
or a health plan pursuant to division (A) or (B) of this section. 4266

(E) This section does not prohibit the state office of 4267
collective bargaining from entering into an agreement with an 4268
employee representative for the purposes of providing fringe 4269
benefits, including, but not limited to, hospitalization, surgical 4270
care, major medical care, disability, dental care, vision care, 4271
medical care, hearing aids, prescription drugs, group life 4272
insurance, sickness and accident insurance, group legal services 4273
or other benefits, or any combination of those benefits, to 4274
employees paid directly by warrant of the director of budget and 4275
management through a jointly administered trust fund. The 4276
employer's contribution for the cost of the benefit care shall be 4277
mutually agreed to in the collectively bargained agreement. The 4278
amount, type, and structure of fringe benefits provided under this 4279
division is subject to the determination of the board of trustees 4280
of the jointly administered trust fund. Notwithstanding any other 4281
provision of the Revised Code, competitive bidding does not apply 4282
to the purchase of fringe benefits for employees under this 4283
division when those benefits are provided through a jointly 4284
administered trust fund. 4285

(F) Members of state boards or commissions may be covered by 4286
any policy, contract, or plan of benefits or services described in 4287

division (A) or (B) of this section. Board or commission members 4288
who are appointed for a fixed term and who are compensated on a 4289
per meeting basis, or paid only for expenses, or receive a 4290
combination of per diem payments and expenses shall pay the entire 4291
amount of the premiums, costs, or charges for that coverage. 4292

Sec. 124.824. (A) As used in this section, "death benefit 4293
fund recipient" means any recipient of a death benefit paid under 4294
section 742.63 of the Revised Code except a parent who receives a 4295
death benefit paid under division (E) of that section. 4296

(B)(1) Except as otherwise provided under division (B)(3) of 4297
this section, a death benefit fund recipient may elect to 4298
participate in any health, medical, hospital, dental, surgical, or 4299
vision benefit the department of administrative services contracts 4300
for under section 124.82 of the Revised Code or otherwise provides 4301
for the benefit of state employees who are paid directly by 4302
warrant of the director of budget and management. Receiving 4303
benefits under this section does not make the death benefit fund 4304
recipient a state employee. A death benefit fund recipient who 4305
elects to participate in a benefit under this section shall ~~do~~ 4306
~~both of the following:~~ 4307

~~(a) File a notice~~ file the election form developed by the 4308
director of administrative services under division (D) of this 4309
section with the ~~department of the death benefit fund recipient's~~ 4310
~~election to participate that specifies the benefits or combination~~ 4311
~~of benefits in which the recipient elects to participate~~ board of 4312
trustees of the Ohio police and fire pension fund, which serves as 4313
the trustees of the Ohio public safety officers death benefit fund 4314
pursuant to section 742.62 of the Revised Code. 4315

~~(b) Pay to the department the percentage of the premium or~~ 4316
~~cost for the applicable benefits that would be paid by a state~~ 4317
~~employee who elects that coverage.~~ The board of trustees shall 4318

forward the election form to the department after the board has 4319
approved an application for benefits under section 742.63 of the 4320
Revised Code. 4321

(2) A parent, guardian, custodian, or other person 4322
responsible for the care of a death benefit fund recipient who is 4323
under eighteen years of age or who is a surviving child entitled 4324
to extended benefits under division (H)(3) of section 742.63 of 4325
the Revised Code due to disability may file the election form 4326
required by division (B)(1) of this section on the death benefit 4327
fund recipient's behalf. 4328

(3) A death benefit fund recipient is ineligible to 4329
participate in a health, medical, hospital, dental, surgical, or 4330
vision benefit under division (B)(1) of this section if the 4331
recipient is eligible either of the following: 4332

(a) An employee paid directly by warrant of the director of 4333
budget and management who is eligible to participate in those 4334
benefits pursuant to section 124.82 of the Revised Code; 4335

(b) Eligible to enroll in the medicare program established by 4336
Title XVIII of the "Social Security Act," 79 Stat. 291 (1965), 42 4337
U.S.C. 1395c, as amended. 4338

(C) For each death benefit fund recipient who ~~participates~~ 4339
elects to participate in health, medical, hospital, dental, 4340
surgical, or vision benefits under division (B) of this section, 4341
the department shall ~~pay the percentage~~ notify the board of 4342
trustees of the premium or amount of the cost for the applicable 4343
benefits ~~that would be paid by a state employer for a state~~ 4344
~~employee who elects that coverage~~ that shall be withheld from 4345
benefits paid to a death benefit fund recipient under section 4346
742.63 of the Revised Code and forwarded to the department. The 4347
amount withheld from the death benefit fund recipient shall be the 4348
percentage of the cost of those benefits that would be paid by a 4349

state employee. The board of trustees shall pay the department the 4350
remaining cost of those benefits plus any applicable 4351
administrative costs from appropriations made for that purpose. 4352

(D) The director of administrative services shall prescribe 4353
procedures for the administration of benefits for death benefit 4354
fund recipients under this section, including the development of 4355
required forms for death benefit fund recipients to enroll, 4356
disenroll, or re-enroll in benefits under this section. The 4357
director shall provide the required election forms developed under 4358
this division to the board of trustees and shall notify the board 4359
of trustees of a death benefit recipient's enrollment, 4360
disenrollment, or re-enrollment in benefits under this section. 4361
The director shall notify the board of trustees when the 4362
department terminates the benefits a death benefit fund recipient 4363
has elected under division (B) of this section. 4364

(E) The board of trustees ~~of the Ohio police and fire pension~~ 4365
~~fund~~ shall provide any information ~~to the department~~ that the 4366
department requires to provide benefits under this section to the 4367
department, a designated third-party administrator, or both, 4368
including information regarding the identities, ages, and family 4369
relationships of death benefit fund recipients. 4370

Sec. 124.91. The director of administrative services annually 4371
shall conduct a survey on diversity within each state agency's 4372
workforce at the time of the survey. Not later than December 31, 4373
2020, and not later than the thirty-first day of December of each 4374
year thereafter, the director shall issue a report on the results 4375
of the surveys with the governor and the general assembly in 4376
accordance with section 101.68 of the Revised Code. 4377

4378

Sec. 125.01. As used in this chapter: 4379

(A) "Order" means a copy of a contract or a statement of the
nature of a contemplated expenditure, a description of the
property or supplies to be purchased or service to be performed,
other than a service performed by officers and regular employees
of the state, and per diem of the national guard, and the total
sum of the expenditure to be made therefor, if the sum is fixed
and ascertained, otherwise the estimated sum thereof, and an
authorization to pay for the contemplated expenditure, signed by
the person instructed and authorized to pay upon receipt of a
proper invoice.

(B) "Invoice" means an itemized listing showing delivery of
the supplies or performance of the service described in the order,
~~and the~~ including all of the following:

(1) The date of the purchase or rendering of the service,~~or~~
~~an~~;

(2) An itemization of the things done, material supplied, or
labor furnished,~~and the~~;

(3) The sum due pursuant to the contract or obligation.

(C) "Products" means materials, manufacturer's supplies,
merchandise, goods, wares, and foodstuffs.

(D) "Produced" means the manufacturing, processing, mining,
developing, and making of a thing into a new article with a
distinct character in use through the application of input, within
the state, of Ohio products, labor, skill, or other services.
"Produced" does not include the mere assembling or putting
together of non-Ohio products or materials.

(E) "Ohio products" means products that are mined, excavated,
produced, manufactured, raised, or grown in the state by a person
where the input of Ohio products, labor, skill, or other services
constitutes no less than twenty-five per cent of the manufactured
cost. With respect to mined products, such products shall be mined

or excavated in this state. 4411

(F) "Purchase" means to buy, rent, lease, lease purchase, or 4412
otherwise acquire supplies or services. "Purchase" also includes 4413
all functions that pertain to the obtaining of supplies or 4414
services, including description of requirements, selection and 4415
solicitation of sources, preparation and award of contracts, all 4416
phases of contract administration, and receipt and acceptance of 4417
the supplies and services and payment for them. 4418

(G) "Services" means the furnishing of labor, time, or effort 4419
by a person, not involving the delivery of a specific end product 4420
other than a report which, if provided, is merely incidental to 4421
the required performance. "Services" does not include services 4422
furnished pursuant to employment agreements or collective 4423
bargaining agreements. 4424

(H) "Supplies" means all property, including, but not limited 4425
to, equipment, materials, other tangible assets, and insurance, 4426
but excluding real property or an interest in real property. 4427

(I) "Competitive selection" means any of the following 4428
procedures for making purchases: 4429

(1) Competitive sealed bidding under section 125.07 of the 4430
Revised Code; 4431

(2) Competitive sealed proposals under section 125.071 of the 4432
Revised Code; 4433

(3) Reverse auctions under section 125.072 of the Revised 4434
Code. 4435

Sec. 125.14. (A) The director of administrative services 4436
shall allocate any proceeds from the transfer, sale, or lease of 4437
excess and surplus supplies in the following manner: 4438

(1) Except as otherwise provided in division (A)(2) of this 4439
section, the proceeds of such a transfer, sale, or lease shall be 4440

paid into the state treasury to the credit of the investment 4441
recovery fund, which is hereby created. 4442

(2) Except as otherwise provided in division (A)(2) of this 4443
section, when supplies originally were purchased with funds from 4444
nongeneral revenue fund sources, the director shall determine what 4445
fund or account originally was used to purchase the supplies, and 4446
the credit for the proceeds from any transfer, sale, or lease of 4447
those supplies shall be transferred to that fund or account. If 4448
the director cannot determine which fund or account originally was 4449
used to purchase the supplies, if the fund or account is no longer 4450
active, or if the proceeds from the transfer, sale, or lease of a 4451
unit of supplies are less than one hundred dollars or any larger 4452
amount the director may establish with the approval of the 4453
director of budget and management, then the proceeds from the 4454
transfer, sale, or lease of such supplies shall be paid into the 4455
state treasury to the credit of the investment recovery fund. 4456

(B) The investment recovery fund shall be used to pay for the 4457
operating expenses of the state surplus property program and of 4458
the federal surplus property program described in sections 125.84 4459
to 125.90 of the Revised Code. Any amounts in excess of these 4460
operating expenses shall periodically be transferred to the 4461
general revenue fund of the state. If proceeds paid into the 4462
investment recovery fund are insufficient to pay for the program's 4463
operating expenses, a service fee may be charged to state agencies 4464
to eliminate the deficit. 4465

(C) Proceeds from the sale of recyclable goods and materials 4466
shall be paid into the state treasury to the credit of the 4467
recycled materials fund, which is hereby created, except that the 4468
director of environmental protection, upon request, may grant an 4469
exemption from this requirement. The director shall administer the 4470
fund for the benefit of recycling programs in state agencies. 4471

Sec. 125.18. (A) There is hereby established the office of 4472
information technology within the department of administrative 4473
services. The office shall be under the supervision of a state 4474
chief information officer to be appointed by the director of 4475
administrative services and subject to removal at the pleasure of 4476
the director. The chief information officer is an assistant 4477
director of administrative services. 4478

(B) Under the direction of the director of administrative 4479
services, the state chief information officer shall lead, oversee, 4480
and direct state agency activities related to information 4481
technology development and use. In that regard, the state chief 4482
information officer shall do all of the following: 4483

(1) Coordinate and superintend statewide efforts to promote 4484
common use and development of technology by state agencies. The 4485
office of information technology shall establish policies and 4486
standards that govern and direct state agency participation in 4487
statewide programs and initiatives. 4488

(2) Establish policies and standards for the acquisition and 4489
use of common information technology by state agencies, including, 4490
but not limited to, hardware, software, technology services, and 4491
security, and the extension of the service life of information 4492
technology systems, with which state agencies shall comply; 4493

(3) Establish criteria and review processes to identify state 4494
agency information technology projects or purchases that require 4495
alignment or oversight. As appropriate, the department of 4496
administrative services shall provide the governor and the 4497
director of budget and management with notice and advice regarding 4498
the appropriate allocation of resources for those projects. The 4499
state chief information officer may require state agencies to 4500
provide, and may prescribe the form and manner by which they must 4501
provide, information to fulfill the state chief information 4502

officer's alignment and oversight role; 4503

(4) Establish policies and procedures for the security of 4504
personal information that is maintained and destroyed by state 4505
agencies; 4506

(5) Employ a chief information security officer who is 4507
responsible for the implementation of the policies and procedures 4508
described in division (B)(4) of this section and for coordinating 4509
the implementation of those policies and procedures in all of the 4510
state agencies; 4511

(6) Employ a chief privacy officer who is responsible for 4512
advising state agencies when establishing policies and procedures 4513
for the security of personal information and developing education 4514
and training programs regarding the state's security procedures; 4515

(7) Establish policies on the purchasing, use, and 4516
reimbursement for use of handheld computing and telecommunications 4517
devices by state agency employees; 4518

(8) Establish policies for the reduction of printing and the 4519
use of electronic records by state agencies; 4520

(9) Establish policies for the reduction of energy 4521
consumption by state agencies; 4522

(10) Compute the amount of revenue attributable to the 4523
amortization of all equipment purchases and capitalized systems 4524
from information technology service delivery and major information 4525
technology purchases, MARCS administration, enterprise 4526
applications, and the professions licensing system operating 4527
appropriation items and major computer purchases capital 4528
appropriation items that is recovered as part of the information 4529
technology services rates the department of administrative 4530
services charges and deposits into the information technology fund 4531
created in section 125.15 of the Revised Code, the user fees the 4532
department of administrative services charges and deposits in the 4533

MARCS administration fund created in section 4501.29 of the 4534
Revised Code, the rates the department of administrative services 4535
charges to benefiting agencies for the operation and management of 4536
information technology applications and deposits in the enterprise 4537
applications fund, and the rates the department of administrative 4538
services charges for the cost of ongoing maintenance of the 4539
professions licensing system and deposits in the professions 4540
licensing system fund. The enterprise applications fund is hereby 4541
created in the state treasury. 4542

(11) Regularly review and make recommendations regarding 4543
improving the infrastructure of the state's cybersecurity 4544
operations with existing resources and through partnerships 4545
between government, business, and institutions of higher 4546
education; 4547

(12) Assist, as needed, with general state efforts to grow 4548
the cybersecurity industry in this state. 4549

(C)(1) The chief information security officer shall assist 4550
each state agency with the development of an information 4551
technology security strategic plan and review that plan, and each 4552
state agency shall submit that plan to the state chief information 4553
officer. The chief information security officer may require that 4554
each state agency update its information technology security 4555
strategic plan annually as determined by the state chief 4556
information officer. 4557

(2) Prior to the implementation of any information technology 4558
data system, a state agency shall prepare or have prepared a 4559
privacy impact statement for that system. 4560

(D) When a state agency requests a purchase of information 4561
technology supplies or services under Chapter 125. of the Revised 4562
Code, the state chief information officer may review and reject 4563
the requested purchase for noncompliance with information 4564

technology direction, plans, policies, standards, or 4565
project-alignment criteria. 4566

(E) The office of information technology may operate 4567
technology services for state agencies in accordance with this 4568
chapter. 4569

Notwithstanding any provision of the Revised Code to the 4570
contrary, the office of information technology may assess a 4571
transaction fee on each license or registration issued as part of 4572
an electronic licensing system operated by the office in an amount 4573
determined by the office not to exceed three dollars and fifty 4574
cents. The transaction fee shall apply to all transactions, 4575
regardless of form, that immediately precede the issuance, 4576
renewal, reinstatement, reactivation of, or other activity that 4577
results in, a license or registration to operate as a regulated 4578
professional or entity. Each license or registration is a separate 4579
transaction to which a fee under this division applies. 4580
Notwithstanding any provision of the Revised Code to the contrary, 4581
if a fee is assessed under this section, no agency, board, or 4582
commission shall issue a license or registration unless a fee 4583
required by this division has been received. The director of 4584
administrative services may collect the fee or require a state 4585
agency, board, or commission for which the system is being 4586
operated to collect the fee. Amounts received under this division 4587
shall be deposited in or transferred to the professions licensing 4588
system fund created in division (I) of this section. 4589

(F) With the approval of the director of administrative 4590
services, the office of information technology may establish 4591
cooperative agreements with federal and local government agencies 4592
and state agencies that are not under the authority of the 4593
governor for the provision of technology services and the 4594
development of technology projects. 4595

(G) The office of information technology may operate a 4596

program to make information technology purchases. The director of 4597
administrative services may recover the cost of operating the 4598
program from all participating government entities by issuing 4599
intrastate transfer voucher billings for the procured technology 4600
or through any pass-through billing method agreed to by the 4601
director of administrative services, the director of budget and 4602
management, and the participating government entities that will 4603
receive the procured technology. 4604

If the director of administrative services chooses to recover 4605
the program costs through intrastate transfer voucher billings, 4606
the participating government entities shall process the intrastate 4607
transfer vouchers to pay for the cost. Amounts received under this 4608
section for the information technology purchase program shall be 4609
deposited to the credit of the information technology governance 4610
fund created in section 125.15 of the Revised Code. 4611

(H) Upon request from the director of administrative 4612
services, the director of budget and management may transfer cash 4613
from the information technology fund created in section 125.15 of 4614
the Revised Code, the MARCS administration fund created in section 4615
4501.29 of the Revised Code, the enterprise applications fund 4616
created in division (B)(10) of this section, or the professions 4617
licensing system fund created in division (I) of this section to 4618
the major information technology purchases fund in an amount not 4619
to exceed the amount computed under division (B)(10) of this 4620
section. The major information technology purchases fund is hereby 4621
created in the state treasury. 4622

(I) There is hereby created in the state treasury the 4623
professions licensing system fund. The fund shall be used to 4624
operate the electronic licensing system referenced in division (E) 4625
of this section. 4626

(J) As used in this section: 4627

(1) "Personal information" has the same meaning as in section 4628
149.45 of the Revised Code. 4629

(2) "State agency" means every organized body, office, or 4630
agency established by the laws of the state for the exercise of 4631
any function of state government, other than any state-supported 4632
institution of higher education, the office of the auditor of 4633
state, treasurer of state, secretary of state, or attorney 4634
general, the adjutant general's department, the bureau of workers' 4635
compensation, the industrial commission, the public employees 4636
retirement system, the Ohio police and fire pension fund, the 4637
state teachers retirement system, the school employees retirement 4638
system, the state highway patrol retirement system, the general 4639
assembly or any legislative agency, the capitol square review 4640
advisory board, or the courts or any judicial agency. 4641

Sec. 125.25. (A) The director of administrative services may 4642
debar a vendor from consideration for contract awards upon a 4643
finding based upon a reasonable belief that the vendor has done 4644
any of the following: 4645

(1) Abused the selection process by repeatedly withdrawing 4646
bids or proposals before purchase orders or contracts are issued 4647
or failing to accept orders based upon firm bids; 4648

(2) Failed to substantially perform a contract according to 4649
its terms, conditions, and specifications within specified time 4650
limits; 4651

(3) Failed to cooperate in monitoring contract performance by 4652
refusing to provide information or documents required in a 4653
contract, failed to respond to complaints to the vendor, or 4654
accumulated repeated justified complaints regarding performance of 4655
a contract; 4656

(4) Attempted to influence a public employee to breach 4657

ethical conduct standards or to influence a contract award; 4658

(5) Colluded to restrain competition by any means; 4659

(6) Been convicted of a criminal offense related to the 4660
application for or performance of any public or private contract, 4661
including, but not limited to, embezzlement, theft, forgery, 4662
bribery, falsification or destruction of records, receiving stolen 4663
property, and any other offense that directly reflects on the 4664
vendor's business integrity; 4665

(7) Been convicted under state or federal antitrust laws; 4666

(8) Deliberately or willfully submitted false or misleading 4667
information in connection with the application for or performance 4668
of a public contract; 4669

(9) Violated any other responsible business practice or 4670
performed in an unsatisfactory manner as determined by the 4671
director; 4672

(10) Through the default of a contract or through other means 4673
had a determination of unresolved finding for recovery by the 4674
auditor of state under section 9.24 of the Revised Code; 4675

(11) Acted in such a manner as to be debarred from 4676
participating in a contract with any governmental agency. 4677

(B) When the director reasonably believes that grounds for 4678
debarment exist, the director shall send the vendor a notice of 4679
proposed debarment indicating the grounds for the proposed 4680
debarment and the procedure for requesting a hearing on the 4681
proposed debarment. The hearing shall be conducted in accordance 4682
with Chapter 119. of the Revised Code. If the vendor does not 4683
respond with a request for a hearing in the manner specified in 4684
Chapter 119. of the Revised Code, the director shall issue the 4685
debarment decision without a hearing and shall notify the vendor 4686
of the decision by certified mail, return receipt requested. 4687

(C) The director shall determine the length of the debarment 4688
period and may rescind the debarment at any time upon notification 4689
to the vendor. During the period of debarment, the vendor is not 4690
eligible to participate in any state contract. After the debarment 4691
period expires, the vendor ~~shall~~ may be eligible to be awarded 4692
contracts by state agencies if the vendor is not otherwise 4693
debarred. 4694

(D) The director, through the office of procurement services, 4695
shall maintain a list of all vendors currently debarred under this 4696
section. 4697

Sec. 125.93. (A) As used in this section and section 125.931 4698
of the Revised Code: 4699

(1) "Affiliated company" means an entity, including a 4700
third-party payer or specialty pharmacy, with common ownership, 4701
members of a board of directors, or managers, or that is a parent 4702
company, subsidiary company, jointly held company, or holding 4703
company with respect to the other entity. 4704

(2) "Care management system," "medicaid managed care 4705
organization," and "prescribed drug" have the same meanings as in 4706
section 5167.01 of the Revised Code. 4707

(3) "Pharmacy benefit manager" has the same meaning as in 4708
section 3959.01 of the Revised Code. 4709

(4) "Third-party administrator" means any person who adjusts 4710
or settles claims on behalf of an insuring entity in connection 4711
with life, dental, health, prescription drugs, or disability 4712
insurance or self-insurance programs and includes a pharmacy 4713
benefit manager. 4714

(B) Not later than July 1, 2020, if the department of 4715
medicaid includes prescribed drugs in the care management system 4716
as authorized under section 5167.05 of the Revised Code and the 4717

department contracts with medicaid managed care organizations 4718
under section 5167.10 of the Revised Code, the director of 4719
administrative services, through a procurement process, shall 4720
select a third-party administrator to serve as the single pharmacy 4721
benefit manager used by medicaid managed care organizations under 4722
the care management system. 4723

(C) As part of the procurement process, the department of 4724
administrative services shall do all of the following: 4725

(1) Accept applications from entities seeking to become the 4726
state pharmacy benefit manager; 4727

(2) Establish eligibility criteria an entity must meet in 4728
order to become the state pharmacy benefit manager; 4729

(3) Select and contract with a single state pharmacy benefit 4730
manager; 4731

(4) Develop a master contract to be used by the director when 4732
contracting with the state pharmacy benefit manager; 4733

(D) A prospective state pharmacy benefit manager shall 4734
disclose to the director all of the following during the 4735
procurement process: 4736

(1) Any activity, policy, practice, contract or arrangement 4737
of the state pharmacy benefit manager that may directly or 4738
indirectly present any conflict of interest with the pharmacy 4739
benefit manager's relationship with or obligation to the 4740
department of administrative services, the department of medicaid, 4741
or a medicaid managed care organization; 4742

(2) All common ownership, members of a board of directors, 4743
managers, or other control of the pharmacy benefit manager (or any 4744
of the pharmacy benefit manager's affiliated companies) with any 4745
of the following: 4746

(a) A medicaid managed care organization and its affiliated 4747

companies; 4748

(b) An entity that contracts on behalf of a pharmacy or any 4749
pharmacy services administration organization and its affiliated 4750
companies; 4751

(c) A drug wholesaler or distributor and its affiliated 4752
companies; 4753

(d) A third-party payer and its affiliated companies; 4754

(e) A specialty pharmacy and its affiliated companies. 4755

(3) Any direct or indirect fees, charges, or any kind of 4756
assessments imposed by the pharmacy benefit manager on pharmacies 4757
licensed in this state with which the pharmacy benefit manager 4758
shares common ownership, management, or control; or that are 4759
owned, managed, or controlled by any of the pharmacy benefit 4760
manager's affiliated companies; 4761

(4) Any direct or indirect fees, charges, or any kind of 4762
assessments imposed by the pharmacy benefit manager on pharmacies 4763
licensed in this state that operate more than ten locations; 4764

(5) Any direct or indirect fees, charges, or any kind of 4765
assessments imposed by the pharmacy benefit manager on pharmacies 4766
licensed in this state that operate ten or fewer locations. 4767

(6) Any financial terms and arrangements between the pharmacy 4768
benefit manager and a prescription drug manufacturer or labeler, 4769
including formulary management, drug substitution programs, 4770
educational support claims processing, or data sales fees. 4771

Sec. 125.931. (A) The affiliated companies of the state 4772
pharmacy benefit manager selected under section 125.93 of the 4773
Revised Code may conduct pharmacy benefit manager business in 4774
their own names with medicaid managed care organizations. 4775

(B) No state pharmacy benefit manager or its affiliated 4776

companies shall be owned or otherwise associated in any way with a 4777
medicaid managed care organization or the medicaid managed care 4778
organization's affiliated companies. 4779

(C) The state pharmacy benefit manager owes to the department 4780
of administrative services and the department of medicaid a 4781
fiduciary duty and must perform its duties with care, skill, 4782
prudence, and diligence. This duty includes seeking the lowest 4783
prices for prescription drugs, pricing drugs at those lowest 4784
prices on the prescription drug formulary established under 4785
section 125.931 of the Revised Code, and cooperating with audits 4786
conducted by a state entity. 4787

Sec. 126.48. (A) Except as provided in division (B) of this 4788
section, any ~~preliminary or final~~ internal audit report ~~of an~~ 4789
~~internal audit's findings and recommendations which is~~ produced by 4790
the office of internal audit in the office of budget and 4791
management and all work papers of the internal audit are 4792
confidential and are not public records under section 149.43 of 4793
the Revised Code until the final report of an internal audit's 4794
findings and recommendations is submitted to the state audit 4795
committee, the governor, and the director of the state agency 4796
involved. 4797

(B) The following are not public records under section 149.43 4798
of the Revised Code: 4799

(1) An internal audit report or work paper that meets the 4800
definition of a security record or infrastructure record under 4801
section 149.433 of the Revised Code; 4802

(2) Any information derived from a state tax return or state 4803
tax return information as permitted to be used by the office of 4804
internal audit under section 5703.21 of the Revised Code. 4805

(3) Any record or document necessary for the performance of 4806

an internal audit received by the office of internal audit under 4807
division (C) of section 126.45 of the Revised Code, that is 4808
otherwise exempt from disclosure under state or federal law. 4809

Sec. 126.60. (A) There is hereby created in the state 4810
treasury the H2Ohio fund consisting of money credited to it and 4811
any donations, gifts, bequests, and other money received for 4812
deposit in the fund. All investment earnings of the fund shall be 4813
credited to the fund. All money credited or deposited in the fund 4814
shall be used for any of the following purposes: 4815

(1) Awarding or allocating grants or money, issuing loans, or 4816
making purchases for the development and implementation of 4817
projects and programs, including remediation projects, that are 4818
designed to address water quality priorities; 4819

(2) Funding cooperative research, data gathering and 4820
monitoring, and demonstration projects related to water quality 4821
priorities; 4822

(3) Encouraging cooperation with and among leaders from state 4823
legislatures, state agencies, political subdivisions, business and 4824
industry, labor, agriculture, environmental organizations, 4825
institutions of higher education, and water conservation 4826
districts; 4827

(4) Other purposes, policies, programs, and priorities 4828
identified by the Ohio Lake Erie commission in coordination with 4829
state agencies or boards responsible for water protection and 4830
water management, provided that the purposes, policies, programs, 4831
and priorities align with a statewide strategic vision and 4832
comprehensive periodic water protection and restoration strategy. 4833

(B)(1) The directors of agriculture, natural resources, and 4834
environmental protection shall each prepare an annual plan that, 4835
at a minimum, describes the following: 4836

<u>(a) Funding priorities;</u>	4837
<u>(b) The specific programs, projects, or entities proposed to receive funding;</u>	4838
	4839
<u>(c) The internal controls and external accountability measures that will be put in place to ensure that the funding is properly used.</u>	4840
	4841
	4842
<u>(2) Not later than the first day of March of each year, the directors shall deliver their respective annual plans to the H2Ohio advisory council created under section 126.61 of the Revised Code.</u>	4843
	4844
	4845
	4846
<u>(C) The H2Ohio advisory council shall review and shall approve or disapprove each annual plan in accordance with the council's policies and procedures adopted in accordance with section 126.62 of the Revised Code. An agency shall not expend money appropriated from the fund unless the council approves the plan submitted by the agency.</u>	4847
	4848
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 <u>Sec. 126.61. (A) There is hereby created the H2Ohio advisory council consisting of the following members:</u>	4853
	4854
<u>(1) The director of agriculture or the director's designee;</u>	4855
<u>(2) The director of environmental protection or the director's designee;</u>	4856
	4857
<u>(3) The director of natural resources or the director's designee;</u>	4858
	4859
<u>(4) The executive director of the Ohio Lake Erie commission who shall serve as a nonvoting, ex officio member;</u>	4860
	4861
<u>(5) Two members appointed by the president of the senate, one member of the majority party and one member of the minority party;</u>	4862
	4863
<u>(6) Two members appointed by the speaker of the house of representatives, one member of the majority party and one member</u>	4864
	4865

of the minority party; 4866

(7) One member appointed by the governor with the advice and 4867
consent of the senate who represents the interests of counties; 4868

(8) One member appointed by the governor with the advice and 4869
consent of the senate who represents the interests of townships; 4870

(9) One member appointed by the governor with the advice and 4871
consent of the senate who represents the interests of municipal 4872
corporations; 4873

(10) One member appointed by the governor with the advice and 4874
consent of the senate who represents the interests of public 4875
health; 4876

(11) Two members appointed by the governor with the advice 4877
and consent of the senate who represent the interests of business 4878
or tourism; 4879

(12) Two members appointed by the governor with the advice 4880
and consent of the senate who represent agricultural interests; 4881

(13) Two members appointed by the governor with the advice 4882
and consent of the senate who represent statewide environmental 4883
advocacy organizations. 4884

All appointments to the council shall be made not later than 4885
one hundred twenty days after the effective date of this section. 4886

(B)(1) The members appointed by the president of the senate 4887
and speaker of the house of representatives shall serve at the 4888
pleasure of their appointing authorities. Of the initial members 4889
appointed by the governor, five shall be appointed for two years 4890
and four shall be appointed for one year. Thereafter, terms of 4891
office for members appointed by the governor shall be for two 4892
years, with each term ending on the same day of the same month as 4893
did the term that it succeeds. The members appointed by the 4894
governor shall reflect the demographic and economic diversity of 4895

the population of the state. Additionally, the governor's 4896
appointments shall be from geographically diverse areas of the 4897
state so that all areas of the state have representation on the 4898
council. The governor may remove a member appointed by the 4899
governor for misfeasance, nonfeasance, or malfeasance in office. 4900

(2) Each appointed member shall hold office from the date of 4901
appointment until the end of the term for which the member is 4902
appointed. Members may be reappointed. Vacancies shall be filled 4903
in the same manner as provided for original appointments. Any 4904
member appointed to fill a vacancy occurring prior to the 4905
expiration date of the term for which the member was appointed 4906
shall hold office for the remainder of that term. A member shall 4907
continue in office after the expiration date of the member's term 4908
until the member's successor takes office or until a period of 4909
sixty days has elapsed, whichever occurs first. 4910

(C) The governor shall appoint a member of the council to 4911
serve as the chairperson of the council. The executive director of 4912
the Ohio Lake Erie commission shall serve as the vice-chairperson 4913
of the council unless the governor appoints the executive director 4914
as the chairperson. If the executive director is appointed 4915
chairperson, the council annually shall select a person from among 4916
its members to serve as vice-chairperson while the director is 4917
chairperson. The council annually shall select from among its 4918
members a secretary to keep a record of its proceedings. A 4919
majority vote of a quorum of the members of the council is 4920
necessary to take action on any matter. 4921

(D)(1) Members of the council are public officials or 4922
officers only for the purposes of section 9.86 and Chapters 102. 4923
and 2921. of the Revised Code. Serving as a member of the council 4924
does not constitute holding a public office or position of 4925
employment so as to constitute grounds for removal of public 4926
officers or employees serving as members of the council from their 4927

offices or positions of employment. 4928

(2) Members of the council shall file with the Ohio ethics 4929
commission the disclosure statement described in division (A) of 4930
section 102.02 of the Revised Code on the form prescribed by the 4931
commission. Members are subject to divisions (C) and (D) of that 4932
section. 4933

(3) Members of the council shall serve without compensation 4934
for attending council meetings, but shall receive their actual and 4935
necessary traveling and other expenses incurred in the performance 4936
of their official duties in accordance with the rules of the 4937
office of budget and management. 4938

(E) Members appointed by the governor to represent the 4939
interests of counties, townships, and municipal corporations do 4940
not have a conflict of interest by virtue of their service on the 4941
council. For the purposes of this division, "conflict of interest" 4942
means the taking of any action as a member of the council that 4943
affects a public agency the person serves as an officer or 4944
employee. 4945

(F) The Ohio Lake Erie commission, department of agriculture, 4946
and environmental protection agency shall provide administrative 4947
support to the council. The Ohio Lake Erie commission, in addition 4948
to providing administrative support, shall provide the location 4949
for council meetings. 4950

(G) Sections 101.82 to 101.87 of the Revised Code do not 4951
apply to the council. 4952

Sec. 126.62. (A) The H2Ohio advisory council created in 4953
section 126.61 of the Revised Code shall adopt bylaws governing 4954
its operation, including bylaws that establish all of the 4955
following: 4956

(1) The frequency of meetings; 4957

(2) Procedures for reviewing annual plans submitted by the 4958
directors of agriculture, natural resources, and environmental 4959
protection under section 126.60 of the Revised Code; 4960

(3) Procedures for approving or disapproving annual plans 4961
submitted by the directors of agriculture, natural resources, and 4962
environmental protection under section 126.60 of the Revised Code. 4963
The procedures shall include a process for resubmitting 4964
disapproved plans. 4965

(4) Any other policy or procedure that the council determines 4966
is necessary to carry out its duties and for the administration 4967
and oversight of the H2Ohio fund. 4968

(B) Not later than August 31, 2020, and annually thereafter, 4969
the H2Ohio advisory council, in coordination with the Ohio Lake 4970
Erie commission, shall do both of the following: 4971

(1) Prepare a report of the activities that were undertaken 4972
with respect to the fund during the immediately preceding fiscal 4973
year, including the revenues and expenses of the fund for the 4974
preceding fiscal year; 4975

(2) Submit the report to the general assembly and to the 4976
governor. 4977

Sec. 131.02. (A) Except as otherwise provided in section 4978
4123.37, section 5703.061, and division (K) of section 4123.511 of 4979
the Revised Code, whenever any amount is payable to the state, the 4980
officer, employee, or agent responsible for administering the law 4981
under which the amount is payable shall immediately proceed to 4982
collect the amount or cause the amount to be collected and shall 4983
pay the amount into the state treasury or into the appropriate 4984
custodial fund in the manner set forth pursuant to section 113.08 4985
of the Revised Code. Except as otherwise provided in this 4986
division, if the amount is not paid within forty-five days after 4987

payment is due, the officer, employee, or agent shall certify the 4988
amount due to the attorney general, in the form and manner 4989
prescribed by the attorney general, and notify the director of 4990
budget and management thereof. In the case of an amount payable by 4991
a student enrolled in a state institution of higher education, the 4992
amount shall be certified ~~within~~ not less than the later of 4993
forty-five days after the amount is due or the tenth day after the 4994
beginning of the next academic semester, quarter, or other session 4995
following the session for which the payment is payable; 4996
thereafter, the amount shall be certified within fifteen days. The 4997
attorney general may assess the collection cost to the amount 4998
certified in such manner and amount as prescribed by the attorney 4999
general. If an amount payable to a political subdivision is past 5000
due, the political subdivision may, with the approval of the 5001
attorney general, certify the amount to the attorney general 5002
pursuant to this section. 5003

For the purposes of this section, the attorney general and 5004
the officer, employee, or agent responsible for administering the 5005
law under which the amount is payable shall agree on the time a 5006
payment is due, and that agreed upon time shall be one of the 5007
following times: 5008

(1) If a law, including an administrative rule, of this state 5009
prescribes the time a payment is required to be made or reported, 5010
when the payment is required by that law to be paid or reported. 5011

(2) If the payment is for services rendered, when the 5012
rendering of the services is completed. 5013

(3) If the payment is reimbursement for a loss, when the loss 5014
is incurred. 5015

(4) In the case of a fine or penalty for which a law or 5016
administrative rule does not prescribe a time for payment, when 5017
the fine or penalty is first assessed. 5018

(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.

(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.

(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.

(8) Upon proof of claim being filed in a bankruptcy case.

(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency to which the payment is owed.

(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.

(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:

(a) The assessment or case number;

(b) The tax pursuant to which the assessment is made;

(c) The reason for the liability, including, if applicable, that a penalty or interest is due;

(d) An explanation of how and when interest will be added to the amount assessed;

(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.

(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.

(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.

(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:

(1) Compromise the claim;

(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.

(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.

(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;

(b) Cancel the claim or cause it to be canceled.

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified.

(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this

section, or any penalty, interest, or additional charge on such 5079
tax, after the expiration of the period ending on the later of the 5080
dates specified in divisions (F)(3)(a) and (b) of this section, 5081
provided that such period shall be extended by the period of any 5082
stay to such collection or by any other period to which the 5083
parties mutually agree. If the initial action in aid of execution 5084
is commenced before the later of the dates specified in divisions 5085
(F)(3)(a) and (b) of this section, any and all subsequent actions 5086
may be pursued in aid of execution of judgment for as long as the 5087
debt exists. 5088

(a) Seven years after the assessment of the tax, penalty, 5089
interest, or additional charge is issued. 5090

(b) Four years after the assessment of the tax, penalty, 5091
interest, or additional charge becomes final. For the purposes of 5092
division (F)(3)(b) of this section, the assessment becomes final 5093
at the latest of the following: upon expiration of the period to 5094
petition for reassessment, or if applicable, to appeal a final 5095
determination of the commissioner or decision of the board of tax 5096
appeals or a court, or, if applicable, upon decision of the United 5097
States supreme court. 5098

For the purposes of division (F)(3) of this section, an 5099
initial action to collect a tax debt is commenced at the time when 5100
any action, including any action in aid of execution on a 5101
judgment, commences after a certified copy of the tax 5102
commissioner's entry making an assessment final has been filed in 5103
the office of the clerk of court of common pleas in the county in 5104
which the taxpayer resides or has its principal place of business 5105
in this state, or in the office of the clerk of court of common 5106
pleas of Franklin county, as provided in section 5739.13, 5741.14, 5107
5747.13, or 5751.09 of the Revised Code or in any other applicable 5108
law requiring such a filing. If an assessment has not been issued 5109
and there is no time limitation on the issuance of an assessment 5110

under applicable law, an action to collect a tax debt commences 5111
when the action is filed in the courts of this state to collect 5112
the liability. 5113

(4) If information contained in a claim that is sold, 5114
conveyed, or transferred to a private entity pursuant to this 5115
section is confidential pursuant to federal law or a section of 5116
the Revised Code that implements a federal law governing 5117
confidentiality, such information remains subject to that law 5118
during and following the sale, conveyance, or transfer. 5119

Sec. 131.35. (A) With respect to ~~the federal funds revenue~~ 5120
received into any fund of the state ~~from which transfers may be~~ 5121
~~made under~~, except for those funds listed in division (D) of 5122
section 127.14 of the Revised Code: 5123

(1) No state agency may make expenditures of any federal 5124
~~funds revenue~~, whether ~~such funds are the revenue is~~ advanced 5125
prior to expenditure or as reimbursement, unless such expenditures 5126
are made pursuant to specific appropriations of the general 5127
assembly, are authorized by the controlling board pursuant to 5128
division (A)(5) of this section, or are authorized by an executive 5129
order issued in accordance with section 107.17 of the Revised 5130
Code, and until an allotment has been approved by the director of 5131
budget and management. All federal ~~funds revenue~~ received by a 5132
state agency shall be reported to the director within fifteen days 5133
of the receipt of ~~such funds the revenue~~ or the notification of 5134
award, whichever occurs first. The director shall prescribe the 5135
forms and procedures to be used when reporting the receipt of 5136
federal ~~funds revenue~~. 5137

(2) If the federal ~~funds revenue~~ received ~~are is~~ greater than 5138
the amount of ~~such funds the revenue~~ appropriated by the general 5139
assembly for a specific purpose, the total appropriation of 5140
federal and state funds for such purpose shall remain at the 5141

amount designated by the general assembly, except that the 5142
expenditure of federal ~~funds~~ revenue received in excess of such 5143
specific appropriation may be authorized by the controlling board, 5144
subject to division (D) of this section. 5145

(3) To the extent that the expenditure of excess federal 5146
~~funds~~ revenue is authorized, the controlling board may transfer a 5147
like amount of general revenue fund appropriation authority from 5148
the affected agency to the emergency purposes appropriation of the 5149
controlling board, if such action is permitted under federal 5150
regulations. 5151

(4) Additional funds may be created by the controlling board 5152
to receive revenues not anticipated in an appropriations act for 5153
the biennium in which such new revenues are received. Subject to 5154
division (D) of this section, expenditures from such additional 5155
funds may be authorized by the controlling board, but such 5156
authorization shall not extend beyond the end of the biennium in 5157
which such funds are created. 5158

(5) Controlling board authorization for a state agency to 5159
make an expenditure of federal ~~funds~~ revenue constitutes authority 5160
for the agency to participate in the federal program providing the 5161
~~funds~~ revenue, and the agency is not required to obtain an 5162
executive order under section 107.17 of the Revised Code to 5163
participate in the federal program. 5164

(B) With respect to nonfederal ~~funds~~ revenue received into 5165
~~the waterways safety fund, the wildlife fund, and any fund of the~~ 5166
~~state from which transfers may be made under,~~ except for any other 5167
fund listed in division (D) of section 127.14 of the Revised Code: 5168

(1) No state agency may make expenditures of any ~~such funds~~ 5169
of the revenue unless the expenditures are made pursuant to 5170
specific appropriations of the general assembly. 5171

(2) If the ~~receipts~~ revenue received into any fund ~~are~~ is 5172

greater than the amount appropriated, the appropriation for that 5173
fund shall remain at the amount designated by the general assembly 5174
or, subject to division (D) of this section, as increased and 5175
approved by the controlling board. 5176

(3) Additional funds may be created by the controlling board 5177
to receive revenues not anticipated in an appropriations act for 5178
the biennium in which such new revenues are received. Subject to 5179
division (D) of this section, expenditures from such additional 5180
funds may be authorized by the controlling board, but such 5181
authorization shall not extend beyond the end of the biennium in 5182
which such funds are created. 5183

(C) The controlling board shall not authorize more than ten 5184
per cent of additional spending from the occupational licensing 5185
and regulatory fund, created in section 4743.05 of the Revised 5186
Code, in excess of any appropriation made by the general assembly 5187
to a licensing agency except an appropriation for costs related to 5188
the examination or reexamination of applicants for a license. As 5189
used in this division, "licensing agency" and "license" have the 5190
same meanings as in section 4745.01 of the Revised Code. 5191

(D) If federal revenue is received in the waterways safety 5192
fund or wildlife fund, the controlling board, at the request of 5193
the director of natural resources, may approve the expenditure of 5194
the federal revenue for purposes for which the federal revenue was 5195
granted. 5196

(E) The amount of any expenditure authorized under division 5197
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 5198
related purpose or item in any fiscal year shall not exceed an 5199
amount greater than one-half of one per cent of the general 5200
revenue fund appropriations for that fiscal year. 5201

Sec. 131.511. (A) In addition to the amounts credited to the 5202
local government fund under section 131.51 of the Revised Code, 5203

the director of the office of budget and management shall credit 5204
monthly to the local government audit support fund a portion of 5205
total tax revenue credited to the general revenue fund equal to 5206
one-twelfth of the annual fiscal year appropriation from the local 5207
government audit support fund. 5208

(B) The director of budget and management shall develop a 5209
schedule identifying the specific tax revenue sources to be used 5210
to make the monthly transfers required under division (A) of this 5211
section. The director may, from time to time, revise the schedule 5212
of revenue sources as the director considers necessary. 5213

Sec. 141.04. (A) The annual salaries of the chief justice of 5214
the supreme court and of the justices and judges named in this 5215
section payable from the state treasury are as follows: 5216

(1) For the chief justice of the supreme court, the following 5217
amounts effective in the following years: 5218

(a) Beginning January 1, 2018, one hundred seventy-four 5219
thousand seven hundred dollars; 5220

(b) Beginning January 1, 2019, one hundred eighty-three 5221
thousand four hundred fifty dollars; 5222

(c) Beginning January 1, 2020, and in each calendar year 5223
thereafter through calendar year 2028 beginning on the first day 5224
of January, the annual compensation amount shall be increased by 5225
one and three-quarters per cent. 5226

(2) For the justices of the supreme court, the following 5227
amounts effective in the following years: 5228

(a) Beginning January 1, 2018, one hundred sixty-four 5229
thousand dollars; 5230

(b) Beginning January 1, 2019, one hundred seventy-two 5231
thousand two hundred dollars; 5232

(c) Beginning January 1, 2020, and in each calendar year 5233
thereafter through calendar year 2028 beginning on the first day 5234
of January, the annual compensation amount shall be increased by 5235
one and three-quarters per cent. 5236

(3) For the judges of the courts of appeals, the following 5237
amounts effective in the following years: 5238

(a) Beginning January 1, 2018, one hundred fifty-two thousand 5239
eight hundred fifty dollars; 5240

(b) Beginning January 1, 2019, one hundred sixty thousand 5241
five hundred dollars; 5242

(c) Beginning January 1, 2020, and in each calendar year 5243
thereafter through calendar year 2028 beginning on the first day 5244
of January, the annual compensation amount shall be increased by 5245
one and three-quarters per cent. 5246

(4) For the judges of the courts of common pleas, the 5247
following amounts effective in the following years, reduced by an 5248
amount equal to the annual compensation paid to that judge from 5249
the county treasury pursuant to section 141.05 of the Revised 5250
Code: 5251

(a) Beginning January 1, 2018, one hundred forty thousand 5252
five hundred fifty dollars; 5253

(b) Beginning January 1, 2019, one hundred forty-seven 5254
thousand six hundred dollars; 5255

(c) Beginning January 1, 2020, and in each calendar year 5256
thereafter through calendar year 2028 beginning on the first day 5257
of January, the annual compensation amount shall be increased by 5258
one and three-quarters per cent. 5259

(5) For the full-time judges of a municipal court or the 5260
part-time judges of a municipal court of a territory having a 5261
population of more than fifty thousand, the following amounts 5262

effective in the following years, reduced by an amount equal to 5263
the annual compensation paid to that judge pursuant to division 5264
(B)(1)(a) of section 1901.11 of the Revised Code from municipal 5265
corporations and counties: 5266

(a) Beginning January 1, 2018, one hundred thirty-two 5267
thousand one hundred fifty dollars; 5268

(b) Beginning January 1, 2019, one hundred thirty-eight 5269
thousand eight hundred dollars; 5270

(c) Beginning January 1, 2020, and in each calendar year 5271
thereafter through calendar year 2028 beginning on the first day 5272
of January, the annual compensation amount shall be increased by 5273
one and three-quarters per cent. 5274

(6) For judges of a municipal court designated as part-time 5275
judges by section 1901.08 of the Revised Code, other than 5276
part-time judges to whom division (A)(5) of this section applies, 5277
and for judges of a county court, the following amounts effective 5278
in the following years, reduced by an amount equal to the annual 5279
compensation paid to that judge pursuant to division (A) of 5280
section 1901.11 of the Revised Code from municipal corporations 5281
and counties or pursuant to division (A) of section 1907.16 of the 5282
Revised Code from counties: 5283

(a) Beginning January 1, 2018, seventy-six thousand fifty 5284
dollars; 5285

(b) Beginning January 1, 2019, seventy-nine thousand nine 5286
hundred dollars; 5287

(c) Beginning January 1, 2020, and in each calendar year 5288
thereafter through calendar year 2028 beginning on the first day 5289
of January, the annual compensation amount shall be increased by 5290
one and three-quarters per cent. 5291

(B) Except as provided in sections 1901.122 and 1901.123 of 5292

the Revised Code, except as otherwise provided in this division, 5293
and except for the compensation to which the judges described in 5294
division (A)(5) of this section are entitled pursuant to divisions 5295
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 5296
annual salary of the chief justice of the supreme court and of 5297
each justice or judge listed in division (A) of this section shall 5298
be paid in equal monthly installments from the state treasury. If 5299
the chief justice of the supreme court or any justice or judge 5300
listed in division (A)(2), (3), or (4) of this section delivers a 5301
written request to be paid biweekly to the administrative director 5302
of the supreme court prior to the first day of January of any 5303
year, the annual salary of the chief justice or the justice or 5304
judge that is listed in division (A)(2), (3), or (4) of this 5305
section shall be paid, during the year immediately following the 5306
year in which the request is delivered to the administrative 5307
director of the supreme court, biweekly from the state treasury. 5308

(C) Upon the death of the chief justice or a justice of the 5309
supreme court during that person's term of office, an amount shall 5310
be paid in accordance with section 2113.04 of the Revised Code, or 5311
to that person's estate. The amount shall equal the amount of the 5312
salary that the chief justice or justice would have received 5313
during the remainder of the unexpired term or an amount equal to 5314
the salary of office for two years, whichever is less. 5315

(D) Neither the chief justice of the supreme court nor any 5316
justice or judge of the supreme court, the court of appeals, the 5317
court of common pleas, or the probate court shall hold any other 5318
office of trust or profit under the authority of this state or the 5319
United States. 5320

(E) In addition to the salaries payable pursuant to this 5321
section, the chief justice of the supreme court and the justices 5322
of the supreme court shall be entitled to a vehicle allowance of 5323
five hundred dollars per month, payable from the state treasury. 5324

The allowance shall be increased on the first day of January of 5325
each odd-numbered year by an amount equal to the percentage 5326
increase, if any, in the consumer price index for the immediately 5327
preceding twenty-four month period for which information is 5328
available. 5329

~~(F) On or before the first day of December of each year, the 5330
Ohio supreme court, through its chief administrator, shall notify 5331
the administrative judge of the Montgomery county municipal court, 5332
the board of county commissioners of Montgomery county, and the 5333
treasurer of the state of the yearly salary cost of five part time 5334
county court judges as of that date. If the total yearly salary 5335
costs of all of the judges of the Montgomery county municipal 5336
court as of the first day of December of that same year exceeds 5337
that amount, the administrative judge of the Montgomery county 5338
municipal court shall cause payment of the excess between those 5339
two amounts less any reduced amount paid for the health care costs 5340
of the Montgomery county municipal court judges in comparison to 5341
the health care costs of five part time county court judges from 5342
the general special projects fund or the fund for a specific 5343
special project created pursuant to section 1901.26 of the Revised 5344
Code to the treasurer of Montgomery county and to the treasurer of 5345
the state in amounts proportional to the percentage of the 5346
salaries of the municipal court judges paid by the county and by 5347
the state. 5348~~

~~(G) As used in this section: 5349~~

(1) "Consumer price index" has the same meaning as in section 5350
101.27 of the Revised Code. 5351

(2) "Salary" does not include any portion of the cost, 5352
premium, or charge for health, medical, hospital, dental, or 5353
surgical benefits, or any combination of those benefits, covering 5354
the chief justice of the supreme court or a justice or judge named 5355
in this section and paid on the chief justice's or the justice's 5356

or judge's behalf by a governmental entity. 5357

Sec. 141.16. (A) Any voluntarily retired judge, or any judge 5358
who is retired under Section 6 of Article IV, Ohio Constitution, 5359
may be assigned with the judge's consent, by the chief justice or 5360
acting chief justice of the supreme court, to active duty as a 5361
judge. While so serving, the judge shall be paid, from money 5362
appropriated for this purpose, the established compensation for 5363
such office, computed on a per diem basis, in addition to any 5364
retirement benefits to which the judge may be entitled. 5365

(B) Annually, on the first day of August, the administrative 5366
director of the ~~Ohio courts~~ supreme court shall issue a billing to 5367
the county treasurer of any county to which such a judge is 5368
assigned for reimbursement of the county's portion of the 5369
compensation previously paid by the state for the twelve-month 5370
period preceding the last day of June. The county's portion of the 5371
compensation shall be that part of each per diem paid by the state 5372
which is proportional to the county's share of the total 5373
compensation of a resident judge of such court. The county 5374
treasurer shall forward the payment within thirty days. 5375

(C)~~(1)~~ A retired assigned judge is eligible to receive a 5376
retired assigned judge payment if the retired assigned judge 5377
completes not less than one hundred hours of service in the 5378
preceding quarter as assigned by the chief justice or acting chief 5379
justice. The payment shall be seven hundred fifty dollars per 5380
quarter and shall be paid from money appropriated for this 5381
purpose. The payment is subject to any and all applicable taxes 5382
under local, state, and federal law. 5383

~~(2) Except as provided in division (C)(3) of this section,~~ 5384
~~the~~ The payment shall be paid within thirty days after the end of 5385
the quarter in which the one hundred hours is served. 5386

~~(3) In the case of a county operated municipal court, other~~ 5387

~~municipal court, or county court to which a judge was assigned,~~ 5388
~~payment shall be made within thirty days after receipt of the~~ 5389
~~quarterly request for reimbursement as required in division (B) of~~ 5390
~~section 1901.123 of the Revised Code.~~ 5391

(D) Division (C) of this section does not affect any right of 5392
a retired assigned judge to receive any allowance, annuity, 5393
pension, or other benefit vested pursuant to Chapter 145. of the 5394
Revised Code or other eligible retirement system pursuant to Ohio 5395
law. 5396

(E) As used in this section: 5397

(1) "Retired assigned judge" is a judge that is described in 5398
division (A) of this section. 5399

(2) "Quarter" is the preceding three-month period ending on 5400
the last day of the month of March, June, September, or December 5401
of each year. 5402

Sec. 149.11. (A) Any department, division, bureau, board, or 5403
commission of the state government issuing a report, pamphlet, 5404
document, or other publication intended for general public use and 5405
distribution, which publication is reproduced by duplicating 5406
processes ~~such as mimeograph, multigraph, planograph, rotaprint,~~ 5407
~~or multilith, or printed internally or in print whether~~ through a 5408
contract awarded to any person, company, or the state printing 5409
division of the department of administrative services, shall cause 5410
to be delivered to the state library ~~one hundred~~ fifty copies of 5411
the publication, subject to the provisions of section 125.42 of 5412
the Revised Code. 5413

(B) The state library board shall distribute the print 5414
publications so received as follows: 5415

~~(A)~~ (1) Retain two copies in the state library; 5416

~~(B)~~ (2) Send two copies to the document division of the 5417

library of congress; 5418

~~(C)~~(3) Send one copy to the Ohio history connection and to 5419
each public or college library in the state designated by the 5420
state library board to be a depository for state publications. In 5421
designating which libraries shall be depositories, the board shall 5422
select those libraries that can best preserve those publications 5423
and that are so located geographically as will make the 5424
publications conveniently accessible to residents in all areas of 5425
the state. 5426

~~(D)~~(4) Send one copy to each state in exchange for like 5427
publications of that state. 5428

(C) A department, division, bureau, board, or commission of 5429
the state government shall notify the state library of the 5430
availability of documents or other publications, intended for 5431
general public use and distribution, which are made available 5432
electronically on its internet web site. The state library shall 5433
retain electronic publications in the state library digital 5434
archive and provide permanent access and records to each public or 5435
college library in the state designated by the state library board 5436
to be a depository for state publications. 5437

(D) The print publications described in division (A) of this 5438
section and the electronic publications described in division (C) 5439
of this section shall be considered already prepared and available 5440
for inspection, and, subject to applicable copyright protections, 5441
reproduction by any person at all reasonable times during regular 5442
business hours at the state library and each library designated as 5443
a depository for state publications. 5444

(E) The provisions of this section do not apply to any 5445
publication of the general assembly or to the publications 5446
described in sections 149.07, 149.08, 149.091, and 149.17 of the 5447
Revised Code, except that the secretary of state shall forward to 5448

the document division of the library of congress two copies of all 5449
journals, two copies of the session laws as provided for in 5450
section 149.091 of the Revised Code, and two copies of all 5451
appropriation laws in separate form. 5452

Sec. 149.43. (A) As used in this section: 5453

(1) "Public record" means records kept by any public office, 5454
including, but not limited to, state, county, city, village, 5455
township, and school district units, and records pertaining to the 5456
delivery of educational services by an alternative school in this 5457
state kept by the nonprofit or for-profit entity operating the 5458
alternative school pursuant to section 3313.533 of the Revised 5459
Code. "Public record" does not mean any of the following: 5460

(a) Medical records; 5461

(b) Records pertaining to probation and parole proceedings, 5462
to proceedings related to the imposition of community control 5463
sanctions and post-release control sanctions, or to proceedings 5464
related to determinations under section 2967.271 of the Revised 5465
Code regarding the release or maintained incarceration of an 5466
offender to whom that section applies; 5467

(c) Records pertaining to actions under section 2151.85 and 5468
division (C) of section 2919.121 of the Revised Code and to 5469
appeals of actions arising under those sections; 5470

(d) Records pertaining to adoption proceedings, including the 5471
contents of an adoption file maintained by the department of 5472
health under sections 3705.12 to 3705.124 of the Revised Code; 5473

(e) Information in a record contained in the putative father 5474
registry established by section 3107.062 of the Revised Code, 5475
regardless of whether the information is held by the department of 5476
job and family services or, pursuant to section 3111.69 of the 5477
Revised Code, the office of child support in the department or a 5478

child support enforcement agency;	5479
(f) Records specified in division (A) of section 3107.52 of	5480
the Revised Code;	5481
(g) Trial preparation records;	5482
(h) Confidential law enforcement investigatory records;	5483
(i) Records containing information that is confidential under	5484
section 2710.03 or 4112.05 of the Revised Code;	5485
(j) DNA records stored in the DNA database pursuant to	5486
section 109.573 of the Revised Code;	5487
(k) Inmate records released by the department of	5488
rehabilitation and correction to the department of youth services	5489
or a court of record pursuant to division (E) of section 5120.21	5490
of the Revised Code;	5491
(l) Records maintained by the department of youth services	5492
pertaining to children in its custody released by the department	5493
of youth services to the department of rehabilitation and	5494
correction pursuant to section 5139.05 of the Revised Code;	5495
(m) Intellectual property records;	5496
(n) Donor profile records;	5497
(o) Records maintained by the department of job and family	5498
services pursuant to section 3121.894 of the Revised Code;	5499
(p) Designated public service worker residential and familial	5500
information;	5501
(q) In the case of a county hospital operated pursuant to	5502
Chapter 339. of the Revised Code or a municipal hospital operated	5503
pursuant to Chapter 749. of the Revised Code, information that	5504
constitutes a trade secret, as defined in section 1333.61 of the	5505
Revised Code;	5506
(r) Information pertaining to the recreational activities of	5507

a person under the age of eighteen; 5508

(s) In the case of a child fatality review board acting under 5509
sections 307.621 to 307.629 of the Revised Code or a review 5510
conducted pursuant to guidelines established by the director of 5511
health under section 3701.70 of the Revised Code, records provided 5512
to the board or director, statements made by board members during 5513
meetings of the board or by persons participating in the 5514
director's review, and all work products of the board or director, 5515
and in the case of a child fatality review board, child fatality 5516
review data submitted by the board to the department of health or 5517
a national child death review database, other than the report 5518
prepared pursuant to division (A) of section 307.626 of the 5519
Revised Code; 5520

(t) Records provided to and statements made by the executive 5521
director of a public children services agency or a prosecuting 5522
attorney acting pursuant to section 5153.171 of the Revised Code 5523
other than the information released under that section; 5524

(u) Test materials, examinations, or evaluation tools used in 5525
an examination for licensure as a nursing home administrator that 5526
the board of executives of long-term services and supports 5527
administers under section ~~4751.04~~ 4751.15 of the Revised Code or 5528
contracts under that section with a private or government entity 5529
to administer; 5530

(v) Records the release of which is prohibited by state or 5531
federal law; 5532

(w) Proprietary information of or relating to any person that 5533
is submitted to or compiled by the Ohio venture capital authority 5534
created under section 150.01 of the Revised Code; 5535

(x) Financial statements and data any person submits for any 5536
purpose to the Ohio housing finance agency or the controlling 5537
board in connection with applying for, receiving, or accounting 5538

for financial assistance from the agency, and information that 5539
identifies any individual who benefits directly or indirectly from 5540
financial assistance from the agency; 5541

(y) Records listed in section 5101.29 of the Revised Code; 5542

(z) Discharges recorded with a county recorder under section 5543
317.24 of the Revised Code, as specified in division (B)(2) of 5544
that section; 5545

(aa) Usage information including names and addresses of 5546
specific residential and commercial customers of a municipally 5547
owned or operated public utility; 5548

(bb) Records described in division (C) of section 187.04 of 5549
the Revised Code that are not designated to be made available to 5550
the public as provided in that division; 5551

(cc) Information and records that are made confidential, 5552
privileged, and not subject to disclosure under divisions (B) and 5553
(C) of section 2949.221 of the Revised Code; 5554

(dd) Personal information, as defined in section 149.45 of 5555
the Revised Code; 5556

(ee) The confidential name, address, and other personally 5557
identifiable information of a program participant in the address 5558
confidentiality program established under sections 111.41 to 5559
111.47 of the Revised Code, including the contents of any 5560
application for absent voter's ballots, absent voter's ballot 5561
identification envelope statement of voter, or provisional ballot 5562
affirmation completed by a program participant who has a 5563
confidential voter registration record, and records or portions of 5564
records pertaining to that program that identify the number of 5565
program participants that reside within a precinct, ward, 5566
township, municipal corporation, county, or any other geographic 5567
area smaller than the state. As used in this division, 5568
"confidential address" and "program participant" have the meaning 5569

defined in section 111.41 of the Revised Code. 5570

(ff) Orders for active military service of an individual 5571
serving or with previous service in the armed forces of the United 5572
States, including a reserve component, or the Ohio organized 5573
militia, except that, such order becomes a public record on the 5574
day that is fifteen years after the published date or effective 5575
date of the call to order; 5576

(gg) The name, address, contact information, or other 5577
personal information of an individual who is less than eighteen 5578
years of age that is included in any record related to a traffic 5579
accident involving a school vehicle in which the individual was an 5580
occupant at the time of the accident; 5581

(hh) Protected health information, as defined in 45 C.F.R. 5582
160.103, that is in a claim for payment for a health care product, 5583
service, or procedure, as well as any other health claims data in 5584
another document that reveals the identity of an individual who is 5585
the subject of the data or could be used to reveal that 5586
individual's identity; 5587

(ii) Any depiction by photograph, film, videotape, or printed 5588
or digital image under either of the following circumstances: 5589

(i) The depiction is that of a victim of an offense the 5590
release of which would be, to a reasonable person of ordinary 5591
sensibilities, an offensive and objectionable intrusion into the 5592
victim's expectation of bodily privacy and integrity. 5593

(ii) The depiction captures or depicts the victim of a 5594
sexually oriented offense, as defined in section 2950.01 of the 5595
Revised Code, at the actual occurrence of that offense. 5596

(jj) Restricted portions of a body-worn camera or dashboard 5597
camera recording. 5598

A record that is not a public record under division (A)(1) of 5599

this section and that, under law, is permanently retained becomes 5600
a public record on the day that is seventy-five years after the 5601
day on which the record was created, except for any record 5602
protected by the attorney-client privilege, a trial preparation 5603
record as defined in this section, a statement prohibiting the 5604
release of identifying information signed under section 3107.083 5605
of the Revised Code, a denial of release form filed pursuant to 5606
section 3107.46 of the Revised Code, or any record that is exempt 5607
from release or disclosure under section 149.433 of the Revised 5608
Code. If the record is a birth certificate and a biological 5609
parent's name redaction request form has been accepted under 5610
section 3107.391 of the Revised Code, the name of that parent 5611
shall be redacted from the birth certificate before it is released 5612
under this paragraph. If any other section of the Revised Code 5613
establishes a time period for disclosure of a record that 5614
conflicts with the time period specified in this section, the time 5615
period in the other section prevails. 5616

(2) "Confidential law enforcement investigatory record" means 5617
any record that pertains to a law enforcement matter of a 5618
criminal, quasi-criminal, civil, or administrative nature, but 5619
only to the extent that the release of the record would create a 5620
high probability of disclosure of any of the following: 5621

(a) The identity of a suspect who has not been charged with 5622
the offense to which the record pertains, or of an information 5623
source or witness to whom confidentiality has been reasonably 5624
promised; 5625

(b) Information provided by an information source or witness 5626
to whom confidentiality has been reasonably promised, which 5627
information would reasonably tend to disclose the source's or 5628
witness's identity; 5629

(c) Specific confidential investigatory techniques or 5630
procedures or specific investigatory work product; 5631

(d) Information that would endanger the life or physical 5632
safety of law enforcement personnel, a crime victim, a witness, or 5633
a confidential information source. 5634

(3) "Medical record" means any document or combination of 5635
documents, except births, deaths, and the fact of admission to or 5636
discharge from a hospital, that pertains to the medical history, 5637
diagnosis, prognosis, or medical condition of a patient and that 5638
is generated and maintained in the process of medical treatment. 5639

(4) "Trial preparation record" means any record that contains 5640
information that is specifically compiled in reasonable 5641
anticipation of, or in defense of, a civil or criminal action or 5642
proceeding, including the independent thought processes and 5643
personal trial preparation of an attorney. 5644

(5) "Intellectual property record" means a record, other than 5645
a financial or administrative record, that is produced or 5646
collected by or for faculty or staff of a state institution of 5647
higher learning in the conduct of or as a result of study or 5648
research on an educational, commercial, scientific, artistic, 5649
technical, or scholarly issue, regardless of whether the study or 5650
research was sponsored by the institution alone or in conjunction 5651
with a governmental body or private concern, and that has not been 5652
publicly released, published, or patented. 5653

(6) "Donor profile record" means all records about donors or 5654
potential donors to a public institution of higher education 5655
except the names and reported addresses of the actual donors and 5656
the date, amount, and conditions of the actual donation. 5657

(7) "Designated public service worker" means a peace officer, 5658
parole officer, probation officer, bailiff, prosecuting attorney, 5659
assistant prosecuting attorney, correctional employee, county or 5660
multicounty corrections officer, community-based correctional 5661
facility employee, youth services employee, firefighter, EMT, 5662

medical director or member of a cooperating physician advisory 5663
board of an emergency medical service organization, state board of 5664
pharmacy employee, investigator of the bureau of criminal 5665
identification and investigation, judge, magistrate, or federal 5666
law enforcement officer. 5667

(8) "Designated public service worker residential and 5668
familial information" means any information that discloses any of 5669
the following about a designated public service worker: 5670

(a) The address of the actual personal residence of a 5671
designated public service worker, except for the following 5672
information: 5673

(i) The address of the actual personal residence of a 5674
prosecuting attorney or judge; and 5675

(ii) The state or political subdivision in which a designated 5676
public service worker resides. 5677

(b) Information compiled from referral to or participation in 5678
an employee assistance program; 5679

(c) The social security number, the residential telephone 5680
number, any bank account, debit card, charge card, or credit card 5681
number, or the emergency telephone number of, or any medical 5682
information pertaining to, a designated public service worker; 5683

(d) The name of any beneficiary of employment benefits, 5684
including, but not limited to, life insurance benefits, provided 5685
to a designated public service worker by the designated public 5686
service worker's employer; 5687

(e) The identity and amount of any charitable or employment 5688
benefit deduction made by the designated public service worker's 5689
employer from the designated public service worker's compensation, 5690
unless the amount of the deduction is required by state or federal 5691
law; 5692

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

(9) As used in divisions (A)(7) and (15) to (17) of this section:

"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation,

township, fire district, or village. 5724

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 5725
emergency medical services for a public emergency medical service 5726
organization. "Emergency medical service organization," 5727
"EMT-basic," "EMT-I," and "paramedic" have the meanings defined in 5728
section 4765.01 of the Revised Code. 5729

"Investigator of the bureau of criminal identification and 5730
investigation" has the meaning defined in section 2903.11 of the 5731
Revised Code. 5732

"Federal law enforcement officer" has the meaning defined in 5733
section 9.88 of the Revised Code. 5734

(10) "Information pertaining to the recreational activities 5735
of a person under the age of eighteen" means information that is 5736
kept in the ordinary course of business by a public office, that 5737
pertains to the recreational activities of a person under the age 5738
of eighteen years, and that discloses any of the following: 5739

(a) The address or telephone number of a person under the age 5740
of eighteen or the address or telephone number of that person's 5741
parent, guardian, custodian, or emergency contact person; 5742

(b) The social security number, birth date, or photographic 5743
image of a person under the age of eighteen; 5744

(c) Any medical record, history, or information pertaining to 5745
a person under the age of eighteen; 5746

(d) Any additional information sought or required about a 5747
person under the age of eighteen for the purpose of allowing that 5748
person to participate in any recreational activity conducted or 5749
sponsored by a public office or to use or obtain admission 5750
privileges to any recreational facility owned or operated by a 5751
public office. 5752

(11) "Community control sanction" has the meaning defined in 5753

section 2929.01 of the Revised Code. 5754

(12) "Post-release control sanction" has the meaning defined 5755
in section 2967.01 of the Revised Code. 5756

(13) "Redaction" means obscuring or deleting any information 5757
that is exempt from the duty to permit public inspection or 5758
copying from an item that otherwise meets the definition of a 5759
"record" in section 149.011 of the Revised Code. 5760

(14) "Designee," "elected official," and "future official" 5761
have the meanings defined in section 109.43 of the Revised Code. 5762

(15) "Body-worn camera" means a visual and audio recording 5763
device worn on the person of a peace officer while the peace 5764
officer is engaged in the performance of the peace officer's 5765
duties. 5766

(16) "Dashboard camera" means a visual and audio recording 5767
device mounted on a peace officer's vehicle or vessel that is used 5768
while the peace officer is engaged in the performance of the peace 5769
officer's duties. 5770

(17) "Restricted portions of a body-worn camera or dashboard 5771
camera recording" means any visual or audio portion of a body-worn 5772
camera or dashboard camera recording that shows, communicates, or 5773
discloses any of the following: 5774

(a) The image or identity of a child or information that 5775
could lead to the identification of a child who is a primary 5776
subject of the recording when the law enforcement agency knows or 5777
has reason to know the person is a child based on the law 5778
enforcement agency's records or the content of the recording; 5779

(b) The death of a person or a deceased person's body, unless 5780
the death was caused by a peace officer or, subject to division 5781
(H)(1) of this section, the consent of the decedent's executor or 5782
administrator has been obtained; 5783

(c) The death of a peace officer, firefighter, paramedic, or 5784
other first responder, occurring while the decedent was engaged in 5785
the performance of official duties, unless, subject to division 5786
(H)(1) of this section, the consent of the decedent's executor or 5787
administrator has been obtained; 5788

(d) Grievous bodily harm, unless the injury was effected by a 5789
peace officer or, subject to division (H)(1) of this section, the 5790
consent of the injured person or the injured person's guardian has 5791
been obtained; 5792

(e) An act of severe violence against a person that results 5793
in serious physical harm to the person, unless the act and injury 5794
was effected by a peace officer or, subject to division (H)(1) of 5795
this section, the consent of the injured person or the injured 5796
person's guardian has been obtained; 5797

(f) Grievous bodily harm to a peace officer, firefighter, 5798
paramedic, or other first responder, occurring while the injured 5799
person was engaged in the performance of official duties, unless, 5800
subject to division (H)(1) of this section, the consent of the 5801
injured person or the injured person's guardian has been obtained; 5802

(g) An act of severe violence resulting in serious physical 5803
harm against a peace officer, firefighter, paramedic, or other 5804
first responder, occurring while the injured person was engaged in 5805
the performance of official duties, unless, subject to division 5806
(H)(1) of this section, the consent of the injured person or the 5807
injured person's guardian has been obtained; 5808

(h) A person's nude body, unless, subject to division (H)(1) 5809
of this section, the person's consent has been obtained; 5810

(i) Protected health information, the identity of a person in 5811
a health care facility who is not the subject of a law enforcement 5812
encounter, or any other information in a health care facility that 5813
could identify a person who is not the subject of a law 5814

enforcement encounter; 5815

(j) Information that could identify the alleged victim of a 5816
sex offense, menacing by stalking, or domestic violence; 5817

(k) Information, that does not constitute a confidential law 5818
enforcement investigatory record, that could identify a person who 5819
provides sensitive or confidential information to a law 5820
enforcement agency when the disclosure of the person's identity or 5821
the information provided could reasonably be expected to threaten 5822
or endanger the safety or property of the person or another 5823
person; 5824

(l) Personal information of a person who is not arrested, 5825
cited, charged, or issued a written warning by a peace officer; 5826

(m) Proprietary police contingency plans or tactics that are 5827
intended to prevent crime and maintain public order and safety; 5828

(n) A personal conversation unrelated to work between peace 5829
officers or between a peace officer and an employee of a law 5830
enforcement agency; 5831

(o) A conversation between a peace officer and a member of 5832
the public that does not concern law enforcement activities; 5833

(p) The interior of a residence, unless the interior of a 5834
residence is the location of an adversarial encounter with, or a 5835
use of force by, a peace officer; 5836

(q) Any portion of the interior of a private business that is 5837
not open to the public, unless an adversarial encounter with, or a 5838
use of force by, a peace officer occurs in that location. 5839

As used in division (A)(17) of this section: 5840

"Grievous bodily harm" has the same meaning as in section 5841
5924.120 of the Revised Code. 5842

"Health care facility" has the same meaning as in section 5843
1337.11 of the Revised Code. 5844

"Protected health information" has the same meaning as in 45 5845
C.F.R. 160.103. 5846

"Law enforcement agency" has the same meaning as in section 5847
2925.61 of the Revised Code. 5848

"Personal information" means any government-issued 5849
identification number, date of birth, address, financial 5850
information, or criminal justice information from the law 5851
enforcement automated data system or similar databases. 5852

"Sex offense" has the same meaning as in section 2907.10 of 5853
the Revised Code. 5854

"Firefighter," "paramedic," and "first responder" have the 5855
same meanings as in section 4765.01 of the Revised Code. 5856

(B)(1) Upon request and subject to division (B)(8) of this 5857
section, all public records responsive to the request shall be 5858
promptly prepared and made available for inspection to any person 5859
at all reasonable times during regular business hours. Subject to 5860
division (B)(8) of this section, upon request by any person, a 5861
public office or person responsible for public records shall make 5862
copies of the requested public record available to the requester 5863
at cost and within a reasonable period of time. If a public record 5864
contains information that is exempt from the duty to permit public 5865
inspection or to copy the public record, the public office or the 5866
person responsible for the public record shall make available all 5867
of the information within the public record that is not exempt. 5868
When making that public record available for public inspection or 5869
copying that public record, the public office or the person 5870
responsible for the public record shall notify the requester of 5871
any redaction or make the redaction plainly visible. A redaction 5872
shall be deemed a denial of a request to inspect or copy the 5873
redacted information, except if federal or state law authorizes or 5874
requires a public office to make the redaction. 5875

(2) To facilitate broader access to public records, a public 5876
office or the person responsible for public records shall organize 5877
and maintain public records in a manner that they can be made 5878
available for inspection or copying in accordance with division 5879
(B) of this section. A public office also shall have available a 5880
copy of its current records retention schedule at a location 5881
readily available to the public. If a requester makes an ambiguous 5882
or overly broad request or has difficulty in making a request for 5883
copies or inspection of public records under this section such 5884
that the public office or the person responsible for the requested 5885
public record cannot reasonably identify what public records are 5886
being requested, the public office or the person responsible for 5887
the requested public record may deny the request but shall provide 5888
the requester with an opportunity to revise the request by 5889
informing the requester of the manner in which records are 5890
maintained by the public office and accessed in the ordinary 5891
course of the public office's or person's duties. 5892

(3) If a request is ultimately denied, in part or in whole, 5893
the public office or the person responsible for the requested 5894
public record shall provide the requester with an explanation, 5895
including legal authority, setting forth why the request was 5896
denied. If the initial request was provided in writing, the 5897
explanation also shall be provided to the requester in writing. 5898
The explanation shall not preclude the public office or the person 5899
responsible for the requested public record from relying upon 5900
additional reasons or legal authority in defending an action 5901
commenced under division (C) of this section. 5902

(4) Unless specifically required or authorized by state or 5903
federal law or in accordance with division (B) of this section, no 5904
public office or person responsible for public records may limit 5905
or condition the availability of public records by requiring 5906
disclosure of the requester's identity or the intended use of the 5907

requested public record. Any requirement that the requester 5908
disclose the requester's identity or the intended use of the 5909
requested public record constitutes a denial of the request. 5910

(5) A public office or person responsible for public records 5911
may ask a requester to make the request in writing, may ask for 5912
the requester's identity, and may inquire about the intended use 5913
of the information requested, but may do so only after disclosing 5914
to the requester that a written request is not mandatory, that the 5915
requester may decline to reveal the requester's identity or the 5916
intended use, and when a written request or disclosure of the 5917
identity or intended use would benefit the requester by enhancing 5918
the ability of the public office or person responsible for public 5919
records to identify, locate, or deliver the public records sought 5920
by the requester. 5921

(6) If any person requests a copy of a public record in 5922
accordance with division (B) of this section, the public office or 5923
person responsible for the public record may require that person 5924
to pay in advance the cost involved in providing the copy of the 5925
public record in accordance with the choice made by the person 5926
requesting the copy under this division. The public office or the 5927
person responsible for the public record shall permit that person 5928
to choose to have the public record duplicated upon paper, upon 5929
the same medium upon which the public office or person responsible 5930
for the public record keeps it, or upon any other medium upon 5931
which the public office or person responsible for the public 5932
record determines that it reasonably can be duplicated as an 5933
integral part of the normal operations of the public office or 5934
person responsible for the public record. When the person 5935
requesting the copy makes a choice under this division, the public 5936
office or person responsible for the public record shall provide a 5937
copy of it in accordance with the choice made by that person. 5938
Nothing in this section requires a public office or person 5939

responsible for the public record to allow the person requesting a 5940
copy of the public record to make the copies of the public record. 5941

(7)(a) Upon a request made in accordance with division (B) of 5942
this section and subject to division (B)(6) of this section, a 5943
public office or person responsible for public records shall 5944
transmit a copy of a public record to any person by United States 5945
mail or by any other means of delivery or transmission within a 5946
reasonable period of time after receiving the request for the 5947
copy. The public office or person responsible for the public 5948
record may require the person making the request to pay in advance 5949
the cost of postage if the copy is transmitted by United States 5950
mail or the cost of delivery if the copy is transmitted other than 5951
by United States mail, and to pay in advance the costs incurred 5952
for other supplies used in the mailing, delivery, or transmission. 5953

(b) Any public office may adopt a policy and procedures that 5954
it will follow in transmitting, within a reasonable period of time 5955
after receiving a request, copies of public records by United 5956
States mail or by any other means of delivery or transmission 5957
pursuant to division (B)(7) of this section. A public office that 5958
adopts a policy and procedures under division (B)(7) of this 5959
section shall comply with them in performing its duties under that 5960
division. 5961

(c) In any policy and procedures adopted under division 5962
(B)(7) of this section: 5963

(i) A public office may limit the number of records requested 5964
by a person that the office will physically deliver by United 5965
States mail or by another delivery service to ten per month, 5966
unless the person certifies to the office in writing that the 5967
person does not intend to use or forward the requested records, or 5968
the information contained in them, for commercial purposes; 5969

(ii) A public office that chooses to provide some or all of 5970

its public records on a web site that is fully accessible to and 5971
searchable by members of the public at all times, other than 5972
during acts of God outside the public office's control or 5973
maintenance, and that charges no fee to search, access, download, 5974
or otherwise receive records provided on the web site, may limit 5975
to ten per month the number of records requested by a person that 5976
the office will deliver in a digital format, unless the requested 5977
records are not provided on the web site and unless the person 5978
certifies to the office in writing that the person does not intend 5979
to use or forward the requested records, or the information 5980
contained in them, for commercial purposes. 5981

(iii) For purposes of division (B)(7) of this section, 5982
"commercial" shall be narrowly construed and does not include 5983
reporting or gathering news, reporting or gathering information to 5984
assist citizen oversight or understanding of the operation or 5985
activities of government, or nonprofit educational research. 5986

(8) A public office or person responsible for public records 5987
is not required to permit a person who is incarcerated pursuant to 5988
a criminal conviction or a juvenile adjudication to inspect or to 5989
obtain a copy of any public record concerning a criminal 5990
investigation or prosecution or concerning what would be a 5991
criminal investigation or prosecution if the subject of the 5992
investigation or prosecution were an adult, unless the request to 5993
inspect or to obtain a copy of the record is for the purpose of 5994
acquiring information that is subject to release as a public 5995
record under this section and the judge who imposed the sentence 5996
or made the adjudication with respect to the person, or the 5997
judge's successor in office, finds that the information sought in 5998
the public record is necessary to support what appears to be a 5999
justiciable claim of the person. 6000

(9)(a) Upon written request made and signed by a journalist, 6001
a public office, or person responsible for public records, having 6002

custody of the records of the agency employing a specified 6003
designated public service worker shall disclose to the journalist 6004
the address of the actual personal residence of the designated 6005
public service worker and, if the designated public service 6006
worker's spouse, former spouse, or child is employed by a public 6007
office, the name and address of the employer of the designated 6008
public service worker's spouse, former spouse, or child. The 6009
request shall include the journalist's name and title and the name 6010
and address of the journalist's employer and shall state that 6011
disclosure of the information sought would be in the public 6012
interest. 6013

(b) Division (B)(9)(a) of this section also applies to 6014
journalist requests for: 6015

(i) Customer information maintained by a municipally owned or 6016
operated public utility, other than social security numbers and 6017
any private financial information such as credit reports, payment 6018
methods, credit card numbers, and bank account information; 6019

(ii) Information about minors involved in a school vehicle 6020
accident as provided in division (A)(1)(gg) of this section, other 6021
than personal information as defined in section 149.45 of the 6022
Revised Code. 6023

(c) As used in division (B)(9) of this section, "journalist" 6024
means a person engaged in, connected with, or employed by any news 6025
medium, including a newspaper, magazine, press association, news 6026
agency, or wire service, a radio or television station, or a 6027
similar medium, for the purpose of gathering, processing, 6028
transmitting, compiling, editing, or disseminating information for 6029
the general public. 6030

(10) Upon a request made by a victim, victim's attorney, or 6031
victim's representative, as that term is used in section 2930.02 6032
of the Revised Code, a public office or person responsible for 6033

public records shall transmit a copy of a depiction of the victim 6034
as described in division (A)(1)(gg) of this section to the victim, 6035
victim's attorney, or victim's representative. 6036

(C)(1) If a person allegedly is aggrieved by the failure of a 6037
public office or the person responsible for public records to 6038
promptly prepare a public record and to make it available to the 6039
person for inspection in accordance with division (B) of this 6040
section or by any other failure of a public office or the person 6041
responsible for public records to comply with an obligation in 6042
accordance with division (B) of this section, the person allegedly 6043
aggrieved may do only one of the following, and not both: 6044

(a) File a complaint with the clerk of the court of claims or 6045
the clerk of the court of common pleas under section 2743.75 of 6046
the Revised Code; 6047

(b) Commence a mandamus action to obtain a judgment that 6048
orders the public office or the person responsible for the public 6049
record to comply with division (B) of this section, that awards 6050
court costs and reasonable attorney's fees to the person that 6051
instituted the mandamus action, and, if applicable, that includes 6052
an order fixing statutory damages under division (C)(2) of this 6053
section. The mandamus action may be commenced in the court of 6054
common pleas of the county in which division (B) of this section 6055
allegedly was not complied with, in the supreme court pursuant to 6056
its original jurisdiction under Section 2 of Article IV, Ohio 6057
Constitution, or in the court of appeals for the appellate 6058
district in which division (B) of this section allegedly was not 6059
complied with pursuant to its original jurisdiction under Section 6060
3 of Article IV, Ohio Constitution. 6061

(2) If a requester transmits a written request by hand 6062
delivery, electronic submission, or certified mail to inspect or 6063
receive copies of any public record in a manner that fairly 6064
describes the public record or class of public records to the 6065

public office or person responsible for the requested public 6066
records, except as otherwise provided in this section, the 6067
requester shall be entitled to recover the amount of statutory 6068
damages set forth in this division if a court determines that the 6069
public office or the person responsible for public records failed 6070
to comply with an obligation in accordance with division (B) of 6071
this section. 6072

The amount of statutory damages shall be fixed at one hundred 6073
dollars for each business day during which the public office or 6074
person responsible for the requested public records failed to 6075
comply with an obligation in accordance with division (B) of this 6076
section, beginning with the day on which the requester files a 6077
mandamus action to recover statutory damages, up to a maximum of 6078
one thousand dollars. The award of statutory damages shall not be 6079
construed as a penalty, but as compensation for injury arising 6080
from lost use of the requested information. The existence of this 6081
injury shall be conclusively presumed. The award of statutory 6082
damages shall be in addition to all other remedies authorized by 6083
this section. 6084

The court may reduce an award of statutory damages or not 6085
award statutory damages if the court determines both of the 6086
following: 6087

(a) That, based on the ordinary application of statutory law 6088
and case law as it existed at the time of the conduct or 6089
threatened conduct of the public office or person responsible for 6090
the requested public records that allegedly constitutes a failure 6091
to comply with an obligation in accordance with division (B) of 6092
this section and that was the basis of the mandamus action, a 6093
well-informed public office or person responsible for the 6094
requested public records reasonably would believe that the conduct 6095
or threatened conduct of the public office or person responsible 6096
for the requested public records did not constitute a failure to 6097

comply with an obligation in accordance with division (B) of this 6098
section; 6099

(b) That a well-informed public office or person responsible 6100
for the requested public records reasonably would believe that the 6101
conduct or threatened conduct of the public office or person 6102
responsible for the requested public records would serve the 6103
public policy that underlies the authority that is asserted as 6104
permitting that conduct or threatened conduct. 6105

(3) In a mandamus action filed under division (C)(1) of this 6106
section, the following apply: 6107

(a)(i) If the court orders the public office or the person 6108
responsible for the public record to comply with division (B) of 6109
this section, the court shall determine and award to the relator 6110
all court costs, which shall be construed as remedial and not 6111
punitive. 6112

(ii) If the court makes a determination described in division 6113
(C)(3)(b)(iii) of this section, the court shall determine and 6114
award to the relator all court costs, which shall be construed as 6115
remedial and not punitive. 6116

(b) If the court renders a judgment that orders the public 6117
office or the person responsible for the public record to comply 6118
with division (B) of this section or if the court determines any 6119
of the following, the court may award reasonable attorney's fees 6120
to the relator, subject to division (C)(4) of this section: 6121

(i) The public office or the person responsible for the 6122
public records failed to respond affirmatively or negatively to 6123
the public records request in accordance with the time allowed 6124
under division (B) of this section. 6125

(ii) The public office or the person responsible for the 6126
public records promised to permit the relator to inspect or 6127
receive copies of the public records requested within a specified 6128

period of time but failed to fulfill that promise within that 6129
specified period of time. 6130

(iii) The public office or the person responsible for the 6131
public records acted in bad faith when the office or person 6132
voluntarily made the public records available to the relator for 6133
the first time after the relator commenced the mandamus action, 6134
but before the court issued any order concluding whether or not 6135
the public office or person was required to comply with division 6136
(B) of this section. No discovery may be conducted on the issue of 6137
the alleged bad faith of the public office or person responsible 6138
for the public records. This division shall not be construed as 6139
creating a presumption that the public office or the person 6140
responsible for the public records acted in bad faith when the 6141
office or person voluntarily made the public records available to 6142
the relator for the first time after the relator commenced the 6143
mandamus action, but before the court issued any order described 6144
in this division. 6145

(c) The court shall not award attorney's fees to the relator 6146
if the court determines both of the following: 6147

(i) That, based on the ordinary application of statutory law 6148
and case law as it existed at the time of the conduct or 6149
threatened conduct of the public office or person responsible for 6150
the requested public records that allegedly constitutes a failure 6151
to comply with an obligation in accordance with division (B) of 6152
this section and that was the basis of the mandamus action, a 6153
well-informed public office or person responsible for the 6154
requested public records reasonably would believe that the conduct 6155
or threatened conduct of the public office or person responsible 6156
for the requested public records did not constitute a failure to 6157
comply with an obligation in accordance with division (B) of this 6158
section; 6159

(ii) That a well-informed public office or person responsible 6160

for the requested public records reasonably would believe that the 6161
conduct or threatened conduct of the public office or person 6162
responsible for the requested public records would serve the 6163
public policy that underlies the authority that is asserted as 6164
permitting that conduct or threatened conduct. 6165

(4) All of the following apply to any award of reasonable 6166
attorney's fees awarded under division (C)(3)(b) of this section: 6167

(a) The fees shall be construed as remedial and not punitive. 6168

(b) The fees awarded shall not exceed the total of the 6169
reasonable attorney's fees incurred before the public record was 6170
made available to the relator and the fees described in division 6171
(C)(4)(c) of this section. 6172

(c) Reasonable attorney's fees shall include reasonable fees 6173
incurred to produce proof of the reasonableness and amount of the 6174
fees and to otherwise litigate entitlement to the fees. 6175

(d) The court may reduce the amount of fees awarded if the 6176
court determines that, given the factual circumstances involved 6177
with the specific public records request, an alternative means 6178
should have been pursued to more effectively and efficiently 6179
resolve the dispute that was subject to the mandamus action filed 6180
under division (C)(1) of this section. 6181

(5) If the court does not issue a writ of mandamus under 6182
division (C) of this section and the court determines at that time 6183
that the bringing of the mandamus action was frivolous conduct as 6184
defined in division (A) of section 2323.51 of the Revised Code, 6185
the court may award to the public office all court costs, 6186
expenses, and reasonable attorney's fees, as determined by the 6187
court. 6188

(D) Chapter 1347. of the Revised Code does not limit the 6189
provisions of this section. 6190

(E)(1) To ensure that all employees of public offices are 6191
appropriately educated about a public office's obligations under 6192
division (B) of this section, all elected officials or their 6193
appropriate designees shall attend training approved by the 6194
attorney general as provided in section 109.43 of the Revised 6195
Code. A future official may satisfy the requirements of this 6196
division by attending the training before taking office, provided 6197
that the future official may not send a designee in the future 6198
official's place. 6199

(2) All public offices shall adopt a public records policy in 6200
compliance with this section for responding to public records 6201
requests. In adopting a public records policy under this division, 6202
a public office may obtain guidance from the model public records 6203
policy developed and provided to the public office by the attorney 6204
general under section 109.43 of the Revised Code. Except as 6205
otherwise provided in this section, the policy may not limit the 6206
number of public records that the public office will make 6207
available to a single person, may not limit the number of public 6208
records that it will make available during a fixed period of time, 6209
and may not establish a fixed period of time before it will 6210
respond to a request for inspection or copying of public records, 6211
unless that period is less than eight hours. 6212

The public office shall distribute the public records policy 6213
adopted by the public office under this division to the employee 6214
of the public office who is the records custodian or records 6215
manager or otherwise has custody of the records of that office. 6216
The public office shall require that employee to acknowledge 6217
receipt of the copy of the public records policy. The public 6218
office shall create a poster that describes its public records 6219
policy and shall post the poster in a conspicuous place in the 6220
public office and in all locations where the public office has 6221
branch offices. The public office may post its public records 6222

policy on the internet web site of the public office if the public 6223
office maintains an internet web site. A public office that has 6224
established a manual or handbook of its general policies and 6225
procedures for all employees of the public office shall include 6226
the public records policy of the public office in the manual or 6227
handbook. 6228

(F)(1) The bureau of motor vehicles may adopt rules pursuant 6229
to Chapter 119. of the Revised Code to reasonably limit the number 6230
of bulk commercial special extraction requests made by a person 6231
for the same records or for updated records during a calendar 6232
year. The rules may include provisions for charges to be made for 6233
bulk commercial special extraction requests for the actual cost of 6234
the bureau, plus special extraction costs, plus ten per cent. The 6235
bureau may charge for expenses for redacting information, the 6236
release of which is prohibited by law. 6237

(2) As used in division (F)(1) of this section: 6238

(a) "Actual cost" means the cost of depleted supplies, 6239
records storage media costs, actual mailing and alternative 6240
delivery costs, or other transmitting costs, and any direct 6241
equipment operating and maintenance costs, including actual costs 6242
paid to private contractors for copying services. 6243

(b) "Bulk commercial special extraction request" means a 6244
request for copies of a record for information in a format other 6245
than the format already available, or information that cannot be 6246
extracted without examination of all items in a records series, 6247
class of records, or database by a person who intends to use or 6248
forward the copies for surveys, marketing, solicitation, or resale 6249
for commercial purposes. "Bulk commercial special extraction 6250
request" does not include a request by a person who gives 6251
assurance to the bureau that the person making the request does 6252
not intend to use or forward the requested copies for surveys, 6253
marketing, solicitation, or resale for commercial purposes. 6254

(c) "Commercial" means profit-seeking production, buying, or 6255
selling of any good, service, or other product. 6256

(d) "Special extraction costs" means the cost of the time 6257
spent by the lowest paid employee competent to perform the task, 6258
the actual amount paid to outside private contractors employed by 6259
the bureau, or the actual cost incurred to create computer 6260
programs to make the special extraction. "Special extraction 6261
costs" include any charges paid to a public agency for computer or 6262
records services. 6263

(3) For purposes of divisions (F)(1) and (2) of this section, 6264
"surveys, marketing, solicitation, or resale for commercial 6265
purposes" shall be narrowly construed and does not include 6266
reporting or gathering news, reporting or gathering information to 6267
assist citizen oversight or understanding of the operation or 6268
activities of government, or nonprofit educational research. 6269

(G) A request by a defendant, counsel of a defendant, or any 6270
agent of a defendant in a criminal action that public records 6271
related to that action be made available under this section shall 6272
be considered a demand for discovery pursuant to the Criminal 6273
Rules, except to the extent that the Criminal Rules plainly 6274
indicate a contrary intent. The defendant, counsel of the 6275
defendant, or agent of the defendant making a request under this 6276
division shall serve a copy of the request on the prosecuting 6277
attorney, director of law, or other chief legal officer 6278
responsible for prosecuting the action. 6279

(H)(1) Any portion of a body-worn camera or dashboard camera 6280
recording described in divisions (A)(17)(b) to (h) of this section 6281
may be released by consent of the subject of the recording or a 6282
representative of that person, as specified in those divisions, 6283
only if either of the following applies: 6284

(a) The recording will not be used in connection with any 6285

probable or pending criminal proceedings; 6286

(b) The recording has been used in connection with a criminal 6287
proceeding that was dismissed or for which a judgment has been 6288
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 6289
and will not be used again in connection with any probable or 6290
pending criminal proceedings. 6291

(2) If a public office denies a request to release a 6292
restricted portion of a body-worn camera or dashboard camera 6293
recording, as defined in division (A)(17) of this section, any 6294
person may file a mandamus action pursuant to this section or a 6295
complaint with the clerk of the court of claims pursuant to 6296
section 2743.75 of the Revised Code, requesting the court to order 6297
the release of all or portions of the recording. If the court 6298
considering the request determines that the filing articulates by 6299
clear and convincing evidence that the public interest in the 6300
recording substantially outweighs privacy interests and other 6301
interests asserted to deny release, the court shall order the 6302
public office to release the recording. 6303

Sec. 153.02. (A) The executive director of the Ohio 6304
facilities construction commission, may debar a contractor from 6305
contract awards for public improvements as referred to in section 6306
153.01 of the Revised Code or for projects as defined in section 6307
3318.01 of the Revised Code, upon proof that the contractor has 6308
done any of the following: 6309

(1) Defaulted on a contract requiring the execution of a 6310
takeover agreement as set forth in division (B) of section 153.17 6311
of the Revised Code; 6312

(2) Knowingly failed during the course of a contract to 6313
maintain the coverage required by the bureau of workers' 6314
compensation; 6315

(3) Knowingly failed during the course of a contract to 6316
maintain the contractor's drug-free workplace program as required 6317
by the contract; 6318

(4) Knowingly failed during the course of a contract to 6319
maintain insurance required by the contract or otherwise by law, 6320
resulting in a substantial loss to the owner, as owner is referred 6321
to in section 153.01 of the Revised Code, or to the commission and 6322
school district board, as provided in division (F) of section 6323
3318.08 of the Revised Code; 6324

(5) Misrepresented the firm's qualifications in the selection 6325
process set forth in sections 153.65 to 153.71 or section 3318.10 6326
of the Revised Code; 6327

(6) Been convicted of a criminal offense related to the 6328
application for or performance of any public or private contract, 6329
including, but not limited to, embezzlement, theft, forgery, 6330
bribery, falsification or destruction of records, receiving stolen 6331
property, and any other offense that directly reflects on the 6332
contractor's business integrity; 6333

(7) Been convicted of a criminal offense under state or 6334
federal antitrust laws; 6335

(8) Deliberately or willfully submitted false or misleading 6336
information in connection with the application for or performance 6337
of a public contract; 6338

(9) Been debarred from bidding on or participating in a 6339
contract with any state or federal agency. 6340

(B) When the executive director debars a contractor that is a 6341
partnership, association, or corporation, the executive director 6342
also may debar any partner of the partnership or any officer or 6343
director of the association or corporation, as applicable. 6344

(C) When the executive director reasonably believes that 6345

grounds for debarment exist, the executive director shall send the contractor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the contractor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the executive director shall issue the debarment decision without a hearing and shall notify the contractor of the decision by certified mail, return receipt requested.

(D) The executive director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the contractor. During the period of debarment, the contractor is not eligible to bid for or participate in any contract for a public improvement as referred to in section 153.01 of the Revised Code or for a project as defined in section 3318.01 of the Revised Code. After the debarment period expires, the contractor ~~shall~~ may be eligible to bid for and participate in such contracts if the vendor is not otherwise debarred.

(E) The executive director shall maintain a list of all contractors currently debarred under this section. Any governmental entity awarding a contract for construction of a public improvement or project may use a contractor's presence on the debarment list to determine whether a contractor is responsible or best under section 9.312 or any other section of the Revised Code in the award of a contract.

(F) As used in this section, "contractor" means a construction contracting business, a subcontractor of a construction contracting business, a supplier of materials, or a manufacturer of materials.

Sec. 166.01. As used in this chapter:

(A) "Allowable costs" means all or part of the costs of 6377
project facilities, eligible projects, eligible innovation 6378
projects, eligible research and development projects, eligible 6379
advanced energy projects, or eligible logistics and distribution 6380
projects, including costs of acquiring, constructing, 6381
reconstructing, rehabilitating, renovating, enlarging, improving, 6382
equipping, or furnishing project facilities, eligible projects, 6383
eligible innovation projects, eligible research and development 6384
projects, eligible advanced energy projects, or eligible logistics 6385
and distribution projects, site clearance and preparation, 6386
supplementing and relocating public capital improvements or 6387
utility facilities, designs, plans, specifications, surveys, 6388
studies, and estimates of costs, expenses necessary or incident to 6389
determining the feasibility or practicability of assisting an 6390
eligible project, an eligible innovation project, an eligible 6391
research and development project, an eligible advanced energy 6392
project, or an eligible logistics and distribution project, or 6393
providing project facilities or facilities related to an eligible 6394
project, an eligible innovation project, an eligible research and 6395
development project, an eligible advanced energy project, or an 6396
eligible logistics and distribution project, architectural, 6397
engineering, and legal services fees and expenses, the costs of 6398
conducting any other activities as part of a voluntary action, and 6399
such other expenses as may be necessary or incidental to the 6400
establishment or development of an eligible project, an eligible 6401
innovation project, an eligible research and development project, 6402
an eligible advanced energy project, or an eligible logistics and 6403
distribution project, and reimbursement of moneys advanced or 6404
applied by any governmental agency or other person for allowable 6405
costs. 6406

(B) "Allowable innovation costs" includes allowable costs of 6407
eligible innovation projects and, in addition, includes the costs 6408
of research and development of eligible innovation projects; 6409

obtaining or creating any requisite software or computer hardware 6410
related to an eligible innovation project or the products or 6411
services associated therewith; testing (including, without 6412
limitation, quality control activities necessary for initial 6413
production), perfecting, and marketing of such products and 6414
services; creating and protecting intellectual property related to 6415
an eligible innovation project or any products or services related 6416
thereto, including costs of securing appropriate patent, 6417
trademark, trade secret, trade dress, copyright, or other form of 6418
intellectual property protection for an eligible innovation 6419
project or related products and services; all to the extent that 6420
such expenditures could be capitalized under then-applicable 6421
generally accepted accounting principles; and the reimbursement of 6422
moneys advanced or applied by any governmental agency or other 6423
person for allowable innovation costs. 6424

(C) "Eligible innovation project" includes an eligible 6425
project, including any project facilities associated with an 6426
eligible innovation project and, in addition, includes all 6427
tangible and intangible property related to a new product or 6428
process based on new technology or the creative application of 6429
existing technology, including research and development, product 6430
or process testing, quality control, market research, and related 6431
activities, that is to be acquired, established, expanded, 6432
remodeled, rehabilitated, or modernized for industry, commerce, 6433
distribution, or research, or any combination thereof, the 6434
operation of which, alone or in conjunction with other eligible 6435
projects, eligible innovation projects, or innovation property, 6436
will create new jobs or preserve existing jobs and employment 6437
opportunities and improve the economic welfare of the people of 6438
the state. 6439

(D) "Eligible project" means project facilities to be 6440
acquired, established, expanded, remodeled, rehabilitated, or 6441

modernized for industry, commerce, distribution, or research, or 6442
any combination thereof, the operation of which, alone or in 6443
conjunction with other facilities, will create new jobs or 6444
preserve existing jobs and employment opportunities and improve 6445
the economic welfare of the people of the state. "Eligible 6446
project" includes, without limitation, a voluntary action. For 6447
purposes of this division, "new jobs" does not include existing 6448
jobs transferred from another facility within the state, and 6449
"existing jobs" includes only those existing jobs with work places 6450
within the municipal corporation or unincorporated area of the 6451
county in which the eligible project is located. 6452

"Eligible project" does not include project facilities to be 6453
acquired, established, expanded, remodeled, rehabilitated, or 6454
modernized for industry, commerce, distribution, or research, or 6455
any combination of industry, commerce, distribution, or research, 6456
if the project facilities consist solely of 6457
point-of-final-purchase retail facilities. If the project 6458
facilities consist of both point-of-final-purchase retail 6459
facilities and nonretail facilities, only the portion of the 6460
project facilities consisting of nonretail facilities is an 6461
eligible project. If a warehouse facility is part of a 6462
point-of-final-purchase retail facility and supplies only that 6463
facility, the warehouse facility is not an eligible project. 6464
Catalog distribution facilities are not considered 6465
point-of-final-purchase retail facilities for purposes of this 6466
paragraph, and are eligible projects. 6467

(E) "Eligible research and development project" means an 6468
eligible project, including project facilities, comprising, 6469
within, or related to, a facility or portion of a facility at 6470
which research is undertaken for the purpose of discovering 6471
information that is technological in nature and the application of 6472
which is intended to be useful in the development of a new or 6473

improved product, process, technique, formula, or invention, a new 6474
product or process based on new technology, or the creative 6475
application of existing technology. 6476

(F) "Financial assistance" means inducements under division 6477
(B) of section 166.02 of the Revised Code, loan guarantees under 6478
section 166.06 of the Revised Code, and direct loans under section 6479
166.07 of the Revised Code. 6480

(G) "Governmental action" means any action by a governmental 6481
agency relating to the establishment, development, or operation of 6482
an eligible project, eligible innovation project, eligible 6483
research and development project, eligible advanced energy 6484
project, or eligible logistics and distribution project, and 6485
project facilities that the governmental agency acting has 6486
authority to take or provide for the purpose under law, including, 6487
but not limited to, actions relating to contracts and agreements, 6488
zoning, building, permits, acquisition and disposition of 6489
property, public capital improvements, utility and transportation 6490
service, taxation, employee recruitment and training, and liaison 6491
and coordination with and among governmental agencies. 6492

(H) "Governmental agency" means the state and any state 6493
department, division, commission, institution or authority; a 6494
municipal corporation, county, or township, and any agency 6495
thereof, and any other political subdivision or public corporation 6496
or the United States or any agency thereof; any agency, 6497
commission, or authority established pursuant to an interstate 6498
compact or agreement; and any combination of the above. 6499

(I) "Innovation financial assistance" means inducements under 6500
division (B) of section 166.12 of the Revised Code, innovation 6501
Ohio loan guarantees under section 166.15 of the Revised Code, and 6502
innovation Ohio loans under section 166.16 of the Revised Code. 6503

(J) "Innovation Ohio loan guarantee reserve requirement" 6504

means, at any time, with respect to innovation loan guarantees 6505
made under section 166.15 of the Revised Code, a balance in the 6506
innovation Ohio loan guarantee fund equal to the greater of twenty 6507
per cent of the then-outstanding principal amount of all 6508
outstanding innovation loan guarantees made pursuant to section 6509
166.15 of the Revised Code or fifty per cent of the principal 6510
amount of the largest outstanding guarantee made pursuant to 6511
section 166.15 of the Revised Code. 6512

(K) "Innovation property" includes property and also includes 6513
software, inventory, licenses, contract rights, goodwill, 6514
intellectual property, including without limitation, patents, 6515
patent applications, trademarks and service marks, and trade 6516
secrets, and other tangible and intangible property, and any 6517
rights and interests in or connected to the foregoing. 6518

(L) "Loan guarantee reserve requirement" means, at any time, 6519
with respect to loan guarantees made under section 166.06 of the 6520
Revised Code, a balance in the loan guarantee fund equal to the 6521
greater of twenty per cent of the then-outstanding principal 6522
amount of all outstanding guarantees made pursuant to section 6523
166.06 of the Revised Code or fifty per cent of the principal 6524
amount of the largest outstanding guarantee made pursuant to 6525
section 166.06 of the Revised Code. 6526

(M) "Person" means any individual, firm, partnership, 6527
association, corporation, or governmental agency, and any 6528
combination thereof. 6529

(N) "Project facilities" means buildings, structures, and 6530
other improvements, and equipment and other property, excluding 6531
small tools, supplies, and inventory, and any one, part of, or 6532
combination of the above, comprising all or part of, or serving or 6533
being incidental to, an eligible project, an eligible innovation 6534
project, an eligible research and development project, an eligible 6535
advanced energy project, or an eligible logistics and distribution 6536

project, including, but not limited to, public capital 6537
improvements. 6538

(O) "Property" means real and personal property and interests 6539
therein. 6540

(P) "Public capital improvements" means capital improvements 6541
or facilities that any governmental agency has authority to 6542
acquire, pay the costs of, own, maintain, or operate, or to 6543
contract with other persons to have the same done, including, but 6544
not limited to, highways, roads, streets, water and sewer 6545
facilities, railroad and other transportation facilities, and air 6546
and water pollution control and solid waste disposal facilities. 6547
For purposes of this division, "air pollution control facilities" 6548
includes, without limitation, solar, geothermal, biofuel, biomass, 6549
wind, hydro, wave, and other advanced energy projects as defined 6550
in section 3706.25 of the Revised Code. 6551

(Q) "Research and development financial assistance" means 6552
inducements under section 166.17 of the Revised Code, research and 6553
development loans under section 166.21 of the Revised Code, and 6554
research and development tax credits under sections 5733.352 and 6555
5747.331 of the Revised Code. 6556

(R) "Targeted innovation industry sectors" means industry 6557
sectors involving the production or use of advanced materials, 6558
instruments, controls and electronics, power and propulsion, 6559
biosciences, and information technology, or such other sectors as 6560
may be designated by the director of development services. 6561

(S) "Voluntary action" means a voluntary action, as defined 6562
in section 3746.01 of the Revised Code, that is conducted under 6563
the voluntary action program established in Chapter 3746. of the 6564
Revised Code. 6565

(T) "Project financing obligations" means obligations issued 6566
pursuant to section 166.08 of the Revised Code other than 6567

obligations for which the bond proceedings provide that bond 6568
service charges shall be paid from receipts of the state 6569
representing gross profit on the sale of spirituous liquor as 6570
referred to in division (B)(4) of section 4310.10 of the Revised 6571
Code. 6572

(U) "Regional economic development entity" means an entity 6573
that is under contract with the director to administer a loan 6574
program under this chapter in a particular area of this state. 6575

(V) ~~"Advanced energy research and development fund" means the~~ 6576
~~advanced energy research and development fund created in section~~ 6577
~~3706.27 of the Revised Code.~~ 6578

~~(W) "Advanced energy research and development taxable fund"~~ 6579
~~means the advanced energy research and development taxable fund~~ 6580
~~created in section 3706.27 of the Revised Code.~~ 6581

~~(X)~~ "Eligible advanced energy project" means an eligible 6582
project that is an "advanced energy project" as defined in section 6583
3706.25 of the Revised Code. 6584

~~(Y)~~(W) "Eligible logistics and distribution project" means an 6585
eligible project, including project facilities, to be acquired, 6586
established, expanded, remodeled, rehabilitated, or modernized for 6587
transportation logistics and distribution infrastructure purposes. 6588
As used in this division, "transportation logistics and 6589
distribution infrastructure purposes" means promoting, providing 6590
for, and enabling improvements to the ground, air, and water 6591
transportation infrastructure comprising the transportation system 6592
in this state, including, without limitation, highways, streets, 6593
roads, bridges, railroads carrying freight, and air and water 6594
ports and port facilities, and all related supporting facilities. 6595

~~(Z)~~(X) "Department of development" means the development 6596
services agency and "director of development" means the director 6597
of development services. 6598

Sec. 169.06. (A) Before the first day of November of each 6599
year immediately following the calendar year in which the filing 6600
of reports is required by section 169.03 of the Revised Code, the 6601
director of commerce shall cause notice to be published once in an 6602
English language newspaper of general circulation in the county in 6603
this state in which is located the last known address of any 6604
person to be named in the notice required by this section. The 6605
notice may be published in print or electronic format. If no 6606
address is listed, the notice shall be published in the county in 6607
which the holder of the unclaimed funds has its principal place of 6608
business within this state; or if the holder has no principal 6609
place of business within this state, publication shall be made as 6610
the director determines most effective. If the address is outside 6611
this state, notice shall be published in a newspaper of general 6612
circulation in the county or parish of any state in the United 6613
States in which such last known address is located. If the last 6614
known address is in a foreign country, publication shall be made 6615
as the director determines most effective. 6616

If the name of the owner is not available, the director may 6617
publish notice by class, identifying number, or as the director 6618
determines most effective. 6619

(B) The published notice shall be entitled "Notice of Names 6620
of Persons Appearing to be Owners of Unclaimed Funds," and shall 6621
contain: 6622

(1) The names in alphabetical order and last known addresses, 6623
if any, of each person appearing from the records of the holder to 6624
be the owner of unclaimed funds of a value of fifty dollars or 6625
more and entitled to notice as specified in division (A) of this 6626
section; 6627

(2) A statement that information concerning the amount of the 6628
funds and any necessary information concerning the presentment of 6629

a claim therefor may be obtained by any persons possessing a 6630
property interest in the unclaimed funds by addressing an inquiry 6631
to the director. 6632

(C) With respect to items of unclaimed funds each having a 6633
value of ten dollars or more, the director shall have available in 6634
~~his~~ the director's office during business hours an alphabetical 6635
list of owners and where a holder is a person providing life 6636
insurance coverage, beneficiaries, and their last known addresses, 6637
if any, whose funds are being held by the state pursuant to this 6638
chapter. 6639

(D) The director may give any additional notice ~~he~~ using any 6640
electronic or print medium that the director deems necessary to 6641
inform the owner of the whereabouts of ~~his~~ the owner's funds. 6642

Sec. 173.04. (A) As used in this section, ~~"respite:~~ 6643

(1) "Respite care" means short-term, temporary care or 6644
supervision provided to a person who has ~~Alzheimer's disease~~ 6645
dementia in the absence of the person who normally provides that 6646
care or supervision. 6647

(2) "Dementia" includes Alzheimer's disease or other 6648
dementia. 6649

(B) Through the internet web site maintained by the 6650
department of aging, the director of aging shall disseminate 6651
~~Alzheimer's disease~~ dementia training materials for licensed 6652
physicians, registered nurses, licensed practical nurses, 6653
administrators of health care programs, social workers, and other 6654
health care and social service personnel who participate or assist 6655
in the care or treatment of persons who have ~~Alzheimer's disease~~ 6656
dementia. The training materials disseminated through the web site 6657
may be developed by the director or obtained from other sources. 6658

(C) To the extent funds are available, the director shall 6659

administer respite care programs and other supportive services for 6660
persons who have ~~Alzheimer's disease~~ dementia and their families 6661
or care givers. Respite care programs shall be approved by the 6662
director and shall be provided for the following purposes: 6663

(1) Giving persons who normally provide care or supervision 6664
for a person who has ~~Alzheimer's disease~~ dementia relief from the 6665
stresses and responsibilities that result from providing such 6666
care; 6667

(2) Preventing or reducing inappropriate institutional care 6668
and enabling persons who have ~~Alzheimer's disease~~ dementia to 6669
remain at home as long as possible. 6670

(D) The director may provide services under this section to 6671
persons with ~~Alzheimer's disease~~ dementia and their families 6672
regardless of the age of the persons with ~~Alzheimer's disease~~ 6673
dementia. 6674

(E) The director may adopt rules in accordance with Chapter 6675
119. of the Revised Code governing respite care programs and other 6676
supportive services, the distribution of funds, and the purpose 6677
for which funds may be utilized under this section. 6678

Sec. 173.27. (A) As used in this section: 6679

(1) "Applicant" means a person who is under final 6680
consideration for employment by a responsible party in a 6681
full-time, part-time, or temporary position that involves 6682
providing ombudsman services to residents and recipients. 6683
"Applicant" includes a person who is under final consideration for 6684
employment as the state long-term care ombudsman or the head of a 6685
regional long-term care ombudsman program. "Applicant" does not 6686
include a person seeking to provide ombudsman services to 6687
residents and recipients as a volunteer without receiving or 6688
expecting to receive any form of remuneration other than 6689

reimbursement for actual expenses. 6690

(2) "Criminal records check" has the same meaning as in 6691
section 109.572 of the Revised Code. 6692

(3) "Disqualifying offense" means any of the offenses listed 6693
or described in divisions (A)(3)(a) to (e) of section 109.572 of 6694
the Revised Code. 6695

(4) "Employee" means a person employed by a responsible party 6696
in a full-time, part-time, or temporary position that involves 6697
providing ombudsman services to residents and recipients. 6698
"Employee" includes the person employed as the state long-term 6699
care ombudsman and a person employed as the head of a regional 6700
long-term care ombudsman program. "Employee" does not include a 6701
person who provides ombudsman services to residents and recipients 6702
as a volunteer without receiving or expecting to receive any form 6703
of remuneration other than reimbursement for actual expenses. 6704

(5) "Responsible party" means the following: 6705

(a) In the case of an applicant who is under final 6706
consideration for employment as the state long-term care ombudsman 6707
or the person employed as the state long-term care ombudsman, the 6708
director of aging; 6709

(b) In the case of any other applicant who is under final 6710
consideration for employment with the state long-term care 6711
ombudsman program or any other employee of the state long-term 6712
care ombudsman program, the state long-term care ombudsman; 6713

(c) In the case of an applicant who is under final 6714
consideration for employment with a regional long-term care 6715
ombudsman program (including as the head of the regional program) 6716
or an employee of a regional long-term care ombudsman program 6717
(including the head of a regional program), the regional long-term 6718
care ombudsman program. 6719

(B) A responsible party may not employ an applicant or 6720
continue to employ an employee in a position that involves 6721
providing ombudsman services to residents and recipients if any of 6722
the following apply: 6723

(1) A review of the databases listed in division (D) of this 6724
section reveals any of the following: 6725

(a) That the applicant or employee is included in one or more 6726
of the databases listed in divisions (D)(1) to (5) of this 6727
section; 6728

(b) That there is in the state nurse aide registry 6729
established under section 3721.32 of the Revised Code a statement 6730
detailing findings by the director of health that the applicant or 6731
employee abused, neglected, or exploited a long-term care facility 6732
or residential care facility resident or misappropriated property 6733
of such a resident; 6734

(c) That the applicant or employee is included in one or more 6735
of the databases, if any, specified in rules adopted under this 6736
section and the rules prohibit the responsible party from 6737
employing an applicant or continuing to employ an employee 6738
included in such a database in a position that involves providing 6739
ombudsman services to residents and recipients. 6740

(2) After the applicant or employee is provided, pursuant to 6741
division (E)(2)(a) of this section, a copy of the form prescribed 6742
pursuant to division (C)(1) of section 109.572 of the Revised Code 6743
and the standard impression sheet prescribed pursuant to division 6744
(C)(2) of that section, the applicant or employee fails to 6745
complete the form or provide the applicant's or employee's 6746
fingerprint impressions on the standard impression sheet. 6747

(3) Unless the applicant or employee meets standards 6748
specified in rules adopted under this section, the applicant or 6749
employee is found by a criminal records check required by this 6750

section to have been convicted of, pleaded guilty to, or been 6751
found eligible for intervention in lieu of conviction for a 6752
disqualifying offense. 6753

(C) A responsible party or a responsible party's designee 6754
shall inform each applicant of both of the following at the time 6755
of the applicant's initial application for employment in a 6756
position that involves providing ombudsman services to residents 6757
and recipients: 6758

(1) That a review of the databases listed in division (D) of 6759
this section will be conducted to determine whether the 6760
responsible party is prohibited by division (B)(1) of this section 6761
from employing the applicant in the position; 6762

(2) That, unless the database review reveals that the 6763
applicant may not be employed in the position, a criminal records 6764
check of the applicant will be conducted and the applicant is 6765
required to provide a set of the applicant's fingerprint 6766
impressions as part of the criminal records check. 6767

(D) As a condition of any applicant's being employed by a 6768
responsible party in a position that involves providing ombudsman 6769
services to residents and recipients, the responsible party or 6770
designee shall conduct a database review of the applicant in 6771
accordance with rules adopted under this section. If rules adopted 6772
under this section so require, the responsible party or designee 6773
shall conduct a database review of an employee in accordance with 6774
the rules as a condition of the responsible party continuing to 6775
employ the employee in a position that involves providing 6776
ombudsman services to residents and recipients. A database review 6777
shall determine whether the applicant or employee is included in 6778
any of the following: 6779

(1) The excluded parties list system that is maintained by 6780
the United States general services administration pursuant to 6781

subpart 9.4 of the federal acquisition regulation and available at 6782
the federal web site known as the system for award management; 6783

(2) The list of excluded individuals and entities maintained 6784
by the office of inspector general in the United States department 6785
of health and human services pursuant to section 1128 of the 6786
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 6787
amended, and section 1156 of the "Social Security Act," 96 Stat. 6788
388 (1982), 42 U.S.C. 1320c-5, as amended; 6789

(3) The registry of developmental disabilities employees 6790
established under section 5123.52 of the Revised Code; 6791

(4) The internet-based sex offender and child-victim offender 6792
database established under division (A)(11) of section 2950.13 of 6793
the Revised Code; 6794

(5) The internet-based database of inmates established under 6795
section 5120.66 of the Revised Code; 6796

(6) The state nurse aide registry established under section 6797
3721.32 of the Revised Code; 6798

(7) Any other database, if any, specified in rules adopted 6799
under this section. 6800

(E)(1) As a condition of any applicant's being employed by a 6801
responsible party in a position that involves providing ombudsman 6802
services to residents and recipients, the responsible party or 6803
designee shall request that the superintendent of the bureau of 6804
criminal identification and investigation conduct a criminal 6805
records check of the applicant. If rules adopted under this 6806
section so require, the responsible party or designee shall 6807
request that the superintendent conduct a criminal records check 6808
of an employee at times specified in the rules as a condition of 6809
the responsible party continuing to employ the employee in a 6810
position that involves providing ombudsman services to residents 6811
and recipients. However, the responsible party or designee is not 6812

required to request the criminal records check of the applicant or 6813
employee if the responsible party is prohibited by division (B)(1) 6814
of this section from employing the applicant or continuing to 6815
employ the employee in a position that involves providing 6816
ombudsman services to residents and recipients. If an applicant or 6817
employee for whom a criminal records check request is required by 6818
this section does not present proof of having been a resident of 6819
this state for the five-year period immediately prior to the date 6820
the criminal records check is requested or provide evidence that 6821
within that five-year period the superintendent has requested 6822
information about the applicant or employee from the federal 6823
bureau of investigation in a criminal records check, the 6824
responsible party or designee shall request that the 6825
superintendent obtain information from the federal bureau of 6826
investigation as part of the criminal records check. Even if an 6827
applicant or employee for whom a criminal records check request is 6828
required by this section presents proof of having been a resident 6829
of this state for the five-year period, the responsible party or 6830
designee may request that the superintendent include information 6831
from the federal bureau of investigation in the criminal records 6832
check. 6833

(2) A responsible party or designee shall do all of the 6834
following: 6835

(a) Provide to each applicant and employee for whom a 6836
criminal records check request is required by this section a copy 6837
of the form prescribed pursuant to division (C)(1) of section 6838
109.572 of the Revised Code and a standard impression sheet 6839
prescribed pursuant to division (C)(2) of that section; 6840

(b) Obtain the completed form and standard impression sheet 6841
from the applicant or employee; 6842

(c) Forward the completed form and standard impression sheet 6843
to the superintendent. 6844

(3) A responsible party shall pay to the bureau of criminal
identification and investigation the fee prescribed pursuant to
division (C)(3) of section 109.572 of the Revised Code for each
criminal records check the responsible party or the responsible
party's designee requests under this section. The responsible
party may charge an applicant a fee not exceeding the amount the
responsible party pays to the bureau under this section if the
responsible party or designee notifies the applicant at the time
of initial application for employment of the amount of the fee.

(F)(1) A responsible party may employ conditionally an
applicant for whom a criminal records check is required by this
section prior to obtaining the results of the criminal records
check if both of the following apply:

(a) The responsible party is not prohibited by division
(B)(1) of this section from employing the applicant in a position
that involves providing ombudsman services to residents and
recipients;

(b) The responsible party or designee requests the criminal
records check in accordance with division (E) of this section ~~not~~
~~later than five business days after~~ before conditionally employing
the applicant ~~begins conditional employment.~~

(2) A responsible party shall terminate the employment of an
applicant employed conditionally under division (F)(1) of this
section if the results of the criminal records check, other than
the results of any request for information from the federal bureau
of investigation, are not obtained within the period ending sixty
days after the date the request for the criminal records check is
made. Regardless of when the results of the criminal records check
are obtained, if the results indicate that the applicant has been
convicted of, pleaded guilty to, or been found eligible for
intervention in lieu of conviction for a disqualifying offense,
the responsible party shall terminate the applicant's employment

unless the applicant meets standards specified in rules adopted 6877
under this section that permit the responsible party to employ the 6878
applicant and the responsible party chooses to employ the 6879
applicant. Termination of employment under this division shall be 6880
considered just cause for discharge for purposes of division 6881
(D)(2) of section 4141.29 of the Revised Code if the applicant 6882
makes any attempt to deceive the responsible party or designee 6883
about the applicant's criminal record. 6884

(G) The report of any criminal records check conducted 6885
pursuant to a request made under this section is not a public 6886
record for the purposes of section 149.43 of the Revised Code and 6887
shall not be made available to any person other than the 6888
following: 6889

(1) The applicant or employee who is the subject of the 6890
criminal records check or the applicant's or employee's 6891
representative; 6892

(2) The responsible party or designee; 6893

(3) In the case of a criminal records check conducted for an 6894
applicant who is under final consideration for employment with a 6895
regional long-term care ombudsman program (including as the head 6896
of the regional program) or an employee of a regional long-term 6897
care ombudsman program (including the head of a regional program), 6898
the state long-term care ombudsman or a representative of the 6899
office of the state long-term care ombudsman program who is 6900
responsible for monitoring the regional program's compliance with 6901
this section; 6902

(4) A court, hearing officer, or other necessary individual 6903
involved in a case dealing with any of the following: 6904

(a) A denial of employment of the applicant or employee; 6905

(b) Employment or unemployment benefits of the applicant or 6906
employee; 6907

(c) A civil or criminal action regarding the medicaid program 6908
or a program the department of aging administers. 6909

(H) In a tort or other civil action for damages that is 6910
brought as the result of an injury, death, or loss to person or 6911
property caused by an applicant or employee who a responsible 6912
party employs in a position that involves providing ombudsman 6913
services to residents and recipients, all of the following shall 6914
apply: 6915

(1) If the responsible party employed the applicant or 6916
employee in good faith and reasonable reliance on the report of a 6917
criminal records check requested under this section, the 6918
responsible party shall not be found negligent solely because of 6919
its reliance on the report, even if the information in the report 6920
is determined later to have been incomplete or inaccurate. 6921

(2) If the responsible party employed the applicant in good 6922
faith on a conditional basis pursuant to division (F) of this 6923
section, the responsible party shall not be found negligent solely 6924
because it employed the applicant prior to receiving the report of 6925
a criminal records check requested under this section. 6926

(3) If the responsible party in good faith employed the 6927
applicant or employee because the applicant or employee meets 6928
standards specified in rules adopted under this section, the 6929
responsible party shall not be found negligent solely because the 6930
applicant or employee has been convicted of, pleaded guilty to, or 6931
been found eligible for intervention in lieu of conviction for a 6932
disqualifying offense. 6933

(I) The state long-term care ombudsman may not act as the 6934
director of aging's designee for the purpose of this section. The 6935
head of a regional long-term care ombudsman program may not act as 6936
the regional program's designee for the purpose of this section if 6937
the head is the employee for whom a database review or criminal 6938

records check is being conducted. 6939

(J) The director of aging shall adopt rules in accordance 6940
with Chapter 119. of the Revised Code to implement this section. 6941

(1) The rules may do the following: 6942

(a) Require employees to undergo database reviews and 6943
criminal records checks under this section; 6944

(b) If the rules require employees to undergo database 6945
reviews and criminal records checks under this section, exempt one 6946
or more classes of employees from the requirements; 6947

(c) For the purpose of division (D)(7) of this section, 6948
specify other databases that are to be checked as part of a 6949
database review conducted under this section. 6950

(2) The rules shall specify all of the following: 6951

(a) The procedures for conducting database reviews under this 6952
section; 6953

(b) If the rules require employees to undergo database 6954
reviews and criminal records checks under this section, the times 6955
at which the database reviews and criminal records checks are to 6956
be conducted; 6957

(c) If the rules specify other databases to be checked as 6958
part of the database reviews, the circumstances under which a 6959
responsible party is prohibited from employing an applicant or 6960
continuing to employ an employee who is found by a database review 6961
to be included in one or more of those databases; 6962

(d) Standards that an applicant or employee must meet for a 6963
responsible party to be permitted to employ the applicant or 6964
continue to employ the employee in a position that involves 6965
providing ombudsman services to residents and recipients if the 6966
applicant or employee is found by a criminal records check 6967
required by this section to have been convicted of, pleaded guilty 6968

to, or been found eligible for intervention in lieu of conviction 6969
for a disqualifying offense. 6970

Sec. 173.30. (A) As used in this section, "snack" means 6971
either of the following that is usually consumed before or after a 6972
breakfast, lunch, or dinner meal: 6973

(1) A small portion of food or drink; 6974

(2) A light meal. 6975

(B) The department of aging shall not award a grant under 6976
Title III of the "Older Americans Act of 1965," 42 U.S.C. 3021 et 6977
seq., to a provider of home-delivered meals if the provider offers 6978
snacks in addition to the breakfast, lunch, or dinner meals 6979
provided to recipients unless the provider does all of the 6980
following: 6981

(1) Offers a recipient not more than five snack choices at a 6982
time; 6983

(2) Provides a recipient with the amount of calories in, and 6984
the sugar and sodium contents of, each snack offered to the 6985
recipient; 6986

(3) Provides a recipient not more than one snack per each 6987
breakfast, lunch, and dinner meal that is provided to the 6988
recipient at the same time as the snacks. 6989

Sec. 173.38. (A) As used in this section: 6990

(1) "Applicant" means a person who is under final 6991
consideration for employment with a responsible party in a 6992
full-time, part-time, or temporary direct-care position or is 6993
referred to a responsible party by an employment service for such 6994
a position. "Applicant" does not include a person being considered 6995
for a direct-care position as a volunteer. 6996

(2) "Area agency on aging" has the same meaning as in section 6997

173.14 of the Revised Code. 6998

(3) "Chief administrator of a responsible party" includes a 6999
consumer when the consumer is a responsible party. 7000

(4) "Community-based long-term care services" means 7001
community-based long-term care services, as defined in section 7002
173.14 of the Revised Code, that are provided under a program the 7003
department of aging administers. 7004

(5) "Consumer" means an individual who receives 7005
community-based long-term care services. 7006

(6) "Criminal records check" has the same meaning as in 7007
section 109.572 of the Revised Code. 7008

(7)(a) "Direct-care position" means an employment position in 7009
which an employee has either or both of the following: 7010

(i) In-person contact with one or more consumers; 7011

(ii) Access to one or more consumers' personal property or 7012
records. 7013

(b) "Direct-care position" does not include a person whose 7014
sole duties are transporting individuals under Chapter 306. of the 7015
Revised Code. 7016

(8) "Disqualifying offense" means any of the offenses listed 7017
or described in divisions (A)(3)(a) to (e) of section 109.572 of 7018
the Revised Code. 7019

(9) "Employee" means a person employed by a responsible party 7020
in a full-time, part-time, or temporary direct-care position and a 7021
person who works in such a position due to being referred to a 7022
responsible party by an employment service. "Employee" does not 7023
include a person who works in a direct-care position as a 7024
volunteer. 7025

(10) "PASSPORT administrative agency" has the same meaning as 7026
in section 173.42 of the Revised Code. 7027

(11) "Provider" has the same meaning as in section 173.39 of the Revised Code. 7028
7029

(12) "Responsible party" means the following: 7030

(a) An area agency on aging in the case of either of the following: 7031
7032

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position; 7033
7034
7035
7036

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service. 7037
7038
7039
7040

(b) A PASSPORT administrative agency in the case of either of the following: 7041
7042

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position; 7043
7044
7045
7046

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service. 7047
7048
7049
7050

(c) A provider in the case of either of the following: 7051

(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position; 7052
7053
7054
7055
7056

(ii) A person who is an employee because the person is 7057

employed by the provider in a full-time, part-time, or temporary 7058
direct-care position or works in such a position due to being 7059
referred to the provider by an employment service. 7060

(d) A subcontractor in the case of either of the following: 7061

(i) A person who is an applicant because the person is under 7062
final consideration for employment with the subcontractor in a 7063
full-time, part-time, or temporary direct-care position or is 7064
referred to the subcontractor by an employment service for such a 7065
position; 7066

(ii) A person who is an employee because the person is 7067
employed by the subcontractor in a full-time, part-time, or 7068
temporary direct-care position or works in such a position due to 7069
being referred to the subcontractor by an employment service. 7070

(e) A consumer in the case of either of the following: 7071

(i) A person who is an applicant because the person is under 7072
final consideration for employment with the consumer in a 7073
full-time, part-time, or temporary direct-care position for which 7074
the consumer, as the employer of record, is to direct the person 7075
in the provision of community-based long-term care services the 7076
person is to provide the consumer or is referred to the consumer 7077
by an employment service for such a position; 7078

(ii) A person who is an employee because the person is 7079
employed by the consumer in a full-time, part-time, or temporary 7080
direct-care position for which the consumer, as the employer of 7081
record, directs the person in the provision of community-based 7082
long-term care services the person provides to the consumer or who 7083
works in such a position due to being referred to the consumer by 7084
an employment service. 7085

(13) "Subcontractor" has the meaning specified in rules 7086
adopted under this section. 7087

(14) "Volunteer" means a person who serves in a direct-care 7088
position without receiving or expecting to receive any form of 7089
remuneration other than reimbursement for actual expenses. 7090

(15) "Waiver agency" has the same meaning as in section 7091
5164.342 of the Revised Code. 7092

(B) This section does not apply to any individual who is 7093
subject to a database review or criminal records check under 7094
section 173.381 or 3701.881 of the Revised Code or to any 7095
individual who is subject to a criminal records check under 7096
section 3721.121 of the Revised Code. ~~If a provider or 7097
subcontractor also is a waiver agency, the provider or 7098
subcontractor may provide for applicants and employees to undergo 7099
database reviews and criminal records checks in accordance with 7100
section 5164.342 of the Revised Code rather than this section. 7101~~

(C) No responsible party shall employ an applicant or 7102
continue to employ an employee in a direct-care position if any of 7103
the following apply: 7104

(1) A review of the databases listed in division (E) of this 7105
section reveals any of the following: 7106

(a) That the applicant or employee is included in one or more 7107
of the databases listed in divisions (E)(1) to (5) of this 7108
section; 7109

(b) That there is in the state nurse aide registry 7110
established under section 3721.32 of the Revised Code a statement 7111
detailing findings by the director of health that the applicant or 7112
employee abused, neglected, or exploited a long-term care facility 7113
or residential care facility resident or misappropriated property 7114
of such a resident; 7115

(c) That the applicant or employee is included in one or more 7116
of the databases, if any, specified in rules adopted under this 7117
section and the rules prohibit the responsible party from 7118

employing an applicant or continuing to employ an employee 7119
included in such a database in a direct-care position. 7120

(2) After the applicant or employee is provided, pursuant to 7121
division (F)(2)(a) of this section, a copy of the form prescribed 7122
pursuant to division (C)(1) of section 109.572 of the Revised Code 7123
and the standard impression sheet prescribed pursuant to division 7124
(C)(2) of that section, the applicant or employee fails to 7125
complete the form or provide the applicant's or employee's 7126
fingerprint impressions on the standard impression sheet. 7127

(3) Unless the applicant or employee meets standards 7128
specified in rules adopted under this section, the applicant or 7129
employee is found by a criminal records check required by this 7130
section to have been convicted of, pleaded guilty to, or been 7131
found eligible for intervention in lieu of conviction for a 7132
disqualifying offense. 7133

(D) Except as provided by division (G) of this section, the 7134
chief administrator of a responsible party shall inform each 7135
applicant of both of the following at the time of the applicant's 7136
initial application for employment or referral to the responsible 7137
party by an employment service for a direct-care position: 7138

(1) That a review of the databases listed in division (E) of 7139
this section will be conducted to determine whether the 7140
responsible party is prohibited by division (C)(1) of this section 7141
from employing the applicant in the direct-care position; 7142

(2) That, unless the database review reveals that the 7143
applicant may not be employed in the direct-care position, a 7144
criminal records check of the applicant will be conducted and the 7145
applicant is required to provide a set of the applicant's 7146
fingerprint impressions as part of the criminal records check. 7147

(E) As a condition of employing any applicant in a 7148
direct-care position, the chief administrator of a responsible 7149

party shall conduct a database review of the applicant in 7150
accordance with rules adopted under this section. If rules adopted 7151
under this section so require, the chief administrator of a 7152
responsible party shall conduct a database review of an employee 7153
in accordance with the rules as a condition of continuing to 7154
employ the employee in a direct-care position. However, a chief 7155
administrator is not required to conduct a database review of an 7156
applicant or employee if division (G) of this section applies. A 7157
database review shall determine whether the applicant or employee 7158
is included in any of the following: 7159

(1) The excluded parties list system that is maintained by 7160
the United States general services administration pursuant to 7161
subpart 9.4 of the federal acquisition regulation and available at 7162
the federal web site known as the system for award management; 7163

(2) The list of excluded individuals and entities maintained 7164
by the office of inspector general in the United States department 7165
of health and human services pursuant to the "Social Security 7166
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 7167

(3) The registry of developmental disabilities employees 7168
established under section 5123.52 of the Revised Code; 7169

(4) The internet-based sex offender and child-victim offender 7170
database established under division (A)(11) of section 2950.13 of 7171
the Revised Code; 7172

(5) The internet-based database of inmates established under 7173
section 5120.66 of the Revised Code; 7174

(6) The state nurse aide registry established under section 7175
3721.32 of the Revised Code; 7176

(7) Any other database, if any, specified in rules adopted 7177
under this section. 7178

(F)(1) As a condition of employing any applicant in a 7179

direct-care position, the chief administrator of a responsible 7180
party shall request that the superintendent of the bureau of 7181
criminal identification and investigation conduct a criminal 7182
records check of the applicant. If rules adopted under this 7183
section so require, the chief administrator of a responsible party 7184
shall request that the superintendent conduct a criminal records 7185
check of an employee at times specified in the rules as a 7186
condition of continuing to employ the employee in a direct-care 7187
position. However, the chief administrator is not required to 7188
request the criminal records check of the applicant or employee if 7189
division (G) of this section applies or the responsible party is 7190
prohibited by division (C)(1) of this section from employing the 7191
applicant or continuing to employ the employee in a direct-care 7192
position. If an applicant or employee for whom a criminal records 7193
check request is required by this section does not present proof 7194
of having been a resident of this state for the five-year period 7195
immediately prior to the date the criminal records check is 7196
requested or provide evidence that within that five-year period 7197
the superintendent has requested information about the applicant 7198
or employee from the federal bureau of investigation in a criminal 7199
records check, the chief administrator shall request that the 7200
superintendent obtain information from the federal bureau of 7201
investigation as part of the criminal records check. Even if an 7202
applicant or employee for whom a criminal records check request is 7203
required by this section presents proof of having been a resident 7204
of this state for the five-year period, the chief administrator 7205
may request that the superintendent include information from the 7206
federal bureau of investigation in the criminal records check. 7207

(2) The chief administrator shall do all of the following: 7208

(a) Provide to each applicant and employee for whom a 7209
criminal records check request is required by this section a copy 7210
of the form prescribed pursuant to division (C)(1) of section 7211

109.572 of the Revised Code and a standard impression sheet 7212
prescribed pursuant to division (C)(2) of that section; 7213

(b) Obtain the completed form and standard impression sheet 7214
from the applicant or employee; 7215

(c) Forward the completed form and standard impression sheet 7216
to the superintendent. 7217

(3) A responsible party shall pay to the bureau of criminal 7218
identification and investigation the fee prescribed pursuant to 7219
division (C)(3) of section 109.572 of the Revised Code for each 7220
criminal records check the responsible party requests under this 7221
section. A responsible party may charge an applicant a fee not 7222
exceeding the amount the responsible party pays to the bureau 7223
under this section if both of the following apply: 7224

(a) The responsible party notifies the applicant at the time 7225
of initial application for employment of the amount of the fee and 7226
that, unless the fee is paid, the applicant will not be considered 7227
for employment. 7228

(b) The medicaid program does not pay the responsible party 7229
for the fee it pays to the bureau under this section. 7230

(G) Divisions (D) to (F) of this section do not apply with 7231
regard to an applicant or employee if the applicant or employee is 7232
referred to a responsible party by an employment service that 7233
supplies full-time, part-time, or temporary staff for direct-care 7234
positions and both of the following apply: 7235

(1) The chief administrator of the responsible party receives 7236
from the employment service confirmation that a review of the 7237
databases listed in division (E) of this section was conducted of 7238
the applicant or employee. 7239

(2) The chief administrator of the responsible party receives 7240
from the employment service, applicant, or employee a report of 7241

the results of a criminal records check of the applicant or 7242
employee that has been conducted by the superintendent within the 7243
one-year period immediately preceding the following: 7244

(a) In the case of an applicant, the date of the applicant's 7245
referral by the employment service to the responsible party; 7246

(b) In the case of an employee, the date by which the 7247
responsible party would otherwise have to request a criminal 7248
records check of the employee under division (F) of this section. 7249

(H)(1) A responsible party may employ conditionally an 7250
applicant for whom a criminal records check request is required by 7251
this section prior to obtaining the results of the criminal 7252
records check if the responsible party is not prohibited by 7253
division (C)(1) of this section from employing the applicant in a 7254
direct-care position and either of the following applies: 7255

(a) The chief administrator of the responsible party requests 7256
the criminal records check in accordance with division (F) of this 7257
section ~~not later than five business days after~~ before 7258
conditionally employing the applicant ~~begins conditional~~ 7259
~~employment.~~ 7260

(b) The applicant is referred to the responsible party by an 7261
employment service, the employment service or the applicant 7262
provides the chief administrator of the responsible party a letter 7263
that is on the letterhead of the employment service, the letter is 7264
dated and signed by a supervisor or another designated official of 7265
the employment service, and the letter states all of the 7266
following: 7267

(i) That the employment service has requested the 7268
superintendent to conduct a criminal records check regarding the 7269
applicant; 7270

(ii) That the requested criminal records check is to include 7271
a determination of whether the applicant has been convicted of, 7272

pleaded guilty to, or been found eligible for intervention in lieu 7273
of conviction for a disqualifying offense; 7274

(iii) That the employment service has not received the 7275
results of the criminal records check as of the date set forth on 7276
the letter; 7277

(iv) That the employment service promptly will send a copy of 7278
the results of the criminal records check to the chief 7279
administrator of the responsible party when the employment service 7280
receives the results. 7281

(2) If a responsible party employs an applicant conditionally 7282
pursuant to division (H)(1)(b) of this section, the employment 7283
service, on its receipt of the results of the criminal records 7284
check, promptly shall send a copy of the results to the chief 7285
administrator of the responsible party. 7286

(3) A responsible party that employs an applicant 7287
conditionally pursuant to division (H)(1)(a) or (b) of this 7288
section shall terminate the applicant's employment if the results 7289
of the criminal records check, other than the results of any 7290
request for information from the federal bureau of investigation, 7291
are not obtained within the period ending sixty days after the 7292
date the request for the criminal records check is made. 7293
Regardless of when the results of the criminal records check are 7294
obtained, if the results indicate that the applicant has been 7295
convicted of, pleaded guilty to, or been found eligible for 7296
intervention in lieu of conviction for a disqualifying offense, 7297
the responsible party shall terminate the applicant's employment 7298
unless the applicant meets standards specified in rules adopted 7299
under this section that permit the responsible party to employ the 7300
applicant and the responsible party chooses to employ the 7301
applicant. Termination of employment under this division shall be 7302
considered just cause for discharge for purposes of division 7303
(D)(2) of section 4141.29 of the Revised Code if the applicant 7304

makes any attempt to deceive the responsible party about the 7305
applicant's criminal record. 7306

(I) The report of any criminal records check conducted 7307
pursuant to a request made under this section is not a public 7308
record for the purposes of section 149.43 of the Revised Code and 7309
shall not be made available to any person other than the 7310
following: 7311

(1) The applicant or employee who is the subject of the 7312
criminal records check or the applicant's or employee's 7313
representative; 7314

(2) The chief administrator of the responsible party 7315
requesting the criminal records check or the administrator's 7316
representative; 7317

(3) The administrator of any other facility, agency, or 7318
program that provides community-based long-term care services that 7319
is owned or operated by the same entity that owns or operates the 7320
responsible party that requested the criminal records check; 7321

(4) The employment service that requested the criminal 7322
records check; 7323

(5) The director of aging or a person authorized by the 7324
director to monitor a responsible party's compliance with this 7325
section; 7326

(6) The medicaid director and the staff of the department of 7327
medicaid who are involved in the administration of the medicaid 7328
program if any of the following apply: 7329

(a) In the case of a criminal records check requested by a 7330
provider or subcontractor, the provider or subcontractor also is a 7331
waiver agency; 7332

(b) In the case of a criminal records check requested by an 7333
employment service, the employment service makes the request for 7334

an applicant or employee the employment service refers to a 7335
provider or subcontractor that also is a waiver agency; 7336

(c) The criminal records check is requested by a consumer who 7337
is acting as a responsible party. 7338

(7) A court, hearing officer, or other necessary individual 7339
involved in a case dealing with any of the following: 7340

(a) A denial of employment of the applicant or employee; 7341

(b) Employment or unemployment benefits of the applicant or 7342
employee; 7343

(c) A civil or criminal action regarding the medicaid program 7344
or a program the department of aging administers. 7345

(J) In a tort or other civil action for damages that is 7346
brought as the result of an injury, death, or loss to person or 7347
property caused by an applicant or employee who a responsible 7348
party employs in a direct-care position, all of the following 7349
shall apply: 7350

(1) If the responsible party employed the applicant or 7351
employee in good faith and reasonable reliance on the report of a 7352
criminal records check requested under this section, the 7353
responsible party shall not be found negligent solely because of 7354
its reliance on the report, even if the information in the report 7355
is determined later to have been incomplete or inaccurate. 7356

(2) If the responsible party employed the applicant in good 7357
faith on a conditional basis pursuant to division (H) of this 7358
section, the responsible party shall not be found negligent solely 7359
because it employed the applicant prior to receiving the report of 7360
a criminal records check requested under this section. 7361

(3) If the responsible party in good faith employed the 7362
applicant or employee because the applicant or employee meets 7363
standards specified in rules adopted under this section, the 7364

responsible party shall not be found negligent solely because the
applicant or employee has been convicted of, pleaded guilty to, or
been found eligible for intervention in lieu of conviction for a
disqualifying offense.

(K) The director of aging shall adopt rules in accordance
with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and
criminal records checks under this section;

(b) If the rules require employees to undergo database
reviews and criminal records checks under this section, exempt one
or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section,
specify other databases that are to be checked as part of a
database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this
section;

(c) If the rules require employees to undergo database
reviews and criminal records checks under this section, the times
at which the database reviews and criminal records checks are to
be conducted;

(d) If the rules specify other databases to be checked as
part of the database reviews, the circumstances under which a
responsible party is prohibited from employing an applicant or
continuing to employ an employee who is found by a database review
to be included in one or more of those databases;

(e) Standards that an applicant or employee must meet for a
responsible party to be permitted to employ the applicant or

continue to employ the employee in a direct-care position if the 7395
applicant or employee is found by a criminal records check 7396
required by this section to have been convicted of, pleaded guilty 7397
to, or been found eligible for intervention in lieu of conviction 7398
for a disqualifying offense. 7399

Sec. 173.391. (A) Subject to section 173.381 of the Revised 7400
Code, the department of aging or its designee shall do all of the 7401
following in accordance with Chapter 119. of the Revised Code: 7402

(1) Certify a provider to provide community-based long-term 7403
care services under a program the department administers if the 7404
provider satisfies the requirements for certification established 7405
by rules adopted under division (B) of this section and pays the 7406
fee, if any, established by rules adopted under division (G) of 7407
this section; 7408

(2) When required to do so by rules adopted under division 7409
(B) of this section, take one or more of the following 7410
disciplinary actions against a provider certified under division 7411
(A)(1) of this section: 7412

(a) Issue a written warning; 7413

(b) Require the submission of a plan of correction or 7414
evidence of compliance with requirements identified by the 7415
department; 7416

(c) Suspend referrals; 7417

(d) Remove clients; 7418

(e) Impose a fiscal sanction such as a civil monetary penalty 7419
or an order that unearned funds be repaid; 7420

(f) Suspend the certification; 7421

(g) Revoke the certification; 7422

(h) Impose another sanction. 7423

(3) Except as provided in division (E) of this section, hold 7424
hearings when there is a dispute between the department or its 7425
designee and a provider concerning actions the department or its 7426
designee takes regarding a decision not to certify the provider 7427
under division (A)(1) of this section or a disciplinary action 7428
under divisions (A)(2)(e) to (h) of this section. 7429

(B) The director of aging shall adopt rules in accordance 7430
with Chapter 119. of the Revised Code establishing certification 7431
requirements and standards for determining which type of 7432
disciplinary action to take under division (A)(2) of this section 7433
in individual situations. The rules shall establish procedures for 7434
all of the following: 7435

(1) Ensuring that providers comply with sections 173.38 and 7436
173.381 of the Revised Code; 7437

(2) Evaluating the services provided by the providers to 7438
ensure that the services are provided in a quality manner 7439
advantageous to the individual receiving the services; 7440

(3) In a manner consistent with section 173.381 of the 7441
Revised Code, determining when to take disciplinary action under 7442
division (A)(2) of this section and which disciplinary action to 7443
take; 7444

(4) Determining what constitutes another sanction for 7445
purposes of division (A)(2)(h) of this section. 7446

(C) The procedures established in rules adopted under 7447
division (B)(2) of this section shall require that all of the 7448
following be considered as part of an evaluation described in 7449
division (B)(2) of this section: 7450

(1) The provider's experience and financial responsibility; 7451

(2) The provider's ability to comply with standards for the 7452
community-based long-term care services that the provider provides 7453

under a program the department administers; 7454

(3) The provider's ability to meet the needs of the 7455
individuals served; 7456

(4) Any other factor the director considers relevant. 7457

(D) The rules adopted under division (B)(3) of this section 7458
shall specify that the reasons disciplinary action may be taken 7459
under division (A)(2) of this section include good cause, 7460
including misfeasance, malfeasance, nonfeasance, confirmed abuse 7461
or neglect, financial irresponsibility, or other conduct the 7462
director determines is injurious, or poses a threat, to the health 7463
or safety of individuals being served. 7464

(E) Subject to division (F) of this section, the department 7465
is not required to hold hearings under division (A)(3) of this 7466
section if any of the following conditions apply: 7467

(1) Rules adopted by the director of aging pursuant to this 7468
chapter require the provider to be a party to a provider 7469
agreement; hold a license, certificate, or permit; or maintain a 7470
certification, any of which is required or issued by a state or 7471
federal government entity other than the department of aging, and 7472
either of the following is the case: 7473

(a) The provider agreement has not been entered into or the 7474
license, certificate, permit, or certification has not been 7475
obtained or maintained. 7476

(b) The provider agreement, license, certificate, permit, or 7477
certification has been denied, revoked, not renewed, or suspended 7478
or has been otherwise restricted. 7479

(2) The provider's certification under this section has been 7480
denied, suspended, or revoked for any of the following reasons: 7481

(a) A government entity of this state, other than the 7482
department of aging, has terminated or refused to renew any of the 7483

following held by, or has denied any of the following sought by, a 7484
provider: a provider agreement, license, certificate, permit, or 7485
certification. Division (E)(2)(a) of this section applies 7486
regardless of whether the provider has entered into a provider 7487
agreement in, or holds a license, certificate, permit, or 7488
certification issued by, another state. 7489

(b) The provider or a principal owner or manager of the 7490
provider who provides direct care has entered a guilty plea for, 7491
or has been convicted of, an offense materially related to the 7492
medicaid program. 7493

(c) A principal owner or manager of the provider who provides 7494
direct care has entered a guilty plea for, been convicted of, or 7495
been found eligible for intervention in lieu of conviction for an 7496
offense listed or described in divisions (A)(3)(a) to (e) of 7497
section 109.572 of the Revised Code, but only if the provider, 7498
principal owner, or manager does not meet standards specified by 7499
the director in rules adopted under section 173.38 of the Revised 7500
Code. 7501

(d) The department or its designee is required by section 7502
173.381 of the Revised Code to deny or revoke the provider's 7503
certification. 7504

(e) The United States department of health and human services 7505
has taken adverse action against the provider and that action 7506
impacts the provider's participation in the medicaid program. 7507

(f) The provider has failed to enter into or renew a provider 7508
agreement with the PASSPORT administrative agency, as that term is 7509
defined in section 173.42 of the Revised Code, that administers 7510
programs on behalf of the department of aging in the region of the 7511
state in which the provider is certified to provide services. 7512

(g) The provider has not billed or otherwise submitted a 7513
claim to the department for payment under the medicaid program in 7514

at least two years. 7515

(h) The provider denied or failed to provide the department 7516
or its designee access to the provider's facilities during the 7517
provider's normal business hours for purposes of conducting an 7518
audit or structural compliance review. 7519

(i) The provider has ceased doing business. 7520

(j) The provider has voluntarily relinquished its 7521
certification for any reason. 7522

(3) The provider's provider agreement with the department of 7523
medicaid has been suspended under division (C) of section 5164.37 7524
of the Revised Code. 7525

(4) The provider's provider agreement with the department of 7526
medicaid is denied or revoked because the provider or its owner, 7527
officer, authorized agent, associate, manager, or employee has 7528
been convicted of an offense that caused the provider agreement to 7529
be suspended under section 5164.37 of the Revised Code. 7530

(F) If the department does not hold hearings when any 7531
condition described in division (E) of this section applies, the 7532
department ~~may~~ shall send a notice to the provider describing a 7533
decision not to certify the provider under division (A)(1) of this 7534
section or the disciplinary action the department ~~proposes to take~~ 7535
is taking under ~~division~~ divisions (A)(2)(e) to (h) of this 7536
section. The notice shall be sent to the provider's address that 7537
is on record with the department and may be sent by regular mail. 7538

(G) The director of aging may adopt rules in accordance with 7539
Chapter 119. of the Revised Code establishing a fee to be charged 7540
by the department of aging or its designee for certification 7541
issued under this section. 7542

~~All fees~~ (H) Any amounts collected by the department or its 7543
designee under this section shall be deposited in the state 7544

treasury to the credit of the provider certification fund, which 7545
is hereby created. Money credited to the fund shall be used to pay 7546
for community-based long-term care services, administrative costs 7547
associated with provider certification under this section, and 7548
administrative costs related to the publication of the Ohio 7549
long-term care consumer guide. 7550

Sec. 173.525. (A) As used in this section, "snack" has the 7551
same meaning as in section 173.30 of the Revised Code. 7552

(B) An entity that provides home-delivered meals under the 7553
PASSPORT program shall not offer snacks in addition to the 7554
breakfast, lunch, or dinner meals provided to PASSPORT program 7555
enrollees unless the entity does all of the following: 7556

(1) Offers an enrollee not more than five snack choices at a 7557
time; 7558

(2) Provides an enrollee with the amount of calories in, and 7559
the sugar and sodium contents of, each snack offered to the 7560
enrollee; 7561

(3) Provides an enrollee not more than one snack per each 7562
breakfast, lunch, and dinner meal that is provided to the enrollee 7563
at the same time as the snacks. 7564

Sec. 177.02. (A) Any person may file with the organized crime 7565
investigations commission a complaint that alleges that organized 7566
criminal activity has occurred in a county. A person who files a 7567
complaint under this division also may file with the commission 7568
information relative to the complaint. 7569

(B) Upon the filing of a complaint under division (A) of this 7570
section or upon its own initiative, the commission may establish 7571
an organized crime task force to investigate organized criminal 7572
activity in a single county or in two or more counties if it 7573
determines, based upon the complaint filed and the information 7574

relative to it or based upon any information that it may have 7575
received, that there is reason to believe that organized criminal 7576
activity has occurred and continues to occur in that county or in 7577
each of those counties. The commission shall not establish an 7578
organized crime task force to investigate organized criminal 7579
activity in any single county unless it makes the determination 7580
required under this division relative to that county and shall not 7581
establish an organized crime task force to investigate organized 7582
criminal activity in two or more counties unless it makes the 7583
determination required under this division relative to each of 7584
those counties. The commission, at any time, may terminate an 7585
organized crime task force it has established under this section. 7586

(C)(1) If the commission establishes an organized crime task 7587
force to investigate organized criminal activity in a single 7588
county or in two or more counties pursuant to division (B) of this 7589
section, the commission initially shall appoint a task force 7590
director to directly supervise the investigation. The task force 7591
director shall be either the sheriff or a deputy sheriff of any 7592
county in the state, the chief law enforcement officer or a member 7593
of a law enforcement agency of any municipal corporation or 7594
township in the state, or an agent of the bureau of criminal 7595
identification and investigation. No person shall be appointed as 7596
task force director without the person's consent and, if 7597
applicable, the consent of the person's employing sheriff or law 7598
enforcement agency or of the superintendent of the bureau of 7599
criminal identification and investigation if the person is an 7600
employee of the bureau. Upon appointment of a task force director, 7601
the commission shall meet with the director and establish the 7602
scope and limits of the investigation to be conducted by the task 7603
force and the size of the task force investigatory staff to be 7604
appointed by the task force director. The commission, at any time, 7605
may remove a task force director appointed under this division and 7606
may replace any director so removed according to the guidelines 7607

for the initial appointment of a director. 7608

(2) A task force director appointed under this section shall 7609
assemble a task force investigatory staff, of a size determined by 7610
the commission and the director, to conduct the investigation. 7611
Unless it appears to the commission and the director, based upon 7612
the complaint filed and any information relative to it or based 7613
upon any information that the commission may have received, that 7614
there is reason to believe that the office of the prosecuting 7615
attorney of the county or one of the counties served by the task 7616
force is implicated in the organized criminal activity to be 7617
investigated, one member of the investigatory staff shall be the 7618
prosecuting attorney or an assistant prosecuting attorney of the 7619
county or one of the counties served by the task force. If a 7620
prosecuting attorney or assistant prosecuting attorney is not a 7621
participating member of the task force, the office of the attorney 7622
general shall provide legal assistance to the task force upon 7623
request. Each of the other members of the investigatory staff 7624
shall be either the sheriff or a deputy sheriff of any county in 7625
the state, the chief law enforcement officer or a member of a law 7626
enforcement agency of any municipal corporation or township in the 7627
state, or an agent of the bureau of criminal identification and 7628
investigation. No person shall be appointed to the investigatory 7629
staff without the person's consent and, if applicable, the consent 7630
of the person's employing sheriff or law enforcement agency or the 7631
superintendent of the bureau of criminal identification and 7632
investigation if the person is an employee of the bureau. To the 7633
extent possible, the investigatory staff shall be composed of 7634
persons familiar with investigatory techniques that generally 7635
would be utilized in an investigation of organized criminal 7636
activity. To the extent practicable, the investigatory staff shall 7637
be assembled in such a manner that numerous law enforcement 7638
agencies within the county or the counties served by the task 7639
force are represented on the investigatory staff. The 7640

investigatory staff shall be assembled in such a manner that at 7641
least one sheriff, deputy sheriff, municipal corporation law 7642
enforcement officer, or township law enforcement officer from each 7643
of the counties served by the task force is represented on the 7644
investigatory staff. A task force director, at any time, may 7645
remove any member of the investigatory staff the task force 7646
director has assembled under this division and may replace any 7647
member so removed according to the guidelines for the initial 7648
assembly of the investigatory staff. 7649

(3) The commission may provide an organized crime task force 7650
established under this section with technical and clerical 7651
employees and with equipment necessary to efficiently conduct its 7652
investigation into organized criminal activity. 7653

(4) Upon the establishment of a task force, the commission 7654
shall issue to the task force director and each member of the task 7655
force investigatory staff appropriate credentials stating the 7656
person's identity, position, and authority. 7657

(D)(1) A task force investigatory staff, during the period of 7658
the investigation for which it is assembled, is responsible only 7659
to the task force director and shall operate under the direction 7660
and control of the task force director. Any necessary and actual 7661
expenses incurred by a task force director or investigatory staff, 7662
including any such expenses incurred for food, lodging, or travel, 7663
and any other necessary and actual expenses of an investigation 7664
into organized criminal activity conducted by a task force, shall 7665
be paid by the commission. ~~For~~ 7666

(2) ~~For~~ purposes of workers' compensation and the allocation 7667
of liability for any death, injury, or damage they may cause in 7668
the performance of their duties, a task force director and 7669
investigatory staff, during the period of the investigation for 7670
which the task force is assembled, shall be considered to be 7671
employees of the commission and of the state. ~~However, for~~ 7672

(3) For purposes of compensation, pension or indemnity fund 7673
rights, and other rights and benefits to which they may be 7674
entitled, a task force director and investigatory staff, during 7675
the period of the performance of their duties as director and 7676
investigatory staff, shall be considered to be performing their 7677
duties in their normal capacity as prosecuting attorney, assistant 7678
prosecuting attorney, sheriff, deputy sheriff, chief law 7679
enforcement officer or member of a law enforcement agency of a 7680
municipal corporation or township, or agent of the bureau of 7681
criminal identification and investigation. 7682

The commission may reimburse a political subdivision for any 7683
costs incurred under division (D)(3) of this section resulting 7684
from the payment of any compensation, rights, or benefits as 7685
described in that division from the organized crime commission 7686
fund created in section 177.011 of the Revised Code. 7687

(E) Except as provided in this division, upon the 7688
establishment of a task force, the commission shall provide the 7689
prosecuting attorney of each of the counties served by the task 7690
force with written notice that the task force has been established 7691
to investigate organized criminal activity in that county. Such 7692
notice shall not be provided to a prosecuting attorney if it 7693
appears to the commission, based upon the complaint filed and any 7694
information relative to it or based upon any information that the 7695
commission may have received, that there is reason to believe that 7696
the office of that prosecuting attorney is implicated in the 7697
organized criminal activity to be investigated. 7698

(F) The filing of a complaint alleging organized criminal 7699
activity, the establishment of an organized crime task force, the 7700
appointment of a task force director and the identity of the task 7701
force director, the assembly of an investigatory staff and the 7702
identity of its members, the conduct of an investigation into 7703
organized criminal activity, and the identity of any person who is 7704

being or is expected to be investigated by the task force shall be 7705
kept confidential by the commission and its director and 7706
employees, and by the task force and its director, investigatory 7707
staff, and employees until an indictment is returned or a criminal 7708
action or proceeding is initiated in a court of proper 7709
jurisdiction. 7710

(G) For purposes of divisions (C) and (E) of this section, 7711
the office of a prosecuting attorney shall be considered as being 7712
implicated in organized criminal activity only if the prosecuting 7713
attorney, one or more of the prosecuting attorney's assistants, or 7714
one or more of the prosecuting attorney's employees has committed 7715
or attempted or conspired to commit, is committing or attempting 7716
or conspiring to commit, or has engaged in or is engaging in 7717
complicity in the commission of, organized criminal activity. 7718

Sec. 183.18. (A) Ohio's public health priorities trust fund 7719
is hereby created in the state treasury. All investment earnings 7720
of the fund shall be credited to the fund. Notwithstanding any 7721
conflicting provision of the Revised Code, the director of budget 7722
and management may credit to the fund any money received by the 7723
state, director of health, or department of health as part of a 7724
settlement agreement relating to a pressing public health issue. 7725

(B) Money credited to the fund shall be used by the director 7726
of health for the following purposes: 7727

~~(A) Minority health programs, on which not less than~~ 7728
~~twenty-five per cent of the annual appropriations from the trust~~ 7729
~~fund shall be expended;~~ 7730

~~(B) Enforcing section 2927.02 of the Revised Code;~~ 7731

~~(C) Alcohol and drug abuse treatment and prevention programs,~~ 7732
~~including programs for adult and juvenile offenders in state~~ 7733
~~institutions and aftercare programs;~~ 7734

~~(D) A non-entitlement program funded through the department of health to provide emergency assistance consisting of medication, oxygen, or both to seniors whose health has been adversely affected by tobacco use and whose income does not exceed one hundred per cent of the federal poverty guidelines, on which five per cent of the annual appropriations from the trust fund shall be expended. However, if federal funding becomes available for this purpose, the department shall utilize the federal funding and the appropriations from the trust fund shall be used for the other purposes authorized by this section. If the federal program requires seniors described by this division to pay a premium or copayment to obtain medication or oxygen, the director of health shall recommend to the general assembly whether this division's set-aside of five per cent of the appropriations from the trust fund should be used to pay such premiums or copayments. As used in this division, "federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.~~

~~(E) Partial reimbursement, on a county basis, of hospitals, free medical clinics, and similar organizations or programs that provide free, uncompensated care to the general public, and of counties that pay private entities to provide such care using revenue from a property tax levied at least in part for that purpose~~ (1) To conduct public health awareness and educational campaigns;

(2) To address any pressing public health issue identified by the director or described in the state health improvement plan or a successor document prepared for the department of health;

(3) To implement and administer innovative public health programs and prevention strategies;

(4) To improve the population health of Ohio.

The director may collaborate with one or more nonprofit

entities, including a public health foundation, to meet the 7766
requirements of division (B) of this section. 7767

~~All investment earnings of the fund shall be credited to the~~ 7768
~~fund.~~ 7769

Sec. 183.33. No money shall be appropriated or transferred 7770
from the general revenue fund to the law enforcement improvements 7771
trust fund, southern Ohio agricultural and community development 7772
foundation endowment fund, ~~Ohio's public health priorities trust~~ 7773
~~fund,~~ biomedical research and technology transfer trust fund, 7774
~~education facilities trust fund,~~ or education technology trust 7775
fund. 7776

Sec. 307.622. (A) The health commissioner of the board of 7777
health of a city or a general health district who is appointed 7778
under section 307.621 of the Revised Code to establish the child 7779
fatality review board shall select six members to serve on the 7780
child fatality review board along with the commissioner. The 7781
review board shall consist of the following: 7782

(1) A county coroner or designee; 7783

(2) The chief of police of a police department or the sheriff 7784
that serves the greatest population in the county or region or a 7785
designee of the chief or sheriff; 7786

(3) The executive director of a public children services 7787
agency or designee; 7788

(4) A public health official or designee; 7789

(5) The executive director of a board of alcohol, drug 7790
addiction, and mental health services or designee; 7791

(6) A physician who holds a ~~certificate~~ license issued 7792
pursuant to Chapter 4731. of the Revised Code authorizing the 7793
practice of medicine and surgery or osteopathic medicine and 7794

surgery, specializes in pediatric or family medicine, and 7795
currently practices pediatric or family medicine. 7796

(B) The majority of the members of a review board may invite 7797
additional members to serve on the board. The additional members 7798
invited under this division shall serve for a period of time 7799
determined by a majority of the members described in division (A) 7800
of this section. An additional member shall have the same 7801
authority, duties, and responsibilities as members described in 7802
division (A) of this section. 7803

(C) A vacancy in a child fatality review board shall be 7804
filled in the same manner as the original appointment. 7805

(D) A child fatality review board member shall not receive 7806
any compensation for, and shall not be paid for any expenses 7807
incurred pursuant to, fulfilling the member's duties on the board 7808
unless compensation for, or payment for expenses incurred pursuant 7809
to, those duties is received pursuant to a member's regular 7810
employment. 7811

Sec. 319.302. (A)(1) Real property that is not intended 7812
primarily for use in a business activity shall qualify for a 7813
partial exemption from real property taxation. For purposes of 7814
this partial exemption, "business activity" includes all uses of 7815
real property, except farming; leasing property for farming; 7816
occupying or holding property improved with single-family, 7817
two-family, or three-family dwellings; leasing property improved 7818
with single-family, two-family, or three-family dwellings; or 7819
holding vacant land that the county auditor determines will be 7820
used for farming or to develop single-family, two-family, or 7821
three-family dwellings. For purposes of this partial exemption, 7822
"farming" does not include land used for the commercial production 7823
of timber that is receiving the tax benefit under section 5713.23 7824
or 5713.31 of the Revised Code and all improvements connected with 7825

such commercial production of timber. 7826

(2) Each year, the county auditor shall review each parcel of 7827
real property to determine whether it qualifies for the partial 7828
exemption provided for by this section as of the first day of 7829
January of the current tax year. 7830

(B) After complying with section 319.301 of the Revised Code, 7831
the county auditor shall reduce the remaining sums to be levied by 7832
qualifying levies against each parcel of real property that is 7833
listed on the general tax list and duplicate of real and public 7834
utility property for the current tax year and that qualifies for 7835
partial exemption under division (A) of this section, and against 7836
each manufactured and mobile home that is taxed pursuant to 7837
division (D)(2) of section 4503.06 of the Revised Code and that is 7838
on the manufactured home tax list for the current tax year, by ten 7839
per cent, to provide a partial exemption for that parcel or home. 7840
For the purposes of this division: 7841

(1) "Qualifying levy" means a levy approved at an election 7842
held before September 29, 2013; a levy within the ten-mill 7843
limitation; a levy provided for by the charter of a municipal 7844
corporation that was levied on the tax list for tax year 2013; a 7845
subsequent renewal of any such levy; or a subsequent substitute 7846
for such a levy under section 5705.199 of the Revised Code. 7847

(2) "Qualifying levy" does not include any replacement 7848
imposed under section 5705.192 of the Revised Code of any levy 7849
described in division (B)(1) of this section. 7850

(C) Except as otherwise provided in sections 323.152, 7851
323.158, 323.16, 505.06, and 715.263 of the Revised Code, the 7852
amount of the taxes remaining after any such reduction shall be 7853
the real and public utility property taxes charged and payable on 7854
each parcel of real property, including property that does not 7855
qualify for partial exemption under division (A) of this section, 7856

and the manufactured home tax charged and payable on each 7857
manufactured or mobile home, and shall be the amounts certified to 7858
the county treasurer for collection. Upon receipt of the real and 7859
public utility property tax duplicate, the treasurer shall certify 7860
to the tax commissioner the total amount by which the real 7861
property taxes were reduced under this section, as shown on the 7862
duplicate. Such reduction shall not directly or indirectly affect 7863
the determination of the principal amount of notes that may be 7864
issued in anticipation of any tax levies or the amount of bonds or 7865
notes for any planned improvements. If after application of 7866
sections 5705.31 and 5705.32 of the Revised Code and other 7867
applicable provisions of law, including divisions (F) and (I) of 7868
section 321.24 of the Revised Code, there would be insufficient 7869
funds for payment of debt charges on bonds or notes payable from 7870
taxes reduced by this section, the reduction of taxes provided for 7871
in this section shall be adjusted to the extent necessary to 7872
provide funds from such taxes. 7873

(D) The tax commissioner may adopt rules governing the 7874
administration of the partial exemption provided for by this 7875
section. 7876

(E) The determination of whether property qualifies for 7877
partial exemption under division (A) of this section is solely for 7878
the purpose of allowing the partial exemption under division (B) 7879
of this section. 7880

Sec. 321.24. (A) On or before the fifteenth day of February, 7881
in each year, the county treasurer shall settle with the county 7882
auditor for all taxes and assessments that the treasurer has 7883
collected on the general duplicate of real and public utility 7884
property at the time of making the settlement. If the county 7885
treasurer has made or will make advance payments to the several 7886
taxing districts of current year unpaid taxes under section 7887

321.341 of the Revised Code before collecting them, the county 7888
treasurer shall take the advance payments into account for 7889
purposes of the settlement with the county auditor under this 7890
division. 7891

(B) On or before the thirtieth day of June, in each year, the 7892
treasurer shall settle with the auditor for all advance payments 7893
of general personal and classified property taxes that the 7894
treasurer has received at the time of making the settlement. 7895

(C) On or before the tenth day of August, in each year, the 7896
treasurer shall settle with the auditor for all taxes and 7897
assessments that the treasurer has collected on the general 7898
duplicates of real and public utility property at the time of 7899
making such settlement, not included in the preceding February 7900
settlement. If the county treasurer has made or will make advance 7901
payments to the several taxing districts of the current year 7902
delinquent taxes under section 321.341 of the Revised Code before 7903
collecting them, the county treasurer shall take the advance 7904
payments into account for purposes of the settlement with the 7905
county auditor under this division. 7906

(D) On or before the thirty-first day of October, in each 7907
year, the treasurer shall settle with the auditor for all taxes 7908
that the treasurer has collected on the general personal and 7909
classified property duplicates, and for all advance payments of 7910
general personal and classified property taxes, not included in 7911
the preceding June settlement, that the treasurer has received at 7912
the time of making such settlement. 7913

(E) In the event the time for the payment of taxes is 7914
extended, pursuant to section 323.17 of the Revised Code, the date 7915
on or before which settlement for the taxes so extended must be 7916
made, as herein prescribed, shall be deemed to be extended for a 7917
like period of time. At each such settlement, the auditor shall 7918

allow to the treasurer, on the moneys received or collected and 7919
accounted for by the treasurer, the treasurer's fees, at the rate 7920
or percentage allowed by law, at a full settlement of the 7921
treasurer. 7922

(F) Within thirty days after the day of each settlement of 7923
taxes required under divisions (A) and (C) of this section, the 7924
treasurer shall certify to the tax commissioner any adjustments 7925
that have been made to the amount certified previously pursuant to 7926
section 319.302 of the Revised Code and that the settlement has 7927
been completed. Upon receipt of such certification, the 7928
commissioner shall provide for payment to the county treasurer 7929
from the general revenue fund of an amount equal to one-half of 7930
the amount certified by the treasurer in the preceding tax year 7931
under section 319.302 of the Revised Code, less the sum of (1) 7932
one-half of the amount computed for all taxing districts in that 7933
county for the current fiscal year under section 5703.80 of the 7934
Revised Code for crediting to the property tax administration fund 7935
and (2) any reduction required by the commissioner under division 7936
(D) of section 718.83 of the Revised Code. Such payment shall be 7937
credited upon receipt to the county's undivided income tax fund, 7938
and the county auditor shall transfer to the county general fund 7939
from the amount thereof the total amount of all fees and charges 7940
which the auditor and treasurer would have been authorized to 7941
receive had such section not been in effect and that amount had 7942
been levied and collected as taxes. The county auditor shall 7943
distribute the amount remaining among the various taxing districts 7944
in the county as if it had been levied, collected, and settled as 7945
real property taxes. The amount distributed to each taxing 7946
district shall be reduced by the total of the amounts computed for 7947
the district under section 5703.80 of the Revised Code, but the 7948
reduction shall not exceed the amount that otherwise would be 7949
distributed to the taxing district under this division. The amount 7950
distributed to a taxing district shall account for any reduction 7951

required by the commissioner under division (D) of section 718.83 7952
of the Revised Code. The tax commissioner shall make available to 7953
taxing districts such information as is sufficient for a taxing 7954
district to be able to determine the amount of the reduction in 7955
its distribution under this section. 7956

(G)(1) Within thirty days after the day of the settlement 7957
required in division (D) of this section, the county treasurer 7958
shall notify the tax commissioner that the settlement has been 7959
completed. Upon receipt of that notification, the commissioner 7960
shall provide for payment to the county treasurer from the general 7961
revenue fund of an amount equal to the amount certified under 7962
former section 319.311 of the Revised Code and paid in the state's 7963
fiscal year 2003 multiplied by the percentage specified in 7964
division (G)(2) of this section. The payment shall be credited 7965
upon receipt to the county's undivided income tax fund, and the 7966
county auditor shall distribute the amount thereof among the 7967
various taxing districts of the county as if it had been levied, 7968
collected, and settled as personal property taxes. The amount 7969
received by a taxing district under this division shall be 7970
apportioned among its funds in the same proportion as the current 7971
year's personal property taxes are apportioned. 7972

(2) Payments required under division (G)(1) of this section 7973
shall be made at the following percentages of the amount certified 7974
under former section 319.311 of the Revised Code and paid under 7975
division (G)(1) of this section in the state's fiscal year 2003: 7976

- (a) In fiscal year 2004, ninety per cent; 7977
- (b) In fiscal year 2005, eighty per cent; 7978
- (c) In fiscal year 2006, sixty-four per cent; 7979
- (d) In fiscal year 2007, forty per cent; 7980
- (e) In fiscal year 2008, thirty-two per cent; 7981

(f) In fiscal year 2009, sixteen per cent. 7982

After fiscal year 2009, no payments shall be made under 7983
division (G)(1) of this section. 7984

(H)(1) On or before the fifteenth day of April each year, the 7985
county treasurer shall settle with the county auditor for all 7986
manufactured home taxes that the county treasurer has collected on 7987
the manufactured home tax duplicate at the time of making the 7988
settlement. 7989

(2) On or before the fifteenth day of September each year, 7990
the county treasurer shall settle with the county auditor for all 7991
remaining manufactured home taxes that the county treasurer has 7992
collected on the manufactured home tax duplicate at the time of 7993
making the settlement. 7994

(3) If the time for payment of such taxes is extended under 7995
section 4503.06 of the Revised Code, the time for making the 7996
settlement as prescribed by divisions (H)(1) and (2) of this 7997
section is extended for a like period of time. 7998

(I) On or before the second Monday in September of each year, 7999
the county treasurer shall certify to the tax commissioner the 8000
total amount by which the manufactured home taxes levied in that 8001
year were reduced pursuant to section 319.302 of the Revised Code. 8002
Within ninety days after the receipt of such certification, the 8003
commissioner shall provide for payment to the county treasurer 8004
from the general revenue fund of an amount equal to the amount 8005
certified by the treasurer. Such payment shall be credited upon 8006
receipt to the county's undivided income tax fund, and the county 8007
auditor shall transfer to the county general fund from the amount 8008
thereof the total amount of all fees and charges that the auditor 8009
and treasurer would have been authorized to receive had such 8010
section not been in effect and that amount had been levied and 8011
collected as manufactured home taxes. The county auditor shall 8012

distribute the amount remaining among the various taxing districts 8013
in the county as if it had been levied, collected, and settled as 8014
manufactured home taxes. 8015

Sec. 323.151. As used in sections 323.151 to 323.159 of the 8016
Revised Code: 8017

(A)(1) "Homestead" means either of the following: 8018

(a) A dwelling, including a unit in a multiple-unit dwelling 8019
and a manufactured home or mobile home taxed as real property 8020
pursuant to division (B) of section 4503.06 of the Revised Code, 8021
owned and occupied as a home by an individual whose domicile is in 8022
this state and who has not acquired ownership from a person, other 8023
than the individual's spouse, related by consanguinity or affinity 8024
for the purpose of qualifying for the real property tax reduction 8025
provided in section 323.152 of the Revised Code. 8026

(b) A unit in a housing cooperative that is occupied as a 8027
home, but not owned, by an individual whose domicile is in this 8028
state. 8029

(2) The homestead shall include so much of the land 8030
surrounding it, not exceeding one acre, as is reasonably necessary 8031
for the use of the dwelling or unit as a home. An owner includes a 8032
holder of one of the several estates in fee, a vendee in 8033
possession under a purchase agreement or a land contract, a 8034
mortgagor, a life tenant, one or more tenants with a right of 8035
survivorship, tenants in common, and a settlor of a revocable or 8036
irrevocable inter vivos trust holding the title to a homestead 8037
occupied by the settlor as of right under the trust. The tax 8038
commissioner shall adopt rules for the uniform classification and 8039
valuation of real property or portions of real property as 8040
homesteads. 8041

(B) "Sixty-five years of age or older" means a person who has 8042

attained age sixty-four prior to the first day of January of the 8043
year of application for reduction in real estate taxes. 8044

(C) "Total income" means ~~Ohio~~ modified adjusted gross income, 8045
as that term is defined in section 5747.01 of the Revised Code, of 8046
the owner and the owner's spouse for the year preceding the year 8047
in which application for a reduction in taxes is made, ~~as~~ 8048
~~determined under division (A) of section 5747.01 of the Revised~~ 8049
~~Code.~~ 8050

(D) "Permanently and totally disabled" means that a person 8051
other than a disabled veteran has, on the first day of January of 8052
the year of application for reduction in real estate taxes, some 8053
impairment in body or mind that makes the person unable to work at 8054
any substantially remunerative employment that the person is 8055
reasonably able to perform and that will, with reasonable 8056
probability, continue for an indefinite period of at least twelve 8057
months without any present indication of recovery therefrom or has 8058
been certified as permanently and totally disabled by a state or 8059
federal agency having the function of so classifying persons. 8060

(E) "Housing cooperative" means a housing complex of at least 8061
two units that is owned and operated by a nonprofit corporation 8062
that issues a share of the corporation's stock to an individual, 8063
entitling the individual to live in a unit of the complex, and 8064
collects a monthly maintenance fee from the individual to 8065
maintain, operate, and pay the taxes of the complex. 8066

(F) "Disabled veteran" means a person who is a veteran of the 8067
armed forces of the United States, including reserve components 8068
thereof, or of the national guard, who has been discharged or 8069
released from active duty in the armed forces under honorable 8070
conditions, and who has received a total disability rating or a 8071
total disability rating for compensation based on individual 8072
unemployability for a service-connected disability or combination 8073
of service-connected disabilities as prescribed in Title 38, Part 8074

4 of the Code of Federal Regulations, as amended. 8075

Sec. 323.155. The tax bill prescribed under section 323.131 8076
of the Revised Code shall indicate the net amount of taxes due 8077
following the reductions in taxes under sections 319.301, 319.302, 8078
~~and~~ 323.152, and 323.16 of the Revised Code. 8079

Any reduction in taxes under section 323.152 of the Revised 8080
Code shall be disregarded as income or resources in determining 8081
eligibility for any program or calculating any payment under Title 8082
LI of the Revised Code. 8083

Sec. 323.16. (A) As used in this section: 8084

(1) "Qualifying child care center" means real property on 8085
which a licensed child care program operates. For purposes of this 8086
division, "licensed child care program" means a licensed child 8087
care program, as defined in section 5104.01 of the Revised Code, 8088
that meets all of the following requirements: 8089

(a) The program only serves children under six years of age; 8090

(b) At least twenty-five per cent of the children in the 8091
program reside in a household that receives public assistance; 8092

(c) The program is not operated from the permanent residence 8093
of the licensee or administrator or from a location that is also 8094
used for a separate commercial purpose. 8095

(2) "Public assistance" means benefits or assistance provided 8096
under any of the following government programs: 8097

(a) The publicly funded child care program authorized by 8098
Chapter 5104. of the Revised Code; 8099

(b) Medicaid. 8100

(3) The Ohio works first program established by Chapter 5107. 8101
of the Revised Code; 8102

(4) The supplemental nutrition assistance program 8103
administered by the department of job and family services under 8104
section 5101.54 of the Revised Code; 8105

(5) The special supplemental nutrition program for women, 8106
infants, and children administered by the department of health 8107
under section 3701.132 of the Revised Code. 8108

(B) A partial real property tax exemption is allowed to a 8109
qualifying child care center for each tax year for which an 8110
application for the partial exemption has been approved. The 8111
partial exemption shall take the form of a percentage reduction in 8112
the real property taxes levied on the qualifying child care 8113
center. That percentage shall equal one of the following: 8114

(1) Twenty-five per cent, if at least twenty-five per cent, 8115
but less than fifty per cent, of the children that attend the 8116
qualifying child care center reside in a household that receives 8117
public assistance; 8118

(2) Seventy-five per cent, if at least fifty per cent of the 8119
children that attend the qualifying child care center reside in a 8120
household that receives public assistance. 8121

After complying with section 319.301 of the Revised Code, the 8122
county auditor shall reduce the remaining sum to be levied against 8123
a qualifying child care center by the applicable percentage. The 8124
auditor shall certify the amount of taxes remaining after the 8125
reduction to the county treasurer for collection as the real 8126
property taxes charged and payable on the qualifying child care 8127
center. 8128

(C)(1) To obtain the partial exemption, the owner of a 8129
qualifying child care center shall file an application each year 8130
with the county auditor of the county in which the center is 8131
located. The application shall be filed on or before the 8132
thirty-first day of December of the year for which the partial 8133

exemption is sought. The tax commissioner shall prescribe the form 8134
of the application, which shall contain a statement that 8135
conviction of willfully falsifying information to obtain the 8136
partial exemption results in the revocation of the right to the 8137
partial exemption for a period of three years. 8138

(2) The county auditor shall approve or deny an application 8139
for the partial exemption within thirty days after receiving the 8140
application. Notification shall be provided on a form prescribed 8141
by the tax commissioner. If the application is approved, upon 8142
issuance of the notification the county auditor shall record the 8143
partial exemption in the appropriate column on the general tax 8144
list and duplicate of real and public utility property. If the 8145
application is denied, the notification shall inform the applicant 8146
of the reasons for the denial. 8147

If an applicant believes that the application for the partial 8148
exemption has been improperly denied for a tax year, the applicant 8149
may file an appeal with the county board of revision on or before 8150
the last day of March of the ensuing tax year. The appeal shall be 8151
treated in the same manner as a complaint relating to the 8152
valuation or assessment of real property under Chapter 5715. of 8153
the Revised Code. 8154

Sec. 341.34. (A) As used in this section, "building or 8155
structure" includes, but is not limited to, a modular unit, 8156
building, or structure and a movable unit, building, or structure. 8157

(B)(1) The board of county commissioners of any county, by 8158
resolution, may dedicate and permit the use, as a minimum security 8159
jail, of any vacant or abandoned public building or structure 8160
owned by the county that has not been dedicated to or is not then 8161
in use for any county or other public purpose, or any building or 8162
structure rented or leased by the county. The board of county 8163
commissioners of any county, by resolution, also may dedicate and 8164

permit the use, as a minimum security jail, of any building or 8165
structure purchased by or constructed by or for the county. 8166
Subject to divisions (B)(3) and (C) of this section, upon the 8167
effective date of such a resolution, the specified building or 8168
structure shall be used, in accordance with this section, for the 8169
confinement of persons who meet one of the following conditions: 8170

(a) The person is sentenced to a term of imprisonment for a 8171
traffic violation or a misdemeanor or is sentenced to a 8172
residential sanction in the jail for a felony of the fourth or 8173
fifth degree pursuant to sections 2929.11 to 2929.19 of the 8174
Revised Code, and the jail administrator or the jail 8175
administrator's designee has classified the person as a minimal 8176
security risk. In determining the person's classification under 8177
this division, the administrator or designee shall consider all 8178
relevant factors, including, but not limited to, the person's 8179
escape risk and propensity for assaultive or violent behavior, 8180
based upon the person's prior and current behavior. 8181

(b) The person is charged with a traffic violation, a 8182
misdemeanor, or a felony of the fourth or fifth degree and has had 8183
bail set and has not been released on bail and is confined in a 8184
county or municipal jail pending trial, and the jail administrator 8185
or the jail administrator's designee has classified the person as 8186
a minimal security risk. In determining the person's 8187
classification under this division, the administrator or designee 8188
shall consider all relevant factors, including, but not limited 8189
to, the person's escape risk and propensity for assaultive or 8190
violent behavior, based upon the person's prior and current 8191
behavior. Nothing in this division authorizes the operation or 8192
management of a minimum security jail by a private entity. 8193

(c) The person is an inmate transferred by order of a judge 8194
of the sentencing court upon the request of the sheriff, 8195
administrator, jailer, or other person responsible for operating 8196

the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(2) The board of county commissioners of any county, by resolution, may affiliate with one or more adjacent counties, or with one or more municipal corporations located within the county or within an adjacent county, and dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by any of the affiliating counties or municipal corporations that has not been dedicated to or is not then in use for any public purpose, or any building or structure rented or leased by any of the affiliating counties or municipal corporations. The board of county commissioners of any county, by resolution, also may affiliate with one or more adjacent counties or with one or more municipal corporations located within the county or within an adjacent county and dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for any of the affiliating counties or municipal corporations. Any counties and municipal corporations that affiliate for purposes of this division shall enter into an agreement that establishes the responsibilities for the operation and for the cost of operation of the minimum security jail. Subject to divisions (B)(3) and (C) of this section, upon the effective date of a resolution adopted under this division, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor, or a violation of an ordinance of any municipal corporation, or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and

the jail administrator or the jail administrator's designee has 8229
classified the person as a minimal security risk. In determining 8230
the person's classification under this division, the administrator 8231
or designee shall consider all relevant factors, including, but 8232
not limited to, the person's escape risk and propensity for 8233
assaultive or violent behavior, based upon the person's prior and 8234
current behavior. 8235

(b) The person is charged with a traffic violation, a 8236
misdemeanor, or a felony of the fourth or fifth degree and has had 8237
bail set and has not been released on bail and is confined in a 8238
county jail pending trial, and the jail administrator or the jail 8239
administrator's designee has classified the person as a minimal 8240
security risk. In determining the person's classification under 8241
this division, the administrator or designee shall consider all 8242
relevant factors, including, but not limited to, the person's 8243
escape risk and propensity for assaultive or violent behavior, 8244
based upon the person's prior and current behavior. Nothing in 8245
this division authorizes the operation or management of a minimum 8246
security jail by a private entity. 8247

(c) The person is an inmate transferred by order of a judge 8248
of the sentencing court upon the request of the sheriff, 8249
administrator, jailer, or other person responsible for operating 8250
the jail other than a contractor as defined in section 9.06 of the 8251
Revised Code, who is named in the request as being suitable for 8252
confinement in a minimum security facility. 8253

(3) No person shall be confined in a building or structure 8254
dedicated as a minimum security jail under division (B)(1) or (2) 8255
of this section unless the judge who sentenced the person to the 8256
term of imprisonment for the traffic violation or the misdemeanor 8257
specifies that the term of imprisonment is to be served in that 8258
jail, and division (B)(1) or (2) of this section permits the 8259
confinement of the person in that jail or unless the judge who 8260

sentenced the person to the residential sanction for the felony 8261
specifies that the residential sanction is to be served in a jail, 8262
and division (B)(1) or (2) of this section permits the confinement 8263
of the person in that jail. If a rented or leased building or 8264
structure is so dedicated, the building or structure may be used 8265
as a minimum security jail only during the period that it is 8266
rented or leased by the county or by an affiliated county or 8267
municipal corporation. If a person convicted of a misdemeanor is 8268
confined to a building or structure dedicated as a minimum 8269
security jail under division (B)(1) or (2) of this section and the 8270
sheriff, administrator, jailer, or other person responsible for 8271
operating the jail other than a contractor as defined in section 8272
9.06 of the Revised Code determines that it would be more 8273
appropriate for the person so confined to be confined in another 8274
jail or workhouse facility, the sheriff, administrator, jailer, or 8275
other person may transfer the person so confined to a more 8276
appropriate jail or workhouse facility. 8277

(C) All of the following apply to a building or structure 8278
that is dedicated pursuant to division (B)(1) or (2) of this 8279
section for use as a minimum security jail: 8280

(1) To the extent that the use of the building or structure 8281
as a minimum security jail requires a variance from any county, 8282
municipal corporation, or township zoning regulations or 8283
ordinances, the variance shall be granted. 8284

(2) Except as provided in this section, the building or 8285
structure shall not be used to confine any person unless it is in 8286
substantial compliance with any applicable housing, fire 8287
prevention, sanitation, health, and safety codes, regulations, or 8288
standards. 8289

(3) Unless such satisfaction or compliance is required under 8290
the standards described in division (C)(4) of this section, and 8291
notwithstanding any other provision of state or local law to the 8292

contrary, the building or structure need not satisfy or comply 8293
with any state or local building standard or code in order to be 8294
used to confine a person for the purposes specified in division 8295
(B) of this section. 8296

(4) The building or structure shall not be used to confine 8297
any person unless it is in compliance with all minimum standards 8298
and minimum renovation, modification, and construction criteria 8299
for ~~minimum security~~ jails that have been proposed by the 8300
department of rehabilitation and correction, through its bureau of 8301
adult detention, under section 5120.10 of the Revised Code. 8302

(5) The building or structure need not be renovated or 8303
modified into a secure detention facility in order to be used 8304
solely to confine a person for the purposes specified in divisions 8305
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 8306

(6) The building or structure shall be used, equipped, 8307
furnished, and staffed in the manner necessary to provide adequate 8308
and suitable living, sleeping, food service or preparation, 8309
drinking, bathing and toilet, sanitation, and other necessary 8310
facilities, furnishings, and equipment. 8311

(D) Except as provided in this section, a minimum security 8312
jail dedicated and used under this section shall be considered to 8313
be part of the jail, workhouse, or other correctional facilities 8314
of the county or the affiliated counties and municipal 8315
corporations for all purposes under the law. All persons confined 8316
in such a minimum security jail shall be and shall remain, in all 8317
respects, under the control of the county authority that has 8318
responsibility for the management and operation of the jail, 8319
workhouse, or other correctional facilities of the county or, if 8320
it is operated by any affiliation of counties or municipal 8321
corporations, under the control of the specified county or 8322
municipal corporation with that authority, provided that, if the 8323
person was convicted of a felony and is serving a residential 8324

sanction in the facility, all provisions of law that pertain to 8325
persons convicted of a felony that would not by their nature 8326
clearly be inapplicable apply regarding the person. A minimum 8327
security jail dedicated and used under this section shall be 8328
managed and maintained in accordance with policies and procedures 8329
adopted by the board of county commissioners or the affiliated 8330
counties and municipal corporations governing the safe and 8331
healthful operation of the jail, the confinement and supervision 8332
of the persons sentenced to it, and their participation in work 8333
release or similar rehabilitation programs. In addition to other 8334
rules of conduct and discipline, the rights of ingress and egress 8335
of persons confined in a minimum security jail dedicated and used 8336
under this section shall be subject to reasonable restrictions. 8337
Every person confined in a minimum security jail dedicated and 8338
used under this section shall be given verbal and written 8339
notification, at the time of the person's admission to the jail, 8340
that purposely leaving, or purposely failing to return to, the 8341
jail without proper authority or permission constitutes the felony 8342
offense of escape. 8343

(E) If a person who has been convicted of or pleaded guilty 8344
to an offense is sentenced to a term of imprisonment or a 8345
residential sanction in a minimum security jail as described in 8346
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 8347
an inmate transferred to a minimum security jail by order of a 8348
judge of the sentencing court as described in division (B)(1)(c) 8349
or (B)(2)(c) of this section, at the time of reception and at 8350
other times the person in charge of the operation of the jail 8351
determines to be appropriate, the sheriff or other person in 8352
charge of the operation of the jail may cause the convicted 8353
offender to be examined and tested for tuberculosis, HIV 8354
infection, hepatitis, including but not limited to hepatitis A, B, 8355
and C, and other contagious diseases. The person in charge of the 8356
operation of the jail may cause a convicted offender in the jail 8357

who refuses to be tested or treated for tuberculosis, HIV 8358
infection, hepatitis, including but not limited to hepatitis A, B, 8359
and C, or another contagious disease to be tested and treated 8360
involuntarily. 8361

Sec. 701.10. The legislative authority of a municipal 8362
corporation ~~that is located in a charter county and~~ that has 8363
established a rate or charge for the provision of collection or 8364
disposal services for garbage, ashes, animal and vegetable refuse, 8365
dead animals, or animal offal may certify to the county ~~fiscal~~ 8366
~~officer~~ auditor, by ordinance, the amount of the rate or charge 8367
that has not been paid in accordance with applicable requirements 8368
by a person using the collection or disposal services. The amount 8369
certified shall be a lien on the person's property to which 8370
services are provided, placed on the tax list in a separate 8371
column, collected as other taxes, and paid into the general fund 8372
of the municipal corporation. 8373

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 8374
of the Revised Code and except as provided in division (C) of this 8375
section, unless the rules adopted under section 711.05, 711.09, or 8376
711.10 of the Revised Code are amended pursuant to division (B) of 8377
this section, a proposed division of a parcel of land along an 8378
existing public street, not involving the opening, widening, or 8379
extension of any street or road, and involving no more than five 8380
lots after the original tract has been completely subdivided, may 8381
be submitted to the planning authority having approving 8382
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 8383
the Revised Code for approval without plat. If the authority 8384
acting through a properly designated representative finds that a 8385
proposed division is not contrary to applicable platting, 8386
subdividing, zoning, health, sanitary, or access management 8387
regulations, regulations adopted under division (B)(3) of section 8388

307.37 of the Revised Code regarding existing surface or 8389
subsurface drainage, or household sewage treatment rules adopted 8390
under section 3718.02 of the Revised Code, it shall approve the 8391
proposed division within seven business days after its submission 8392
and, on presentation of a conveyance of the parcel, shall stamp 8393
the conveyance "approved by (planning authority); no plat 8394
required" and have it signed by its clerk, secretary, or other 8395
official as may be designated by it. The planning authority may 8396
require the submission of a sketch and other information that is 8397
pertinent to its determination under this division. 8398

(B) For a period of up to two years after ~~the effective date~~ 8399
~~of this amendment~~ the effective date of this amendment, the rules 8400
adopted under section 711.05, 711.09, or 711.10 of the Revised 8401
Code may be amended within that period to authorize the planning 8402
authority involved to approve proposed divisions of parcels of 8403
land without plat under this division. If an authority so amends 8404
its rules, it may approve no more than five lots without a plat 8405
from an original tract as that original tract exists on the 8406
effective date of the amendment to the rules. The authority shall 8407
make the findings and approve a proposed division in the time and 8408
manner specified in division (A) of this section. 8409

(C) This section does not apply to parcels subject to section 8410
711.133 of the Revised Code. 8411

(D) As used in this section, "business day" means a day of 8412
the week excluding Saturday, Sunday, or a legal holiday as defined 8413
in section 1.14 of the Revised Code. 8414

Sec. 718.83. (A) On or before the last day of each month, the 8415
tax commissioner shall certify to the director of budget and 8416
management the amount to be paid to each municipal corporation, 8417
based on amounts reported on annual returns and declarations of 8418
estimated tax under sections 718.85 and 718.88 of the Revised 8419

Code, less any amounts previously distributed and net of any audit 8420
adjustments made or refunds granted by the commissioner, for the 8421
~~calendar~~ calendar month preceding the month in which the 8422
certification is made. Not later than the fifth day of each month, 8423
the director shall provide for payment of the amount certified to 8424
each municipal corporation from the municipal ~~income~~ net profit 8425
tax fund, plus a pro rata share of any investment earnings 8426
accruing to the fund since the previous payment under this 8427
section, and minus any reduction required by the commissioner 8428
under division (D) of this section. Each municipal corporation's 8429
share of such earnings shall equal the proportion that the 8430
municipal corporation's certified tax payment is of the total 8431
taxes certified to all municipal corporations in that quarter. All 8432
investment earnings on money in the municipal ~~income~~ net profit 8433
tax fund shall be credited to that fund. 8434

(B) If the tax commissioner determines that the amount of tax 8435
paid by a taxpayer and distributed to a municipal corporation 8436
under this section for a taxable year exceeds the amount payable 8437
to that municipal corporation under sections 718.80 to 718.95 of 8438
the Revised Code after accounting for amounts remitted with the 8439
annual return and as estimated taxes, the commissioner shall 8440
proceed according to divisions (A) and (B) of section 5703.77 of 8441
the Revised Code. 8442

(C) If the amount of a municipal corporation's net 8443
distribution computed by the commissioner under division (A) of 8444
this section is less than zero, the commissioner may notify the 8445
municipal corporation of the deficiency. Within thirty days after 8446
receiving such a notice, the municipal corporation shall pay an 8447
amount equal to the deficiency to the treasurer of state. The 8448
treasurer of state shall credit any payment received under this 8449
division to the municipal net profit tax fund. 8450

(D) If a municipal corporation fails to make a timely payment 8451
required under division (C) of this section, the commissioner may 8452
recover the deficiency using any or all of the following options: 8453

(1) Deduct the amount of the deficiency from the next 8454
distribution to that municipal corporation under division (A) of 8455
this section or, if the amount of the deficiency exceeds the 8456
amount of such distribution, withhold such distributions entirely 8457
until the withheld amount equals the amount of the municipal 8458
corporation's deficiency; 8459

(2) Deduct the amount of the deficiency from the next payment 8460
to that municipal corporation under division (A) of section 8461
5745.05 of the Revised Code or, if the amount of the deficiency 8462
exceeds the amount of such distribution, withhold such 8463
distributions entirely until the withheld amount equals the amount 8464
of the municipal corporation's deficiency; 8465

(3) Deduct the amount of the deficiency from the municipal 8466
corporation's share of the next payment made by the commissioner 8467
under division (F) of section 321.24 of the Revised Code or, if 8468
the amount of the deficiency exceeds the amount of the municipal 8469
corporation's share of such payment, withhold the municipal 8470
corporation's share of the payments entirely until the withheld 8471
amount equals the amount of the municipal corporation's 8472
deficiency. 8473

(E) The total amount of payments and distributions withheld 8474
from a municipal corporation under division (D) of this section 8475
shall not exceed the unpaid portion of the municipal corporation's 8476
net distribution deficiency. All amounts withheld under division 8477
(D) of this section shall be credited to the municipal net profit 8478
tax fund. 8479

(F) The commissioner may adopt rules necessary to administer 8480
this section. 8481

Sec. 718.85. (A)(1) For each taxable year, every taxpayer 8482
shall file an annual return. Such return, along with the amount of 8483
tax shown to be due on the return less the amount paid for the 8484
taxable year under section 718.88 of the Revised Code, shall be 8485
submitted to the tax commissioner, on a form and in the manner 8486
prescribed by the commissioner, on or before the fifteenth day of 8487
the fourth month following the end of the taxpayer's taxable year. 8488

(2) If a taxpayer has multiple taxable years beginning within 8489
one calendar year, the taxpayer shall aggregate the facts and 8490
figures necessary to compute the tax due under this chapter, in 8491
accordance with sections 718.81, 718.82, and, if applicable, 8492
718.86 of the Revised Code onto its annual return. 8493

(3) The remittance shall be made payable to the treasurer of 8494
state and in the form prescribed by the tax commissioner. If the 8495
amount payable with the tax return is ten dollars or less, no 8496
remittance is required. 8497

(B) The tax commissioner shall immediately forward to the 8498
treasurer of state all amounts the commissioner receives pursuant 8499
to sections 718.80 to 718.95 of the Revised Code. The treasurer 8500
shall credit ninety-nine and one-half per cent of such amounts to 8501
the municipal ~~income~~ net profit tax fund which is hereby created 8502
in the state treasury, and the remainder to the municipal income 8503
tax administrative fund established under section 5745.03 of the 8504
Revised Code. 8505

(C)(1) Each return required to be filed under this section 8506
shall contain the signature of the taxpayer or the taxpayer's duly 8507
authorized agent and of the person who prepared the return for the 8508
taxpayer, and shall include the taxpayer's identification number. 8509
Each return shall be verified by a declaration under penalty of 8510
perjury. 8511

(2)(a) The tax commissioner may require a taxpayer to 8512

include, with each annual tax return, amended return, or request 8513
for refund filed with the commissioner under sections 718.80 to 8514
718.95 of the Revised Code, copies of any relevant documents or 8515
other information. 8516

(b) A taxpayer that files an annual tax return electronically 8517
through the Ohio business gateway or in another manner as 8518
prescribed by the tax commissioner shall either submit the 8519
documents required under this division electronically as 8520
prescribed at the time of filing or, if electronic submission is 8521
not available, mail the documents to the tax commissioner. The 8522
department of taxation shall publish a method of electronically 8523
submitting the documents required under this division on or before 8524
January 1, 2019. 8525

(3) After a taxpayer files a tax return, the tax commissioner 8526
may request, and the taxpayer shall provide, any information, 8527
statements, or documents required to determine and verify the 8528
taxpayer's municipal income tax. 8529

(D)(1)(a) Any taxpayer that has duly requested an automatic 8530
extension for filing the taxpayer's federal income tax return 8531
shall automatically receive an extension for the filing of a tax 8532
return with the commissioner under this section. The extended due 8533
date of the return shall be the fifteenth day of the tenth month 8534
after the last day of the taxable year to which the return 8535
relates. 8536

(b) A taxpayer that has not requested or received a six-month 8537
extension for filing the taxpayer's federal income tax return may 8538
request that the commissioner grant the taxpayer a six-month 8539
extension of the date for filing the taxpayer's municipal income 8540
tax return. If the commissioner receives the request on or before 8541
the date the municipal income tax return is due, the commissioner 8542
shall grant the taxpayer's extension request. 8543

(c) An extension of time to file under division (D)(1) of 8544
this section is not an extension of the time to pay any tax due 8545
unless the tax commissioner grants an extension of that date. 8546

(2) If the commissioner considers it necessary in order to 8547
ensure payment of a tax imposed in accordance with section 718.04 8548
of the Revised Code, the commissioner may require taxpayers to 8549
file returns and make payments otherwise than as provided in this 8550
section, including taxpayers not otherwise required to file annual 8551
returns. 8552

(E) Each return required to be filed in accordance with this 8553
section shall include a box that the taxpayer may check to 8554
authorize another person, including a tax return preparer who 8555
prepared the return, to communicate with the tax commissioner 8556
about matters pertaining to the return. The return or instructions 8557
accompanying the return shall indicate that by checking the box 8558
the taxpayer authorizes the commissioner to contact the preparer 8559
or other person concerning questions that arise during the 8560
examination or other review of the return and authorizes the 8561
preparer or other person only to provide the commissioner with 8562
information that is missing from the return, to contact the 8563
commissioner for information about the examination or other review 8564
of the return or the status of the taxpayer's refund or payments, 8565
and to respond to notices about mathematical errors, offsets, or 8566
return preparation that the taxpayer has received from the 8567
commissioner and has shown to the preparer or other person. 8568

(F) When income tax returns or other documents require the 8569
signature of a tax return preparer, the tax commissioner shall 8570
accept a facsimile or electronic version of such a signature in 8571
lieu of a manual signature. 8572

Sec. 718.90. (A) If any taxpayer required to file a return 8573
under section 718.80 to 718.95 of the Revised Code fails to file 8574

the return within the time prescribed, files an incorrect return, 8575
or fails to remit the full amount of the tax due for the period 8576
covered by the return, the tax commissioner may make an assessment 8577
against the taxpayer for any deficiency for the period for which 8578
the return or tax is due, based upon any information in the 8579
commissioner's possession. 8580

The tax commissioner shall not make or issue an assessment 8581
against a taxpayer more than three years after the later of the 8582
date the return subject to assessment was required to be filed or 8583
the date the return was filed. Such time limit may be extended if 8584
both the taxpayer and the commissioner consent in writing to the 8585
extension. Any such extension shall extend the three-year time 8586
limit in section 718.91 of the Revised Code for the same period of 8587
time. There shall be no bar or limit to an assessment against a 8588
taxpayer that fails to file a return subject to assessment as 8589
required by sections 718.80 to 718.95 of the Revised Code, or that 8590
files a fraudulent return. The commissioner shall give the 8591
taxpayer assessed written notice of the assessment as provided in 8592
section 5703.37 of the Revised Code. With the notice, the 8593
commissioner shall provide instructions on how to petition for 8594
reassessment and request a hearing on the petition. 8595

(B) Unless the taxpayer assessed files with the tax 8596
commissioner within sixty days after service of the notice of 8597
assessment, either personally or by certified mail, a written 8598
petition for reassessment signed by the authorized agent of the 8599
taxpayer assessed having knowledge of the facts, the assessment 8600
becomes final, and the amount of the assessment is due and payable 8601
from the taxpayer to the treasurer of state. The petition shall 8602
indicate the taxpayer's objections, but additional objections may 8603
be raised in writing if received by the commissioner prior to the 8604
date shown on the final determination. If the petition has been 8605
properly filed, the commissioner shall proceed under section 8606

5703.60 of the Revised Code. 8607

(C) After an assessment becomes final, if any portion of the 8608
assessment remains unpaid, including accrued interest, a certified 8609
copy of the tax commissioner's entry making the assessment final 8610
may be filed in the office of the clerk of the court of common 8611
pleas in the county in which the taxpayer has an office or place 8612
of business in this state, the county in which the taxpayer's 8613
statutory agent is located, or Franklin county. 8614

Immediately upon the filing of the entry, the clerk shall 8615
enter a judgment against the taxpayer assessed in the amount shown 8616
on the entry. The judgment may be filed by the clerk in a 8617
loose-leaf book entitled "special judgments for municipal income 8618
taxes," and shall have the same effect as other judgments. 8619
Execution shall issue upon the judgment upon the request of the 8620
tax commissioner, and all laws applicable to sales on execution 8621
shall apply to sales made under the judgment. 8622

If the assessment is not paid in its entirety within sixty 8623
days after the day the assessment was issued, the portion of the 8624
assessment consisting of tax due shall bear interest at the rate 8625
per annum prescribed by section 5703.47 of the Revised Code from 8626
the day the commissioner issues the assessment until the 8627
assessment is paid or until it is certified to the attorney 8628
general for collection under section 131.02 of the Revised Code, 8629
whichever comes first. If the unpaid portion of the assessment is 8630
certified to the attorney general for collection, the entire 8631
unpaid portion of the assessment shall bear interest at the rate 8632
per annum prescribed by section 5703.47 of the Revised Code from 8633
the date of certification until the date it is paid in its 8634
entirety. Interest shall be paid in the same manner as the tax and 8635
may be collected by issuing an assessment under this section. 8636

(D) All money collected under this section shall be credited 8637
to the municipal ~~income~~ net profit tax fund and distributed to the 8638

municipal corporation to which the money is owed based on the 8639
assessment issued under this section. 8640

(E) If the tax commissioner believes that collection of the 8641
tax will be jeopardized unless proceedings to collect or secure 8642
collection of the tax are instituted without delay, the 8643
commissioner may issue a jeopardy assessment against the taxpayer 8644
liable for the tax. Immediately upon the issuance of the jeopardy 8645
assessment, the commissioner shall file an entry with the clerk of 8646
the court of common pleas in the manner prescribed by division (C) 8647
of this section. Notice of the jeopardy assessment shall be served 8648
on the taxpayer assessed or the taxpayer's legal representative in 8649
the manner provided in section 5703.37 of the Revised Code within 8650
five days of the filing of the entry with the clerk. The total 8651
amount assessed is immediately due and payable, unless the 8652
taxpayer assessed files a petition for reassessment in accordance 8653
with division (B) of this section and provides security in a form 8654
satisfactory to the commissioner and in an amount sufficient to 8655
satisfy the unpaid balance of the assessment. Full or partial 8656
payment of the assessment does not prejudice the commissioner's 8657
consideration of the petition for reassessment. 8658

(F) Notwithstanding the fact that a petition for reassessment 8659
is pending, the taxpayer may pay all or a portion of the 8660
assessment that is the subject of the petition. The acceptance of 8661
a payment by the treasurer of state does not prejudice any claim 8662
for refund upon final determination of the petition. 8663

If upon final determination of the petition an error in the 8664
assessment is corrected by the tax commissioner, upon petition so 8665
filed or pursuant to a decision of the board of tax appeals or any 8666
court to which the determination or decision has been appealed, so 8667
that the amount due from the taxpayer under the corrected 8668
assessment is less than the portion paid, there shall be issued to 8669
the taxpayer, its assigns, or legal representative a refund in the 8670

amount of the overpayment as provided by section 718.91 of the 8671
Revised Code, with interest on that amount as provided by that 8672
section. 8673

Sec. 753.21. (A) As used in this section, "building or 8674
structure" includes, but is not limited to, a modular unit, 8675
building, or structure and a movable unit, building, or structure. 8676

(B)(1) The legislative authority of a municipal corporation, 8677
by ordinance, may dedicate and permit the use, as a minimum 8678
security jail, of any vacant or abandoned public building or 8679
structure owned by the municipal corporation that has not been 8680
dedicated to or is not then in use for any municipal or other 8681
public purpose, or any building or structure rented or leased by 8682
the municipal corporation. The legislative authority of a 8683
municipal corporation, by ordinance, also may dedicate and permit 8684
the use, as a minimum security jail, of any building or structure 8685
purchased by or constructed by or for the municipal corporation. 8686
Subject to divisions (B)(3) and (C) of this section, upon the 8687
effective date of such an ordinance, the specified building or 8688
structure shall be used, in accordance with this section, for the 8689
confinement of persons who meet one of the following conditions: 8690

(a) The person is sentenced to a term of imprisonment for a 8691
traffic violation, a misdemeanor, or a violation of a municipal 8692
ordinance and is under the jurisdiction of the municipal 8693
corporation or is sentenced to a residential sanction in the jail 8694
for a felony of the fourth or fifth degree pursuant to sections 8695
2929.11 to 2929.19 of the Revised Code, and the jail administrator 8696
or the jail administrator's designee has classified the person as 8697
a minimal security risk. In determining the person's 8698
classification under this division, the administrator or designee 8699
shall consider all relevant factors, including, but not limited 8700
to, the person's escape risk and propensity for assaultive or 8701

violent behavior, based upon the person's prior and current 8702
behavior. 8703

(b) The person is an inmate transferred by order of a judge 8704
of the sentencing court upon the request of the sheriff, 8705
administrator, jailer, or other person responsible for operating 8706
the jail other than a contractor as defined in section 9.06 of the 8707
Revised Code, who is named in the request as being suitable for 8708
confinement in a minimum security facility. 8709

(2) The legislative authority of a municipal corporation, by 8710
ordinance, may affiliate with the county in which it is located, 8711
with one or more counties adjacent to the county in which it is 8712
located, or with one or more municipal corporations located within 8713
the county in which it is located or within an adjacent county, 8714
and dedicate and permit the use, as a minimum security jail, of 8715
any vacant or abandoned public building or structure owned by any 8716
of the affiliating counties or municipal corporations that has not 8717
been dedicated to or is not then in use for any public purpose, or 8718
any building or structure rented or leased by any of the 8719
affiliating counties or municipal corporations. The legislative 8720
authority of a municipal corporation, by ordinance, also may 8721
affiliate with one or more counties adjacent to the county in 8722
which it is located or with one or more municipal corporations 8723
located within the county in which it is located or within an 8724
adjacent county and dedicate and permit the use, as a minimum 8725
security jail, of any building or structure purchased by or 8726
constructed by or for any of the affiliating counties or municipal 8727
corporations. Any counties and municipal corporations that 8728
affiliate for purposes of this division shall enter into an 8729
agreement that establishes the responsibilities for the operation 8730
and for the cost of operation of the minimum security jail. 8731
Subject to divisions (B)(3) and (C) of this section, upon the 8732
effective date of an ordinance adopted under this division, the 8733

specified building or structure shall be used, in accordance with 8734
this section, for the confinement of persons who meet one of the 8735
following conditions: 8736

(a) The person is sentenced to a term of imprisonment for a 8737
traffic violation, a misdemeanor, or a violation of an ordinance 8738
of a municipal corporation and is under the jurisdiction of any of 8739
the affiliating counties or municipal corporations or is sentenced 8740
to a residential sanction in the jail for a felony of the fourth 8741
or fifth degree pursuant to sections 2929.11 to 2929.19 of the 8742
Revised Code, and the jail administrator or the jail 8743
administrator's designee has classified the person as a minimal 8744
security risk. In determining the person's classification under 8745
this division, the administrator or designee shall consider all 8746
relevant factors, including, but not limited to, the person's 8747
escape risk and propensity for assaultive or violent behavior, 8748
based upon the person's prior and current behavior. 8749

(b) The person is an inmate transferred by order of a judge 8750
of the sentencing court upon the request of the sheriff, 8751
administrator, jailer, or other person responsible for operating 8752
the jail other than a contractor as defined in section 9.06 of the 8753
Revised Code, who is named in the request as being suitable for 8754
confinement in a minimum security facility. 8755

(3) No person shall be confined in a building or structure 8756
dedicated as a minimum security jail under division (B)(1) or (2) 8757
of this section unless the judge who sentenced the person to the 8758
term of imprisonment for the traffic violation or the misdemeanor 8759
specifies that the term of imprisonment is to be served in that 8760
jail, and division (B)(1) or (2) of this section permits the 8761
confinement of the person in that jail or unless the judge who 8762
sentenced the person to the residential sanction for the felony 8763
specifies that the residential sanction is to be served in a jail, 8764
and division (B)(1) or (2) of this section permits the confinement 8765

of the person in that jail. If a rented or leased building or 8766
structure is so dedicated, the building or structure may be used 8767
as a minimum security jail only during the period that it is 8768
rented or leased by the municipal corporation or by an affiliated 8769
county or municipal corporation. If a person convicted of a 8770
misdemeanor is confined to a building or structure dedicated as a 8771
minimum security jail under division (B)(1) or (2) of this section 8772
and the sheriff, administrator, jailer, or other person 8773
responsible for operating the jail other than a contractor as 8774
defined in division (H) of section 9.06 of the Revised Code 8775
determines that it would be more appropriate for the person so 8776
confined to be confined in another jail or workhouse facility, the 8777
sheriff, administrator, jailer, or other person may transfer the 8778
person so confined to a more appropriate jail or workhouse 8779
facility. 8780

(C) All of the following apply in relation to a building or 8781
structure that is dedicated pursuant to division (B)(1) or (2) of 8782
this section for use as a minimum security jail: 8783

(1) To the extent that the use of the building or structure 8784
as a minimum security jail requires a variance from any municipal 8785
corporation, county, or township zoning ordinances or regulations, 8786
the variance shall be granted. 8787

(2) Except as provided in this section, the building or 8788
structure shall not be used to confine any person unless it is in 8789
substantial compliance with any applicable housing, fire 8790
prevention, sanitation, health, and safety codes, regulations, or 8791
standards. 8792

(3) Unless such satisfaction or compliance is required under 8793
the standards described in division (C)(4) of this section, and 8794
notwithstanding any other provision of state or local law to the 8795
contrary, the building or structure need not satisfy or comply 8796
with any state or local building standard or code in order to be 8797

used to confine a person for the purposes specified in division 8798
(B) of this section. 8799

(4) The building or structure shall not be used to confine 8800
any person unless it is in compliance with all minimum standards 8801
and minimum renovation, modification, and construction criteria 8802
for ~~minimum security~~ jails that have been proposed by the 8803
department of rehabilitation and correction, through its bureau of 8804
adult detention, under section 5120.10 of the Revised Code. 8805

(5) The building or structure need not be renovated or 8806
modified into a secure detention facility in order to be used 8807
solely to confine a person for the purposes specified in divisions 8808
(B)(1)(a) and (B)(2)(a) of this section. 8809

(6) The building or structure shall be used, equipped, 8810
furnished, and staffed to provide adequate and suitable living, 8811
sleeping, food service or preparation, drinking, bathing and 8812
toilet, sanitation, and other necessary facilities, furnishings, 8813
and equipment. 8814

(D) Except as provided in this section, a minimum security 8815
jail dedicated and used under this section shall be considered to 8816
be part of the jail, workhouse, or other correctional facilities 8817
of the municipal corporation or the affiliated counties and 8818
municipal corporations for all purposes under the law. All persons 8819
confined in such a minimum security jail shall be and shall 8820
remain, in all respects, under the control of the authority of the 8821
municipal corporation that has responsibility for the management 8822
and operation of the jail, workhouse, or other correctional 8823
facilities of the municipal corporation or, if it is operated by 8824
any affiliation of counties or municipal corporations, under the 8825
control of the specified county or municipal corporation with that 8826
authority, provided that, if the person was convicted of a felony 8827
and is serving a residential sanction in the facility, all 8828
provisions of law that pertain to persons convicted of a felony 8829

that would not by their nature clearly be inapplicable apply 8830
regarding the person. A minimum security jail dedicated and used 8831
under this section shall be managed and maintained in accordance 8832
with policies and procedures adopted by the legislative authority 8833
of the municipal corporation or the affiliated counties and 8834
municipal corporations governing the safe and healthful operation 8835
of the jail, the confinement and supervision of the persons 8836
sentenced to it, and their participation in work release or 8837
similar rehabilitation programs. In addition to other rules of 8838
conduct and discipline, the rights of ingress and egress of 8839
persons confined in a minimum security jail dedicated and used 8840
under this section shall be subject to reasonable restrictions. 8841
Every person confined in a minimum security jail dedicated and 8842
used under this section shall be given verbal and written 8843
notification, at the time of the person's admission to the jail, 8844
that purposely leaving, or purposely failing to return to, the 8845
jail without proper authority or permission constitutes the felony 8846
offense of escape. 8847

(E) If a person who has been convicted of or pleaded guilty 8848
to an offense is sentenced to a term of imprisonment or a 8849
residential sanction in a minimum security jail as described in 8850
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 8851
an inmate transferred to a minimum security jail by order of a 8852
judge of the sentencing court as described in division (B)(1)(b) 8853
or (2)(b) of this section, at the time of reception and at other 8854
times the person in charge of the operation of the jail determines 8855
to be appropriate, the person in charge of the operation of the 8856
jail may cause the convicted offender to be examined and tested 8857
for tuberculosis, HIV infection, hepatitis, including but not 8858
limited to hepatitis A, B, and C, and other contagious diseases. 8859
The person in charge of the operation of the jail may cause a 8860
convicted offender in the jail who refuses to be tested or treated 8861
for tuberculosis, HIV infection, hepatitis, including but not 8862

limited to hepatitis A, B, and C, or another contagious disease to 8863
be tested and treated involuntarily. 8864

Sec. 901.172. (A) As used in this section, "beer," "cider," 8865
and "spirituous liquor" have the same meanings as in section 8866
4301.01 of the Revised Code. 8867

(B) The department of agriculture may promote the use of 8868
Ohio-produced agricultural goods grown for inclusion in both of 8869
the following: 8870

(1) Beer or cider through the issuance of logotypes to 8871
qualified producers and processors under a promotional 8872
certification program to be developed and administered by the 8873
division of markets. The program shall be entitled "Ohio Proud 8874
Craft Beer." 8875

(2) Spirituous liquor through the issuance of logotypes to 8876
qualified producers and processors under a promotional 8877
certification program to be developed and administered by the 8878
division. The program shall be entitled "Ohio Proud Craft 8879
Spirits." 8880

(C) Pursuant to rules adopted under Chapter 119. of the 8881
Revised Code, the department may establish reasonable fees and 8882
criteria for participation in the programs. All such fees shall be 8883
credited to the general revenue fund and used to finance the 8884
programs. 8885

Sec. 905.31. As used in sections 905.31 to 905.503 of the 8886
Revised Code: 8887

(A) "Brand name" means a name or expression, design, or 8888
trademark used in connection with one or several grades of any 8889
type of fertilizer. 8890

(B) "Bulk fertilizer" means any type of fertilizer in solid, 8891

liquid, or gaseous state, or any combination thereof, in a 8892
nonpackaged form. 8893

(C) "Distribute" means to offer for sale, sell, barter, or 8894
otherwise supply fertilizer for other than manufacturing purposes. 8895

(D) "Fertilizer" means any substance containing nitrogen, 8896
phosphorus, or potassium or any recognized plant nutrient element 8897
or compound that is used for its plant nutrient content or for 8898
compounding mixed fertilizers. "Fertilizer" does not include lime, 8899
limestone, marl, unground bone, water, residual farm products, and 8900
animal and vegetable manures unless mixed with fertilizer 8901
materials or distributed with a guaranteed analysis. 8902

(E) "Grade" means the percentages of total nitrogen, 8903
available phosphorus or available phosphate (P_2O_5), and soluble 8904
potassium or soluble potash (K_2O) stated in the same terms, order, 8905
and percentage as in guaranteed analysis. 8906

(F) "Guaranteed analysis" means: 8907

(1) The minimum percentages of plant nutrients claimed in the 8908
following order and form: 8909

Total Nitrogen (N)	per cent	8910
Available phosphate (P_2O_5)	per cent	8911
Soluble Potash (K_2O)	per cent	8912

(2) Guaranteed analysis includes, in the following order: 8913

(a) For bone and tankage, total phosphorus (P) or phosphate 8914
(P_2O_5); 8915

(b) For basic slag and unacidulated phosphatic materials, 8916
available and total phosphorus (P) or phosphate (P_2O_5) and the 8917
degree of fineness; 8918

(c) Additional plant nutrients guaranteed expressed as 8919
percentage of elements in the order and form as prescribed by 8920
rules adopted by the director of agriculture. 8921

(G) "Label" means any written or printed matter on the 8922
package or tag attached to it or on the pertinent delivery and 8923
billing invoice. 8924

(H) "Manufacture" means to process, granulate, blend, mix, or 8925
alter the composition of fertilizers for distribution. 8926

(I) "Mixed fertilizer" means any combination or mixture of 8927
fertilizer designed for use, or claimed to have value, in 8928
promoting plant growth, including fertilizer pesticide mixtures. 8929

(J) "Net weight" means the weight of a commodity excluding 8930
any packaging in pounds or metric equivalent, as determined by a 8931
sealed weighing device or other means prescribed by rules adopted 8932
by the director. 8933

(K) "Packaged fertilizer" means any type of fertilizer in 8934
closed containers of not over one hundred pounds or metric 8935
equivalent. 8936

(L) "Per cent" or "percentage" means the percentage of 8937
weight. 8938

(M) "Person" includes any partnership, association, firm, 8939
corporation, company, society, individual or combination of 8940
individuals, institution, park, or public agency administered by 8941
the state or any subdivision of the state. 8942

(N) "Product name" means a coined or specific designation 8943
applied to an individual fertilizer material or mixture of a fixed 8944
composition and derivation. 8945

(O) "Sale" means exchange of ownership or transfer of 8946
custody. 8947

(P) "Official sample" means the sample of fertilizer taken 8948
and designated as official by the director. 8949

(Q) "Specialty fertilizer" means any fertilizer designed, 8950
labeled, and distributed for uses other than the production of 8951

commercial crops.	8952
(R) "Ton" means a net weight of two thousand pounds.	8953
(S) "Fertilizer material" includes any of the following:	8954
(1) A material containing not more than one of the following	8955
primary plant nutrients:	8956
(a) Nitrogen (N);	8957
(b) Phosphorus (P);	8958
(c) Potassium (K).	8959
(2) A material that has not less than eighty-five per cent of	8960
its plant nutrient content composed of a single chemical compound;	8961
(3) A material that is derived from a residue or by-product	8962
of a plant or animal or a natural material deposit and has been	8963
processed in such a way that its plant nutrients content has not	8964
been materially changed except by purification and concentration.	8965
(T) "Custom mixed fertilizer" means a fertilizer that is not	8966
premixed, but that is blended specifically to meet the nutrient	8967
needs of one specific customer.	8968
(U) "Director" or "director of agriculture" means the	8969
director of agriculture or the director's designee.	8970
(V) "Lot" means an identifiable quantity of fertilizer that	8971
may be used as an official sample.	8972
(W) "Unit" means twenty pounds of fertilizer or one per cent	8973
of a ton.	8974
(X) "Anhydrous ammonia equipment" means, with regard to the	8975
handling or storage of anhydrous ammonia, a container or	8976
containers with a maximum capacity of not more than four thousand	8977
nine hundred ninety-nine gallons or any appurtenances, pumps,	8978
compressors, or interconnecting pipes associated with such a	8979
container or containers. "Anhydrous ammonia equipment" does not	8980

include equipment for the manufacture of anhydrous ammonia or the 8981
storage of anhydrous ammonia either underground or in refrigerated 8982
structures. 8983

(Y) "Anhydrous ammonia system" or "system" means, with regard 8984
to the handling or storage of anhydrous ammonia, a container or 8985
containers with a minimum capacity of not less than five thousand 8986
gallons or any appurtenances, pumps, compressors, or 8987
interconnecting pipes associated with such a container or 8988
containers. "Anhydrous ammonia system" does not include equipment 8989
for the manufacture of anhydrous ammonia or the storage of 8990
anhydrous ammonia either underground or in refrigerated 8991
structures. 8992

(Z) "Agricultural production" means the cultivation, 8993
primarily for sale, of plants or any parts of plants on more than 8994
fifty acres. "Agricultural production" does not include the use of 8995
start-up fertilizer applied through a planter. 8996

(AA) "Rule" means a rule adopted under section 905.322, 8997
905.40, or 905.44 of the Revised Code, as applicable. 8998

(BB) "Certificate holder" means a person who has been 8999
certified to apply fertilizer under section 905.321 of the Revised 9000
Code and rules adopted under section 905.322 of the Revised Code. 9001

(CC) "Residual farm products" has the same meaning as in 9002
section 939.01 of the Revised Code. 9003

(DD) "Voluntary nutrient management plan" means any of the 9004
following: 9005

(1) A nutrient management plan that is in the form of the 9006
Ohio nutrient management workbook made available by the Ohio state 9007
university; 9008

(2) A comprehensive nutrient management plan developed by the 9009
United States department of agriculture natural resources 9010

conservation service, a technical service provider certified by 9011
the conservation service, or a person authorized by the 9012
conservation service to develop a plan; 9013

(3) A document that is equivalent to a plan specified in 9014
division (DD)(1) or (2) of this section, that is in a form 9015
approved by the director or the director's designee, and that 9016
contains at least all of the following information: 9017

(a) Results of soil tests conducted on land subject to the 9018
plan that comply with the field office technical guide established 9019
by the conservation service and adopted by the director in rules 9020
adopted under division (E) of section 939.02 of the Revised Code 9021
and that are not older than ~~three~~ four years; 9022

(b) Documentation of the method and seasonal time of 9023
utilization and application of nutrients; 9024

(c) Identification of all nutrients applied, including 9025
manure, fertilizer, sewage sludge, and biodigester residue; 9026

(d) Field information regarding land subject to the plan, 9027
including the location, spreadable acreage, crops grown, and 9028
actual and projected yields. 9029

Sec. 1181.23. (A) The superintendent of financial 9030
institutions may require persons licensed or registered by the 9031
division of financial institutions to participate in a multistate 9032
licensing system. 9033

(B)(1) If the superintendent requires use of a multistate 9034
licensing system, the superintendent may establish, by rule, 9035
regulation, or order, requirements as necessary to enable 9036
information required by existing statutes providing for licensing 9037
or registration to be submitted to the superintendent through the 9038
multistate licensing system. 9039

(2) The superintendent shall not adopt a requirement in 9040

conflict with a provision of the Revised Code, but may add to 9041
existing requirements with regard to all of the following: 9042

(a) The manner of obtaining required criminal history 9043
records, civil or administrative records, or credit history 9044
records; 9045

(b) The payment of fees required for the use of the 9046
multistate licensing system; 9047

(c) The setting or resetting as necessary of renewal or 9048
reporting dates; 9049

(d) The amending of or surrendering of a license or 9050
registration. 9051

(C) Any person engaged in activity that requires licensure or 9052
registration pursuant to this section shall utilize the multistate 9053
licensing system for the application for, renewal of, amendment 9054
to, or surrender of a license or registration, as well as for any 9055
other activity as the superintendent may require. Such a person 9056
shall pay all applicable charges to utilize the multistate 9057
licensing system. 9058

(D) The superintendent is authorized to establish 9059
relationships or contacts with the multistate licensing system or 9060
other entities designated by the multistate licensing system to 9061
collect and maintain records and process transaction fees or other 9062
fees related to licensees and registrants. 9063

(E) Any confidentiality or privilege arising under federal or 9064
state law with respect to any information or material provided to 9065
the multistate licensing system shall continue to apply to the 9066
information or material after the information or material is 9067
provided to the multistate licensing system. The information and 9068
material so provided may be released to any state or federal 9069
regulatory official with applicable oversight authority without 9070
the loss of confidentiality or privilege protections provided by 9071

federal law or the law of any state. 9072

(F) The superintendent may use the documents, materials, or 9073
other information made available to the superintendent through the 9074
multistate licensing system in furtherance of any action brought 9075
by the superintendent. 9076

Sec. 1321.73. (A) No person shall engage in the business of 9077
entering into or otherwise acquiring premium finance agreements in 9078
the state without first having obtained a license as a premium 9079
finance company from the division of financial institutions. 9080

(B) The annual license fee shall be determined by the 9081
superintendent of financial institutions pursuant to section 9082
1321.20 of the Revised Code. Licenses may be renewed from year to 9083
year as of the first day of July of each year, or annually on a 9084
different date established by the superintendent pursuant to 9085
section 1181.23 of the Revised Code, upon payment of the fee. 9086

(C) The person to whom the license or the renewal thereof is 9087
issued shall file sworn answers, subject to the penalties of 9088
perjury, to such interrogatories as the division requires. The 9089
division may, at any time, require the applicant to fully disclose 9090
the identity of all stockholders, partners, officers, and 9091
employees, and it may, at its discretion, refuse to issue or renew 9092
a license in the name of any firm, partnership, or corporation if 9093
it is not satisfied that any officer, employee, stockholder, or 9094
partner thereof, who may materially influence the applicant's 9095
conduct, meets the standards provided by sections 1321.71 to 9096
1321.83 of the Revised Code. 9097

(D) Each applicant shall execute and file with the division 9098
proof that the applicant has a net worth of at least fifty 9099
thousand dollars, as determined in accordance with generally 9100
accepted accounting principles. The proof is subject to the 9101
approval of the division. 9102

Sec. 1347.08. (A) Every state or local agency that maintains 9103
a personal information system, upon the request and the proper 9104
identification of any person who is the subject of personal 9105
information in the system, shall: 9106

(1) Inform the person of the existence of any personal 9107
information in the system of which the person is the subject; 9108

(2) Except as provided in divisions (C) and (E)(2) of this 9109
section, permit the person, the person's legal guardian, or an 9110
attorney who presents a signed written authorization made by the 9111
person, to inspect all personal information in the system of which 9112
the person is the subject; 9113

(3) Inform the person about the types of uses made of the 9114
personal information, including the identity of any users usually 9115
granted access to the system. 9116

(B) Any person who wishes to exercise a right provided by 9117
this section may be accompanied by another individual of the 9118
person's choice. 9119

(C)(1) A state or local agency, upon request, shall disclose 9120
medical, psychiatric, or psychological information to a person who 9121
is the subject of the information or to the person's legal 9122
guardian, unless a physician, psychiatrist, or psychologist 9123
determines for the agency that the disclosure of the information 9124
is likely to have an adverse effect on the person, in which case 9125
the information shall be released to a physician, psychiatrist, or 9126
psychologist who is designated by the person or by the person's 9127
legal guardian. 9128

(2) Upon the signed written request of either a licensed 9129
attorney at law or a licensed physician designated by the inmate, 9130
together with the signed written request of an inmate of a 9131
correctional institution under the administration of the 9132

department of rehabilitation and correction, the department shall 9133
disclose medical information to the designated attorney or 9134
physician as provided in division (C) of section 5120.21 of the 9135
Revised Code. 9136

(D) If an individual who is authorized to inspect personal 9137
information that is maintained in a personal information system 9138
requests the state or local agency that maintains the system to 9139
provide a copy of any personal information that the individual is 9140
authorized to inspect, the agency shall provide a copy of the 9141
personal information to the individual. Each state and local 9142
agency may establish reasonable fees for the service of copying, 9143
upon request, personal information that is maintained by the 9144
agency. 9145

(E)(1) This section regulates access to personal information 9146
that is maintained in a personal information system by persons who 9147
are the subject of the information, but does not limit the 9148
authority of any person, including a person who is the subject of 9149
personal information maintained in a personal information system, 9150
to inspect or have copied, pursuant to section 149.43 of the 9151
Revised Code, a public record as defined in that section. 9152

(2) This section does not provide a person who is the subject 9153
of personal information maintained in a personal information 9154
system, the person's legal guardian, or an attorney authorized by 9155
the person, with a right to inspect or have copied, or require an 9156
agency that maintains a personal information system to permit the 9157
inspection of or to copy, a confidential law enforcement 9158
investigatory record or trial preparation record, as defined in 9159
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 9160

(F) This section does not apply to any of the following: 9161

(1) The contents of an adoption file maintained by the 9162
department of health under sections 3705.12 to 3705.124 of the 9163

Revised Code; 9164

(2) Information contained in the putative father registry 9165
established by section 3107.062 of the Revised Code, regardless of 9166
whether the information is held by the department of job and 9167
family services or, pursuant to section 3111.69 of the Revised 9168
Code, the office of child support in the department or a child 9169
support enforcement agency; 9170

(3) Papers, records, and books that pertain to an adoption 9171
and that are subject to inspection in accordance with section 9172
3107.17 of the Revised Code; 9173

(4) Records specified in division (A) of section 3107.52 of 9174
the Revised Code; 9175

(5) Records that identify an individual described in division 9176
(A)(1) of section 3721.031 of the Revised Code, or that would tend 9177
to identify such an individual; 9178

(6) Files and records that have been expunged under division 9179
(D)(1) or (2) of section 3721.23 of the Revised Code; 9180

(7) Records that identify an individual described in division 9181
(A)(1) of section 3721.25 of the Revised Code, or that would tend 9182
to identify such an individual; 9183

(8) Records that identify an individual described in division 9184
(A)(1) of section 5165.88 of the Revised Code, or that would tend 9185
to identify such an individual; 9186

(9) Test materials, examinations, or evaluation tools used in 9187
an examination for licensure as a nursing home administrator that 9188
the board of executives of long-term services and supports 9189
administers under section ~~4751.04~~ 4751.15 of the Revised Code or 9190
contracts under that section with a private or government entity 9191
to administer; 9192

(10) Information contained in a database established and 9193

maintained pursuant to section 5101.13 of the Revised Code; 9194

(11) Information contained in a database established and 9195
maintained pursuant to section 5101.631 of the Revised Code. 9196

Sec. 1349.43. (A) As used in this section, "loan officer," 9197
"mortgage broker," and "nonbank mortgage lender" have the same 9198
meanings as in section 1345.01 of the Revised Code. 9199

(B) The department of commerce shall establish and maintain 9200
an electronic database accessible through the internet that 9201
contains information on all of the following: 9202

(1) The enforcement actions taken by the superintendent of 9203
financial institutions for each violation of or failure to comply 9204
with any provision of Chapter 1322. of the Revised Code, upon 9205
final disposition of the action; 9206

(2) The enforcement actions taken by the attorney general 9207
under Chapter 1345. of the Revised Code against loan officers, 9208
mortgage brokers, and nonbank mortgage lenders, upon final 9209
disposition of each action; 9210

(3) All judgments by courts of this state, concerning which 9211
appellate remedies have been exhausted or lost by the expiration 9212
of the time for appeal, finding either of the following: 9213

(a) A violation of any provision of Chapter 1322. of the 9214
Revised Code; 9215

(b) That specific acts or practices by a loan officer, 9216
mortgage broker, or nonbank mortgage lender violate section 9217
1345.02, 1345.03, or 1345.031 of the Revised Code. 9218

(C) The attorney general shall notify the department of all 9219
enforcement actions and judgments described in divisions (B)(2) 9220
and (3)(b) of this section. 9221

(D) The department may adopt rules in accordance with Chapter 9222

119. of the Revised Code that are necessary to implement this 9223
section. 9224

(E) The electronic database maintained by the department in 9225
accordance with this section shall not include information that, 9226
pursuant to section 1322.36 of the Revised Code, is confidential. 9227

(F) The department may use the multistate licensing system 9228
authorized in section 1181.23 of the Revised Code to fulfill its 9229
obligations under this section. 9230

Sec. 1505.09. (A) There is hereby created in the state 9231
treasury the geological mapping fund, to be administered by the 9232
chief of the division of geological survey. Except as provided in 9233
~~division (B)~~ divisions (C) and (D) of this section, the fund shall 9234
be used for both of the following purposes ~~of performing~~: 9235

(1) Performing the necessary field, laboratory, and 9236
administrative tasks to map and make public reports on the 9237
geology, geologic hazards, and energy and mineral resources of the 9238
state; 9239

(2) The administration of the oil and gas leasing commission 9240
created in section 1509.71 of the Revised Code. ~~The source~~ 9241

(B) The sources of money for the fund shall include, ~~but not~~ 9242
~~be limited to,~~ the all of the following: 9243

(1) The mineral severance tax as specified in section 5749.02 9244
of the Revised Code ~~transfers~~; 9245

(2) Transfers made to the fund in accordance with section 9246
6111.046 of the Revised Code, ~~and the~~; 9247

(3) Contributions that a person pays to the bureau of motor 9248
vehicles to obtain "Ohio geology" license plates under section 9249
4503.515 of the Revised Code; 9250

(4) The fees collected under rules adopted under section 9251

1505.05 of the Revised Code. ~~The~~ 9252

The chief may seek federal or other money in addition to the 9253
mineral severance tax and fees to carry out the purposes of this 9254
section. If the chief receives federal money for the purposes of 9255
this section, the chief shall deposit that money into the state 9256
treasury to the credit of a fund created by the controlling board 9257
to carry out those purposes. ~~Other~~ 9258

Other money received by the chief for the purposes of this 9259
section in addition to the mineral severance tax, fees, and 9260
federal money shall be credited to the geological mapping fund. 9261

~~(B)~~(C) Any money transferred to the geological mapping fund 9262
in accordance with section 6111.046 of the Revised Code shall be 9263
used by the chiefs of the divisions of mineral resources 9264
management, oil and gas resources management, geological survey, 9265
and water resources in the department of natural resources for the 9266
purpose of executing their duties under sections 6111.043 to 9267
6111.047 of the Revised Code. 9268

(D) The director of natural resources shall use contributions 9269
from "Ohio geology" license plates deposited into the fund for 9270
both of the following purposes in order of preference: 9271

(1) To award grants to geology departments at state colleges 9272
and universities for graduate level research conducted at 9273
locations of geological interest in the state; 9274

(2) To provide materials such as rock and mineral kits to 9275
state elementary and secondary schools to assist students in the 9276
study of geology. 9277

The director shall award grants at least annually, but at the 9278
director's discretion, may award grants more frequently. 9279

Sec. 1509.28. (A) The chief of the division of oil and gas 9280
resources management, upon the chief's own motion or upon 9281

application by the owners of sixty-five per cent of the land area 9282
overlying the pool, shall hold a hearing to consider the need for 9283
the operation as a unit of an entire pool or part thereof. In 9284
calculating the sixty-five per cent, an owner's entire interest in 9285
each tract in the proposed unit area, including any divided, 9286
undivided, partial, fee, or other interest in the tract, shall be 9287
included to the fullest extent of that interest. An application by 9288
owners shall be accompanied by a nonrefundable fee of ten thousand 9289
dollars and by such information as the chief may request. 9290

The chief shall make an order providing for the unit 9291
operation of a pool or part thereof if the chief finds that such 9292
operation is reasonably necessary to increase substantially the 9293
ultimate recovery of oil and gas, and the value of the estimated 9294
additional recovery of oil or gas exceeds the estimated additional 9295
cost incident to conducting the operation. The order shall be upon 9296
terms and conditions that are just and reasonable and shall 9297
prescribe a plan for unit operations that shall include: 9298

(1) A description of the unitized area, termed the unit area; 9299

(2) A statement of the nature of the operations contemplated; 9300

(3) An allocation to the separately owned tracts in the unit 9301
area of all the oil and gas that is produced from the unit area 9302
and is saved, being the production that is not used in the conduct 9303
of operations on the unit area or not unavoidably lost. The 9304
allocation shall be in accord with the agreement, if any, of the 9305
interested parties. If there is no such agreement, the chief shall 9306
determine the value, from the evidence introduced at the hearing, 9307
of each separately owned tract in the unit area, exclusive of 9308
physical equipment, for development of oil and gas by unit 9309
operations, and the production allocated to each tract shall be 9310
the proportion that the value of each tract so determined bears to 9311
the value of all tracts in the unit area. 9312

(4) A provision for the credits and charges to be made in the 9313
adjustment among the owners in the unit area for their respective 9314
investments in wells, tanks, pumps, machinery, materials, and 9315
equipment contributed to the unit operations; 9316

(5) A provision providing how the expenses of unit 9317
operations, including capital investment, shall be determined and 9318
charged to the separately owned tracts and how the expenses shall 9319
be paid; 9320

(6) A provision, if necessary, for carrying or otherwise 9321
financing any person who is unable to meet the person's financial 9322
obligations in connection with the unit, allowing a reasonable 9323
interest charge for such service; 9324

(7) A provision for the supervision and conduct of the unit 9325
operations, in respect to which each person shall have a vote with 9326
a value corresponding to the percentage of the expenses of unit 9327
operations chargeable against the interest of that person; 9328

(8) The time when the unit operations shall commence, and the 9329
manner in which, and the circumstances under which, the unit 9330
operations shall terminate; 9331

(9) Such additional provisions as are found to be appropriate 9332
for carrying on the unit operations, and for the protection or 9333
adjustment of correlative rights. 9334

(B) No order of the chief providing for unit operations shall 9335
become effective unless and until the plan for unit operations 9336
prescribed by the chief has been approved in writing by those 9337
owners who, under the chief's order, will be required to pay at 9338
least sixty-five per cent of the costs of the unit operation, and 9339
also by the royalty or, with respect to unleased acreage, fee 9340
owners of sixty-five per cent of the acreage to be included in the 9341
unit. If the plan for unit operations has not been so approved by 9342
owners and royalty owners at the time the order providing for unit 9343

operations is made, the chief shall upon application and notice 9344
hold such supplemental hearings as may be required to determine if 9345
and when the plan for unit operations has been so approved. If the 9346
owners and royalty owners, or either, owning the required 9347
percentage of interest in the unit area do not approve the plan 9348
for unit operations within a period of six months from the date on 9349
which the order providing for unit operations is made, the order 9350
shall cease to be of force and shall be revoked by the chief. 9351

An order providing for unit operations may be amended by an 9352
order made by the chief, in the same manner and subject to the 9353
same conditions as an original order providing for unit 9354
operations, provided that: 9355

(1) If such an amendment affects only the rights and 9356
interests of the owners, the approval of the amendment by the 9357
royalty owners shall not be required. 9358

(2) No such order of amendment shall change the percentage 9359
for allocation of oil and gas as established for any separately 9360
owned tract by the original order, except with the consent of all 9361
persons owning interest in the tract. 9362

The chief, by an order, may provide for the unit operation of 9363
a pool or a part thereof that embraces a unit area established by 9364
a previous order of the chief. Such an order, in providing for the 9365
allocation of unit production, shall first treat the unit area 9366
previously established as a single tract, and the portion of the 9367
unit production so allocated thereto shall then be allocated among 9368
the separately owned tracts included in the previously established 9369
unit area in the same proportions as those specified in the 9370
previous order. 9371

Oil and gas allocated to a separately owned tract shall be 9372
deemed, for all purposes, to have been actually produced from the 9373
tract, and all operations, including, but not limited to, the 9374

commencement, drilling, operation of, or production from a well 9375
upon any portion of the unit area shall be deemed for all purposes 9376
the conduct of such operations and production from any lease or 9377
contract for lands any portion of which is included in the unit 9378
area. The operations conducted pursuant to the order of the chief 9379
shall constitute a fulfillment of all the express or implied 9380
obligations of each lease or contract covering lands in the unit 9381
area to the extent that compliance with such obligations cannot be 9382
had because of the order of the chief. 9383

Oil and gas allocated to any tract, and the proceeds from the 9384
sale thereof, shall be the property and income of the several 9385
persons to whom, or to whose credit, the same are allocated or 9386
payable under the order providing for unit operations. 9387

No order of the chief or other contract relating to the sale 9388
or purchase of production from a separately owned tract shall be 9389
terminated by the order providing for unit operations, but shall 9390
remain in force and apply to oil and gas allocated to the tract 9391
until terminated in accordance with the provisions thereof. 9392

Notwithstanding divisions (A) to (H) of section 1509.73 of 9393
the Revised Code and rules adopted under it, the chief shall issue 9394
an order for the unit operation of a pool or a part of a pool that 9395
encompasses a unit area for which all or a portion of the mineral 9396
rights are owned by the department of transportation. 9397

Except to the extent that the parties affected so agree, no 9398
order providing for unit operations shall be construed to result 9399
in a transfer of all or any part of the title of any person to the 9400
oil and gas rights in any tract in the unit area. All property, 9401
whether real or personal, that may be acquired for the account of 9402
the owners within the unit area shall be the property of such 9403
owners in the proportion that the expenses of unit operations are 9404
charged. 9405

Sec. 1509.31. (A)(1) No person shall operate a well in this 9406
state unless the person first registers with and obtains an 9407
identification number from the chief of the division of oil and 9408
gas resources management. 9409

(2) Whenever the entire interest of an oil and gas lease is 9410
assigned or otherwise transferred, the assignor or transferor 9411
shall notify the holders of the royalty interests, and, if a well 9412
or wells exist on the lease, the division of oil and gas resources 9413
management, of the name and address of the assignee or transferee 9414
by certified mail, return receipt requested, not later than thirty 9415
days after the date of the assignment or transfer. When notice of 9416
any such assignment or transfer is required to be provided to the 9417
division, it shall be provided on a form prescribed and provided 9418
by the division and verified by both the assignor or transferor 9419
and by the assignee or transferee ~~and shall be accompanied by a~~ 9420
~~nonrefundable fee of one hundred dollars for each well.~~ The notice 9421
form applicable to assignments or transfers of a well to the owner 9422
of the surface estate of the tract on which the well is located 9423
shall contain a statement informing the landowner that the well 9424
may require periodic servicing to maintain its productivity; that, 9425
upon assignment or transfer of the well to the landowner, the 9426
landowner becomes responsible for compliance with the requirements 9427
of this chapter and rules adopted under it, including, without 9428
limitation, the proper disposal of brine obtained from the well, 9429
the plugging of the well when it becomes incapable of producing 9430
oil or gas, and the restoration of the well site; and that, upon 9431
assignment or transfer of the well to the landowner, the landowner 9432
becomes responsible for the costs of compliance with the 9433
requirements of this chapter and rules adopted under it and the 9434
costs for operating and servicing the well. 9435

(3) Notwithstanding division (A)(2) of this section, the 9436
assignee or transferee shall notify the division of oil and gas 9437

resources management of the assignment or transfer if both of the 9438
following apply: 9439

(a) The assignor or transferor failed to notify the division 9440
of the assignment or transfer as required by division (A)(2) of 9441
this section; 9442

(b) The assignor or transferor is deceased, dissolved, cannot 9443
be located, or is otherwise incapable of complying with the 9444
notification requirement. 9445

The assignee or transferee shall notify the division of the 9446
assignment or transfer on a form prescribed and provided by the 9447
division. At a minimum, the form shall require the assignee or 9448
transferee to attest that the assignee or transferee is the owner. 9449
The division shall not charge a fee for such assignment or 9450
transfer when notice is provided in accordance with division 9451
(A)(3) of this section. 9452

(B) When the entire interest of a well is proposed to be 9453
assigned or otherwise transferred to the landowner for use as an 9454
exempt domestic well, the owner who has been issued a permit under 9455
this chapter for the well shall submit to the chief of the 9456
division of oil and gas resources management an application for 9457
the assignment or transfer that contains all documents that the 9458
chief requires ~~and a nonrefundable fee of one hundred dollars.~~ The 9459
application for such an assignment or transfer shall be prescribed 9460
and provided by the chief. The chief may approve the application 9461
if the application is accompanied by a release of all of the oil 9462
and gas leases that are included in the applicable formation of 9463
the drilling unit, the release is in a form such that the well 9464
ownership merges with the fee simple interest of the surface 9465
tract, and the release is in a form that may be recorded. However, 9466
if the owner of the well does not release the oil and gas leases 9467
associated with the well that is proposed to be assigned or 9468
otherwise transferred or if the fee simple tract that results from 9469

the merger of the well ownership with the fee simple interest of 9470
the surface tract is less than five acres, the proposed exempt 9471
domestic well owner shall post a five thousand dollar bond with 9472
the division prior to the assignment or transfer of the well to 9473
ensure that the well will be properly plugged. The chief, for good 9474
cause, may modify the requirements of this section governing the 9475
assignment or transfer of the interests of a well to the 9476
landowner. Upon the assignment or transfer of the well, the owner 9477
of an exempt domestic well is not subject to the severance tax 9478
levied under section 5749.02 of the Revised Code, but is subject 9479
to all applicable fees established in this chapter. 9480

(C) The owner holding a permit under section 1509.05 of the 9481
Revised Code is responsible for all obligations and liabilities 9482
imposed by this chapter and any rules, orders, and terms and 9483
conditions of a permit adopted or issued under it, and no 9484
assignment or transfer by the owner relieves the owner of the 9485
obligations and liabilities until and unless the assignee or 9486
transferee files with the division the information described in 9487
divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of 9488
section 1509.06 of the Revised Code; obtains liability insurance 9489
coverage required by section 1509.07 of the Revised Code, except 9490
when none is required by that section; and executes and files a 9491
surety bond, negotiable certificates of deposit or irrevocable 9492
letters of credit, or cash, as described in that section. Instead 9493
of a bond, but only upon acceptance by the chief, the assignee or 9494
transferee may file proof of financial responsibility, described 9495
in section 1509.07 of the Revised Code. Section 1509.071 of the 9496
Revised Code applies to the surety bond, cash, and negotiable 9497
certificates of deposit and irrevocable letters of credit 9498
described in this section. Unless the chief approves a 9499
modification, each assignee or transferee shall operate in 9500
accordance with the plans and information filed by the permit 9501
holder pursuant to section 1509.06 of the Revised Code. 9502

(D) If a mortgaged property that is being foreclosed is 9503
subject to an oil or gas lease, pipeline agreement, or other 9504
instrument related to the production or sale of oil or natural gas 9505
and the lease, agreement, or other instrument was recorded 9506
subsequent to the mortgage, and if the lease, agreement, or other 9507
instrument is not in default, the oil or gas lease, pipeline 9508
agreement, or other instrument, as applicable, has priority over 9509
all other liens, claims, or encumbrances on the property so that 9510
the oil or gas lease, pipeline agreement, or other instrument is 9511
not terminated or extinguished upon the foreclosure sale of the 9512
mortgaged property. If the owner of the mortgaged property was 9513
entitled to oil and gas royalties before the foreclosure sale, the 9514
oil or gas royalties shall be paid to the purchaser of the 9515
foreclosed property. 9516

Sec. 1509.36. Any person adversely affected by an order by 9517
the chief of the division of oil and gas resources management may 9518
appeal to the oil and gas commission for an order vacating or 9519
modifying the order. 9520

The person so appealing to the commission shall be known as 9521
appellant and the chief shall be known as appellee. Appellant and 9522
appellee shall be deemed to be parties to the appeal. 9523

The appeal shall be in writing and shall set forth the order 9524
complained of and the grounds upon which the appeal is based. The 9525
appeal shall be filed with the commission within thirty days after 9526
the date upon which the ~~appellant~~ person to whom the order was 9527
issued received ~~notice by certified mail~~ the order and, for all 9528
other persons adversely affected by the order, within thirty days 9529
after the date of the order complained of. Notice of the filing of 9530
the appeal shall be filed with the chief within three days after 9531
the appeal is filed with the commission. 9532

Upon the filing of the appeal the commission promptly shall 9533

fix the time and place at which the hearing on the appeal will be 9534
held, and shall give the appellant and the chief at least ten 9535
days' written notice thereof by mail. The commission may postpone 9536
or continue any hearing upon its own motion or upon application of 9537
the appellant or of the chief. 9538

The filing of an appeal provided for in this section does not 9539
automatically suspend or stay execution of the order appealed 9540
from, but upon application by the appellant the commission may 9541
suspend or stay the execution pending determination of the appeal 9542
upon such terms as the commission considers proper. 9543

Either party to the appeal or any interested person who, 9544
pursuant to commission rules has been granted permission to 9545
appear, may submit such evidence as the commission considers 9546
admissible. 9547

For the purpose of conducting a hearing on an appeal, the 9548
commission may require the attendance of witnesses and the 9549
production of books, records, and papers, and it may, and at the 9550
request of any party it shall, issue subpoenas for witnesses or 9551
subpoenas duces tecum to compel the production of any books, 9552
records, or papers, directed to the sheriffs of the counties where 9553
the witnesses are found. The subpoenas shall be served and 9554
returned in the same manner as subpoenas in criminal cases are 9555
served and returned. The fees of sheriffs shall be the same as 9556
those allowed by the court of common pleas in criminal cases. 9557
Witnesses shall be paid the fees and mileage provided for under 9558
section 119.094 of the Revised Code. Such fees and mileage 9559
expenses incurred at the request of appellant shall be paid in 9560
advance by the appellant, and the remainder of those expenses 9561
shall be paid out of funds appropriated for the expenses of the 9562
division of oil and gas resources management. 9563

In case of disobedience or neglect of any subpoena served on 9564
any person, or the refusal of any witness to testify to any matter 9565

regarding which the witness may be lawfully interrogated, the 9566
court of common pleas of the county in which the disobedience, 9567
neglect, or refusal occurs, or any judge thereof, on application 9568
of the commission or any member thereof, shall compel obedience by 9569
attachment proceedings for contempt as in the case of disobedience 9570
of the requirements of a subpoena issued from that court or a 9571
refusal to testify therein. Witnesses at such hearings shall 9572
testify under oath, and any member of the commission may 9573
administer oaths or affirmations to persons who so testify. 9574

At the request of any party to the appeal, a record of the 9575
testimony and other evidence submitted shall be taken by an 9576
official court reporter at the expense of the party making the 9577
request for the record. The record shall include all of the 9578
testimony and other evidence and the rulings on the admissibility 9579
thereof presented at the hearing. The commission shall pass upon 9580
the admissibility of evidence, but any party may at the time 9581
object to the admission of any evidence and except to the rulings 9582
of the commission thereon, and if the commission refuses to admit 9583
evidence the party offering same may make a proffer thereof, and 9584
such proffer shall be made a part of the record of the hearing. 9585

If upon completion of the hearing the commission finds that 9586
the order appealed from was lawful and reasonable, it shall make a 9587
written order affirming the order appealed from; if the commission 9588
finds that the order was unreasonable or unlawful, it shall make a 9589
written order vacating the order appealed from and making the 9590
order that it finds the chief should have made. Every order made 9591
by the commission shall contain a written finding by the 9592
commission of the facts upon which the order is based. 9593

Notice of the making of the order shall be given forthwith to 9594
each party to the appeal by mailing a certified copy thereof to 9595
each such party by certified mail. 9596

The order of the commission is final unless vacated by the 9597

court of common pleas of Franklin county in an appeal as provided 9598
for in section 1509.37 of the Revised Code. Sections 1509.01 to 9599
1509.37 of the Revised Code, providing for appeals relating to 9600
orders by the chief or by the commission, or relating to rules 9601
adopted by the chief, do not constitute the exclusive procedure 9602
that any person who believes the person's rights to be unlawfully 9603
affected by those sections or any official action taken thereunder 9604
must pursue in order to protect and preserve those rights, nor do 9605
those sections constitute a procedure that that person must pursue 9606
before that person may lawfully appeal to the courts to protect 9607
and preserve those rights. 9608

Sec. 1509.50. (A) An oil and gas regulatory cost recovery 9609
assessment is hereby imposed by this section on an owner. An owner 9610
shall pay the assessment in the same manner as a severer who is 9611
required to file a return under section 5749.06 of the Revised 9612
Code. However, an owner may designate a severer who shall pay the 9613
owner's assessment on behalf of the owner on the return that the 9614
severer is required to file under that section. If a severer so 9615
pays an owner's assessment, the severer may recoup from the owner 9616
the amount of the assessment. Except for an exempt domestic well, 9617
the assessment imposed shall be in addition to the taxes levied on 9618
the severance of oil and gas under section 5749.02 of the Revised 9619
Code. 9620

(B)(1) Except for an exempt domestic well, the oil and gas 9621
regulatory cost recovery assessment shall be calculated on a 9622
quarterly basis ~~and shall be one of the following~~ as follows: 9623

~~(a) If the sum of ten cents per barrel of oil for all of the 9624
wells of the owner, one half of one cent per one thousand cubic 9625
feet of natural gas for all of the wells of the owner, and the 9626
amount of the severance tax levied on each severer for all of the 9627
wells of the owner under divisions (A)(5) and (6) of section 9628~~

~~5749.02 of the Revised Code, as applicable, is greater than the~~ 9629
~~sum of fifteen dollars for each well owned by the owner, the~~ 9630
~~amount of the assessment is the sum of ten cents per barrel of oil~~ 9631
~~for all of the wells of the owner and one-half (1) One-half of one~~ 9632
~~cent per one thousand cubic feet of natural gas for all of the~~ 9633
~~wells of the owner.~~ 9634

~~(b) If the sum of ten;~~ 9635

~~(2) Ten cents per barrel of oil for all of the wells of the~~ 9636
~~owner, one-half of one cent per one thousand cubic feet of natural~~ 9637
~~gas for all of the wells of the owner, and the amount of the~~ 9638
~~severance tax levied on each severer for all of the wells of the~~ 9639
~~owner under divisions (A)(5) and (6) of section 5749.02 of the~~ 9640
~~Revised Code, as applicable, is less than the sum of fifteen~~ 9641
~~dollars for each well owned by the owner, the amount of the~~ 9642
~~assessment is the sum of fifteen dollars for each well owned by~~ 9643
~~the owner less the amount of the tax levied on each severer for~~ 9644
~~all of the wells of the owner under divisions (A)(5) and (6) of~~ 9645
~~section 5749.02 of the Revised Code, as applicable.~~ 9646

~~(2) The oil and gas regulatory cost recovery assessment for a~~ 9647
~~well that becomes an exempt domestic well on and after June 30,~~ 9648
~~2010, shall be sixty dollars to be paid to the division of oil and~~ 9649
~~gas resources management on the first day of July of each year.~~ 9650

~~(C) All money collected pursuant to this section shall be~~ 9651
~~credited to the severance tax receipts fund. After the director of~~ 9652
~~budget and management transfers money from the severance tax~~ 9653
~~receipts fund as required in division (H) of section 5749.06 of~~ 9654
~~the Revised Code, money in the severance tax receipts fund from~~ 9655
~~amounts collected pursuant to this section shall be credited to~~ 9656
~~the oil and gas well fund created in section 1509.02 of the~~ 9657
~~Revised Code.~~ 9658

~~(D) Except for purposes of revenue distribution as specified~~ 9659

in division (B) of section 5749.02 of the Revised Code, the oil 9660
and gas regulatory cost recovery assessment imposed by this 9661
section shall be treated the same and equivalent for all purposes 9662
as the taxes levied on the severance of oil and gas under that 9663
section. However, the assessment imposed by this section is not a 9664
tax under Chapter 5749. of the Revised Code. 9665

Sec. 1521.08. (A) The chief of the division of water 9666
resources and the director of environmental protection shall 9667
jointly establish a program to study the impact of oil and gas 9668
production operations on stream flow using continuous stream flow 9669
monitoring technology in the following creeks: 9670

(1) Yellow creek, short creek, and cross creek in Jefferson 9671
county; 9672

(2) Wheeling creek, McMahon creek, Wegee creek, and pipe 9673
creek in Belmont county; 9674

(3) Sunfish creek and opossum creek in Monroe county. 9675

(B) The chief shall jointly adopt rules with the director in 9676
accordance with Chapter 119. of the Revised Code for the 9677
administration and implementation of this section. 9678

Sec. ~~1533.09~~ 1533.06. Before the fifteenth day of March of 9679
each year, each wild animal permit holder shall file with the 9680
division of wildlife a written report of the permit holder's 9681
operations under the permit and the disposition of the specimens 9682
collected or possessed during the preceding calendar year on 9683
report blanks furnished by the chief of the division. Failure to 9684
file a report shall cause the permit to be forfeited as of the 9685
fifteenth day of March. Permits are not transferable. No permit 9686
holder or person collecting or possessing wild animals under 9687
authority of such a permit shall take, possess, or transport the 9688
wild animals for any purpose not specified in the permit. 9689

Conviction of a violation of this section, failure to carry a permit and exhibit it to any person requesting to see it as provided in section 1533.08 of the Revised Code, or the violation of any other law concerning wild animals constitutes a revocation and forfeiture of the permit involved. The former permit holder shall not be entitled to another permit for a period of one year from the date of the conviction.

Sec. 1533.09. (A) The chief of the division of wildlife, with the approval of the director of natural resources and the wildlife council, may adopt rules in accordance with Chapter 119. of the Revised Code establishing fees, in lieu of the statutorily imposed fees, for all of the following:

(1) Hunting licenses in accordance with section 1533.10 of the Revised Code;

(2) Small game hunting licenses in accordance with section 1533.10 of the Revised Code;

(3) Deer and wild turkey permits in accordance with section 1533.11 of the Revised Code;

(4) Fur taker permits in accordance with section 1533.111 of the Revised Code;

(5) Wetland habitat stamps in accordance with section 1533.112 of the Revised Code;

(6) Fishing licenses in accordance with section 1533.32 of the Revised Code;

(7) Multi-year fishing and hunting licenses in accordance with section 1533.321 of the Revised Code.

(B) The chief shall make rules adopted under this section available to the public and shall include a copy of current rules in any authorized compilation of the division lawbook. The rules must be under the seal of the division and bear the signature, or

facsimile of the chief. 9720

Sec. 1533.10. (A) Except as provided in this section or 9721
division (A)(2) of section 1533.12 or section 1533.73 or 1533.731 9722
of the Revised Code, no person shall hunt any wild bird or wild 9723
quadruped without a hunting license. Each day that any person 9724
hunts within the state without procuring such a license 9725
constitutes a separate offense. 9726

(B)(1) Except as otherwise provided in this section, division 9727
(A) of section 1533.12 of the Revised Code, or in rules adopted 9728
under section 1533.09 or division (B) of ~~that~~ section 1533.12 of 9729
the Revised Code, each applicant for a hunting license shall pay 9730
an annual fee for each annual license in accordance with the 9731
following schedule: 9732

Hunting license - resident	\$18.00	9733
Hunting license - nonresident, and that is not a 9734	\$174.00	
resident of a reciprocal state, ages 18 and older		
Hunting license - nonresident, but that is a 9735	\$18.00	
resident of a reciprocal state, ages 18 and older		
Apprentice hunting license - resident	\$18.00	9736
Apprentice hunting license - nonresident, and that 9737	\$174.00	
<u>is</u> not a resident of a reciprocal state		
Apprentice hunting license - nonresident, but that 9738	\$18.00	
is a resident of a reciprocal state		
Youth hunting license - resident and nonresident	\$9.00	9739
Apprentice youth hunting license - resident	\$9.00	9740
Senior hunting license - resident	\$9.00	9741
Apprentice senior hunting license - resident	\$9.00	9742

(2) Apprentice resident hunting licenses, apprentice youth 9743
hunting licenses, apprentice senior hunting licenses, and 9744
apprentice nonresident hunting licenses are subject to the 9745
requirements established under section 1533.102 of the Revised 9746

Code and rules adopted under it. 9747

(3) As used in division (B)(1) of this section: 9748

(a) "Youth" means an applicant who is under the age of 9749
eighteen years at the time of application for a ~~permit~~ license. 9750

(b) "Senior" means an applicant who is sixty-six years of age 9751
or older at the time of application for a ~~permit~~ license. 9752

(c) "Reciprocal state" means a state that is a party to an 9753
agreement under section 1533.91 of the Revised Code. 9754

(C) A resident of this state who owns lands in the state and 9755
the owner's children of any age and grandchildren under eighteen 9756
years of age may hunt on the lands without a hunting license. A 9757
resident of any other state who owns real property in this state, 9758
and the spouse and children living with the property owner, may 9759
hunt on that property without a license, provided that the state 9760
of residence of the real property owner allows residents of this 9761
state owning real property in that state, and the spouse and 9762
children living with the property owner, to hunt without a 9763
license. If the owner of land in this state is a limited liability 9764
company or a limited liability partnership that consists of three 9765
or fewer individual members or partners, as applicable, an 9766
individual member or partner who is a resident of this state and 9767
the member's or partner's children of any age and grandchildren 9768
under eighteen years of age may hunt on the land owned by the 9769
limited liability company or limited liability partnership without 9770
a hunting license. In addition, if the owner of land in this state 9771
is a trust that has a total of three or fewer trustees and 9772
beneficiaries, an individual who is a trustee or beneficiary and 9773
who is a resident of this state and the individual's children of 9774
any age and grandchildren under eighteen years of age may hunt on 9775
the land owned by the trust without a hunting license. The tenant 9776
and children of the tenant, residing on lands in the state, may 9777

hunt on them without a hunting license. 9778

(D) The chief of the division of wildlife may issue a small 9779
game hunting license expiring three days from the effective date 9780
of the license to a nonresident of the state, the fee for which 9781
~~shall be~~ is thirty-nine dollars unless otherwise provided in rules 9782
adopted under section 1533.09 of the Revised Code. No person shall 9783
take or possess deer, wild turkeys, fur-bearing animals, ducks, 9784
geese, brant, or any nongame animal while possessing only a small 9785
game hunting license. A 9786

A small game hunting license or an apprentice nonresident 9787
hunting license does not authorize the taking or possessing of 9788
ducks, geese, or brant without having obtained, in addition to the 9789
small game hunting license or the apprentice nonresident hunting 9790
license, a wetlands habitat stamp as provided in section 1533.112 9791
of the Revised Code. A small game hunting license or an apprentice 9792
nonresident hunting license does not authorize the taking or 9793
possessing of deer, wild turkeys, or fur-bearing animals. A 9794
nonresident of the state who wishes to take or possess deer, wild 9795
turkeys, or fur-bearing animals in this state shall procure, 9796
respectively, a deer or wild turkey permit as provided in section 9797
1533.11 of the Revised Code or a fur taker permit as provided in 9798
section 1533.111 of the Revised Code in addition to a nonresident 9799
hunting license, an apprentice nonresident hunting license, a 9800
special youth hunting license, or an apprentice youth hunting 9801
license, as applicable, as provided in this section. 9802

(E) No person shall procure or attempt to procure a hunting 9803
license by fraud, deceit, misrepresentation, or any false 9804
statement. 9805

(F)(1) This section does not authorize the taking and 9806
possessing of deer or wild turkeys without first having obtained, 9807
in addition to the hunting license required by this section, a 9808
deer or wild turkey permit as provided in section 1533.11 of the 9809

Revised Code or the taking and possessing of ducks, geese, or 9810
brant without first having obtained, in addition to the hunting 9811
license required by this section, a wetlands habitat stamp as 9812
provided in section 1533.112 of the Revised Code. 9813

(2) This section does not authorize the hunting or trapping 9814
of fur-bearing animals without first having obtained, in addition 9815
to a hunting license required by this section, a fur taker permit 9816
as provided in section 1533.111 of the Revised Code. 9817

(G)(1) No hunting license shall be issued unless it is 9818
accompanied by a written explanation of the law in section 1533.17 9819
of the Revised Code and the penalty for its violation, including a 9820
description of terms of imprisonment and fines that may be 9821
imposed. 9822

(2) No hunting license, other than an apprentice hunting 9823
license, shall be issued unless the applicant presents to the 9824
agent authorized to issue the license a previously held hunting 9825
license or evidence of having held such a license in content and 9826
manner approved by the chief, a certificate of completion issued 9827
upon completion of a hunter education and conservation course 9828
approved by the chief, or evidence of equivalent training in 9829
content and manner approved by the chief. A previously held 9830
apprentice hunting license does not satisfy the requirement 9831
concerning the presentation of a previously held hunting license 9832
or evidence of it. 9833

(3) No person shall issue a hunting license, except an 9834
apprentice hunting license, to any person who fails to present the 9835
evidence required by this section. No person shall purchase or 9836
obtain a hunting license, other than an apprentice hunting 9837
license, without presenting to the issuing agent the evidence 9838
required by this section. Issuance of a hunting license in 9839
violation of the requirements of this section is an offense by 9840
both the purchaser of the illegally obtained hunting license and 9841

the clerk or agent who issued the hunting license. Any hunting 9842
license issued in violation of this section is void. 9843

(H) The chief, with approval of the wildlife council, shall 9844
adopt rules prescribing a hunter education and conservation course 9845
for first-time hunting license buyers, other than buyers of 9846
apprentice hunting licenses, and for volunteer instructors. The 9847
course shall consist of subjects including, but not limited to, 9848
hunter safety and health, use of hunting implements, hunting 9849
tradition and ethics, the hunter and conservation, the law in 9850
section 1533.17 of the Revised Code along with the penalty for its 9851
violation, including a description of terms of imprisonment and 9852
fines that may be imposed, and other law relating to hunting. 9853
Authorized personnel of the division or volunteer instructors 9854
approved by the chief shall conduct such courses with such 9855
frequency and at such locations throughout the state as to 9856
reasonably meet the needs of license applicants. The chief shall 9857
issue a certificate of completion to each person who successfully 9858
completes the course and passes an examination prescribed by the 9859
chief. 9860

Sec. 1533.11. (A)(1) Except as provided in this section or 9861
section 1533.731 of the Revised Code, no person shall hunt deer on 9862
lands of another without first obtaining an annual deer permit. 9863
Except as provided in this section, no person shall hunt wild 9864
turkeys on lands of another without first obtaining an annual wild 9865
turkey permit. A deer or wild turkey permit is valid during the 9866
hunting license year in which the permit is purchased. Except as 9867
provided in rules adopted under section 1533.09 or division (B) of 9868
~~that~~ section 1533.731 of the Revised Code, each applicant for a 9869
deer or wild turkey permit shall pay an annual fee for each permit 9870
in accordance with the following schedule: 9871
Deer permit - resident \$23.00 9872

	<u>\$30.00</u>	
Deer permit - nonresident, all ages	\$74.00	9873
Youth deer permit - resident <u>and nonresident</u>	\$11.50	9874
	<u>\$15.00</u>	
Senior deer permit - resident	\$11.50	9875
Wild turkey permit - resident	\$23.00	9876
	<u>\$30.00</u>	
Wild turkey permit - nonresident, all ages	\$28.00	9877
	<u>\$37.00</u>	
Youth wild turkey permit - resident <u>and</u>	\$11.50	9878
<u>nonresident</u>	<u>\$15.00</u>	
Senior wild turkey permit - resident	\$11.50	9879
(2) As used in division (A)(1) of this section:		9880
(a) "Resident" means an individual who has resided in this		9881
state for not less than six months preceding the date of making		9882
application for a permit.		9883
(b) "Nonresident" means any individual who does not qualify		9884
as a resident.		9885
(c) "Youth" means an applicant who is under the age of		9886
eighteen years at the time of application for a permit.		9887
(d) "Senior" means an applicant who is sixty-six years of age		9888
or older at the time of application for a permit.		9889
(3) The money received shall be paid into the state treasury		9890
to the credit of the wildlife fund, created in section 1531.17 of		9891
the Revised Code, exclusively for the use of the division of		9892
wildlife in the acquisition and development of land for deer or		9893
wild turkey management, for investigating deer or wild turkey		9894
problems, and for the stocking, management, and protection of deer		9895
or wild turkey.		9896
(4) Every person, while hunting deer or wild turkey on lands		9897
of another, shall carry the person's deer or wild turkey permit		9898

and exhibit it to any enforcement officer so requesting. Failure 9899
to so carry and exhibit such a permit constitutes an offense under 9900
this section. 9901

(5) The chief of the division of wildlife shall adopt any 9902
additional rules the chief considers necessary to carry out this 9903
section and section 1533.10 of the Revised Code. 9904

(6) An owner who is a resident of this state or an owner who 9905
is exempt from obtaining a hunting license under section 1533.10 9906
of the Revised Code and the children of the owner of lands in this 9907
state may hunt deer or wild turkey thereon without a deer or wild 9908
turkey permit. If the owner of land in this state is a limited 9909
liability company or a limited liability partnership that consists 9910
of three or fewer individual members or partners, as applicable, 9911
an individual member or partner who is a resident of this state 9912
and the member's or partner's children of any age may hunt deer or 9913
wild turkey on the land owned by the limited liability company or 9914
limited liability partnership without a deer or wild turkey 9915
permit. In addition, if the owner of land in this state is a trust 9916
that has a total of three or fewer trustees and beneficiaries, an 9917
individual who is a trustee or beneficiary and who is a resident 9918
of this state and the individual's children of any age may hunt 9919
deer or wild turkey on the land owned by the trust without a deer 9920
or wild turkey permit. The tenant and children of the tenant may 9921
hunt deer or wild turkey on lands where they reside without a deer 9922
or wild turkey permit. 9923

(B) A deer or wild turkey permit is not transferable. No 9924
person shall carry a deer or wild turkey permit issued in the name 9925
of another person. 9926

(C) The wildlife refunds fund is hereby created in the state 9927
treasury. The fund shall consist of money received from 9928
application fees for deer permits that are not issued. Money in 9929
the fund shall be used to make refunds of such application fees. 9930

(D) If the division establishes a system for the electronic 9931
submission of information regarding deer or wild turkey that are 9932
taken, the division shall allow the owner and the children of the 9933
owner of lands in this state to use the owner's name or address 9934
for purposes of submitting that information electronically via 9935
that system. 9936

Sec. 1533.111. (A) Except as provided in this section or 9937
division (A)(2) of section 1533.12 of the Revised Code, no person 9938
shall hunt or trap fur-bearing animals on land of another without 9939
first obtaining some type of an annual fur taker permit. ~~Each~~ 9940
~~applicant for a fur taker permit or an apprentice fur taker permit~~ 9941
~~shall pay an annual fee of fourteen dollars for the permit, except~~ 9942
~~as otherwise provided in this section or unless the rules adopted~~ 9943
~~under division (B) of section 1533.12 of the Revised Code provide~~ 9944
~~for issuance of a fur taker permit to the applicant free of~~ 9945
~~charge. Except as provided in rules adopted under division (B)(2)~~ 9946
~~of that section, each applicant who is a resident of this state~~ 9947
~~and who at the time of application is sixty six years of age or~~ 9948
~~older shall procure a special senior fur taker permit or an~~ 9949
~~apprentice senior fur taker permit, the fee for which shall be~~ 9950
~~one half of the regular permit fee. Each applicant under the age~~ 9951
~~of eighteen years shall procure a special youth fur taker permit~~ 9952
~~or an apprentice youth fur taker permit, the fee for which shall~~ 9953
~~be one half of the regular fur taker permit fee. Each~~ 9954

(B)(1) Except as otherwise provided in rules adopted under 9955
section 1533.09 or division (B) of section 1533.12 of the Revised 9956
Code, each applicant for a fur taker permit or an apprentice fur 9957
taker permit shall pay an annual fee for each annual permit in 9958
accordance with the following schedule: 9959

<u>Fur taker permit</u>	<u>\$14.00</u>	9960
<u>Apprentice fur taker permit</u>	<u>\$14.00</u>	9961

<u>Senior fur taker permit - resident only</u>	<u>\$7.00</u>	9962
<u>Apprentice senior fur taker permit - resident</u>	<u>\$7.00</u>	9963
<u>only</u>		
<u>Special youth fur taker permit</u>	<u>\$7.00</u>	9964
<u>Apprentice youth fur taker permit</u>	<u>\$7.00</u>	9965
<u>(2) As used in division (B)(1) of this section:</u>		9966
<u>(a) "Youth" means an applicant who is under the age of</u>		9967
<u>eighteen years at the time of application for a permit.</u>		9968
<u>(b) "Senior" means an applicant who is sixty-six years of age</u>		9969
<u>or older at the time of application for a permit.</u>		9970
<u>(C) Each</u> type of fur taker permit is valid during the hunting		9971
license year in which the permit is purchased. The money received		9972
shall be paid into the state treasury to the credit of the fund		9973
established in section 1533.15 of the Revised Code. Apprentice fur		9974
taker permits and apprentice youth fur taker permits are subject		9975
to the requirements established under section 1533.102 of the		9976
Revised Code and rules adopted pursuant to it.		9977
<u>(D)(1) No person shall issue a fur taker permit shall be</u>		9978
<u>issued to an applicant</u> unless it is accompanied by a written		9979
explanation of the law in section 1533.17 of the Revised Code and		9980
the penalty for its violation, including a description of terms of		9981
imprisonment and fines that may be imposed.		9982
<u>(2) No person shall issue a</u> fur taker permit, other than an		9983
apprentice fur taker permit or an apprentice youth fur taker		9984
permit, shall be issued <u>to an applicant</u> unless the applicant		9985
presents to the agent authorized to issue a fur taker permit a		9986
previously held hunting license or trapping or fur taker permit or		9987
evidence of having held such a license or permit in content and		9988
manner approved by the chief of the division of wildlife, a		9989
certificate of completion issued upon completion of a trapper		9990
education course approved by the chief, or evidence of equivalent		9991

training in content and manner approved by the chief. A previously 9992
held apprentice hunting license, apprentice fur taker permit, or 9993
apprentice youth fur taker permit does not satisfy the requirement 9994
concerning the presentation of a previously held hunting license 9995
or fur taker permit or evidence of such a license or permit. 9996

(3) No person shall issue a fur taker permit, other than an 9997
apprentice fur taker permit or an apprentice youth fur taker 9998
permit, to any person who fails to present the evidence required 9999
by this section. No person shall purchase or obtain a fur taker 10000
permit, other than an apprentice fur taker permit or an apprentice 10001
youth fur taker permit, without presenting to the issuing agent 10002
the evidence required by this section. Issuance of a fur taker 10003
permit in violation of the requirements of this section is an 10004
offense by both the purchaser of the illegally obtained permit and 10005
the clerk or agent who issued the permit. Any fur taker permit 10006
issued in violation of this section is void. 10007

(E) The chief, with approval of the wildlife council, shall 10008
adopt rules prescribing a trapper education course for first-time 10009
fur taker permit buyers, other than buyers of apprentice fur taker 10010
permits or apprentice youth fur taker permits, and for volunteer 10011
instructors. The course shall consist of subjects that include, 10012
but are not limited to, trapping techniques, animal habits and 10013
identification, trapping tradition and ethics, the trapper and 10014
conservation, the law in section 1533.17 of the Revised Code along 10015
with the penalty for its violation, including a description of 10016
terms of imprisonment and fines that may be imposed, and other law 10017
relating to trapping. Authorized personnel of the division of 10018
wildlife or volunteer instructors approved by the chief shall 10019
conduct the courses with such frequency and at such locations 10020
throughout the state as to reasonably meet the needs of permit 10021
applicants. The chief shall issue a certificate of completion to 10022
each person who successfully completes the course and passes an 10023

examination prescribed by the chief. 10024

(F) Every person, while hunting or trapping fur-bearing 10025
animals on lands of another, shall carry the person's fur taker 10026
permit with the person's signature written on the permit. Failure 10027
to carry such a signed permit constitutes an offense under this 10028
section. The chief shall adopt any additional rules the chief 10029
considers necessary to carry out this section. 10030

(G) An owner who is a resident of this state or an owner who 10031
is exempt from obtaining a hunting license under section 1533.10 10032
of the Revised Code and the children of the owner of lands in this 10033
state may hunt or trap fur-bearing animals thereon without a fur 10034
taker permit. If the owner of land in this state is a limited 10035
liability company or a limited liability partnership that consists 10036
of three or fewer individual members or partners, as applicable, 10037
an individual member or partner who is a resident of this state 10038
and the member's or partner's children of any age may hunt or trap 10039
fur-bearing animals on the land owned by the limited liability 10040
company or limited liability partnership without a fur taker 10041
permit. In addition, if the owner of land in this state is a trust 10042
that has a total of three or fewer trustees and beneficiaries, an 10043
individual who is a trustee or beneficiary and who is a resident 10044
of this state and the individual's children of any age may hunt or 10045
trap fur-bearing animals on the land owned by the trust without a 10046
fur taker permit. The tenant and children of the tenant may hunt 10047
or trap fur-bearing animals on lands where they reside without a 10048
fur taker permit. 10049

(H) A fur taker permit is not transferable. No person shall 10050
carry a fur taker permit issued in the name of another person. 10051

(I) A fur taker permit entitles a nonresident to take from 10052
this state fur-bearing animals taken and possessed by the 10053
nonresident as provided by law or division rule. 10054

Sec. 1533.112. Except as provided in this section or unless 10055
otherwise provided by division rule, no person shall hunt ducks, 10056
geese, or brant on the lands of another without first obtaining an 10057
annual wetlands habitat stamp. The annual fee for the wetlands 10058
habitat stamp ~~shall be~~ is fourteen dollars for each stamp unless 10059
~~the otherwise provided in~~ rules adopted under section 1533.09 or 10060
division (B) of section 1533.12 ~~provide for issuance of a wetlands~~ 10061
~~habitat stamp to the applicant free of charge of the Revised Code.~~ 10062

Moneys received from the stamp fee shall be paid into the 10063
state treasury to the credit of the wetlands habitat fund, which 10064
is hereby established. Moneys shall be paid from the fund on the 10065
order of the director of natural resources for the following 10066
purposes: 10067

(A) Sixty per cent for projects that the division approves 10068
for the acquisition, development, management, or preservation of 10069
waterfowl areas within the state; 10070

(B) Forty per cent for contribution by the division to an 10071
appropriate nonprofit organization for the acquisition, 10072
development, management, or preservation of lands and waters 10073
within the United States or Canada that provide or will provide 10074
habitat for waterfowl with migration routes that cross this state. 10075

No moneys derived from the issuance of wetlands habitat 10076
stamps shall be spent for purposes other than those specified by 10077
this section. All investment earnings of the fund shall be 10078
credited to the fund. 10079

Wetlands habitat stamps shall be furnished by and in a form 10080
prescribed by the chief of the division of wildlife and issued by 10081
clerks and other agents authorized to issue licenses and permits 10082
under section 1533.13 of the Revised Code. The record of stamps 10083
kept by the clerks and other agents shall be uniform throughout 10084
the state, in such form or manner as the director prescribes, and 10085

open at all reasonable hours to the inspection of any person. 10086
Unless otherwise provided by rule, each stamp shall remain in 10087
force until midnight of the thirty-first day of August next 10088
ensuing. Wetlands habitat stamps may be issued in any manner to 10089
any person on any date, whether or not that date is within the 10090
period in which they are effective. 10091

Every person to whom this section applies, while hunting 10092
ducks, geese, or brant, shall carry an unexpired wetlands habitat 10093
stamp that is validated by the person's signature written on the 10094
stamp in ink and shall exhibit the stamp to any enforcement 10095
officer so requesting. No person shall fail to carry and exhibit 10096
the person's stamp. 10097

A wetlands habitat stamp is not transferable. 10098

The chief shall establish a procedure to obtain subject 10099
matter to be printed on the wetlands habitat stamp and shall use, 10100
dispose of, or distribute the subject matter as the chief 10101
considers necessary. The chief also shall adopt rules necessary to 10102
administer this section. 10103

This section does not apply to persons under sixteen years of 10104
age nor to persons exempted from procuring a hunting license under 10105
section 1533.10 or division (A)(2) of section 1533.12 of the 10106
Revised Code. 10107

Sec. 1533.32. (A) Except as provided in this section or 10108
division (A)(2) or (C) of section 1533.12 of the Revised Code or 10109
as exempted at the discretion of the chief of the division of 10110
wildlife, no person, including nonresidents, shall take or catch 10111
any fish by angling in any of the waters in the state or engage in 10112
fishing in those waters without a license. No person shall take or 10113
catch frogs or turtles without a valid fishing license, except as 10114
provided in this section. Persons fishing in privately owned 10115
ponds, lakes, or reservoirs to or from which fish are not 10116

accustomed to migrate are exempt from the license requirements set 10117
forth in this section. Persons fishing in privately owned ponds, 10118
lakes, or reservoirs that are open to public fishing through an 10119
agreement or lease with the division of wildlife shall comply with 10120
the license requirements set forth in this section. 10121

~~(B)(1) The fee for an annual license shall be forty nine 10122
dollars for a resident of a state that is not a party to an 10123
agreement under section 1533.91 of the Revised Code. The fee for 10124
an annual license shall be eighteen dollars for a resident of a 10125
state that is a party to such an agreement. The fee for an annual 10126
license for residents of this state shall be eighteen dollars 10127
unless the rules adopted under division (B) of section 1533.12 of 10128
the Revised Code provide for issuance of a resident fishing 10129
license to the applicant free of charge. Except as provided in 10130
rules adopted under division (B)(2) of that section, each 10131
applicant who is a resident of this state and who at the time of 10132
application is sixty six years of age or older shall procure a 10133
special senior fishing license, the fee for which shall be 10134
one half of the annual resident fishing license fee. 10135~~

~~(2) Except as otherwise provided in rules adopted under 10136
section 1533.09 or division (B) of section 1533.12 of the Revised 10137
Code, each applicant for a fishing license shall pay a fee for 10138
each license in accordance with the following schedule: 10139~~

<u>Annual fishing license - resident</u>	<u>\$24.00</u>	10140
<u>Annual fishing license - nonresident that is not</u>	<u>\$49.00</u>	10141
<u>a resident of a reciprocal state</u>		
<u>Annual fishing license - nonresident that is a</u>	<u>\$24.00</u>	10142
<u>resident of a reciprocal state</u>		
<u>Annual senior fishing license - resident</u>	<u>\$9.00</u>	10143
<u>Three-day tourist fishing license - nonresident</u>	<u>\$24.00</u>	10144
<u>that is not a resident of a reciprocal state</u>		

One-day fishing license \$13.00 10145

(2) As used in division (B)(1) of this section: 10146

(a) "Reciprocal state" means a state that is a party to an 10147
agreement under section 1533.91 of the Revised Code. 10148

(b) "Senior" means an applicant who is sixty-six years of age 10149
or older at the time of application for a license. 10150

(3) Any person under the age of sixteen years may take or 10151
catch frogs and turtles and take or catch fish by angling without 10152
a license. 10153

(C)(1) The chief of the division of wildlife may issue a 10154
tourist's license expiring three days from the effective date of 10155
the license to a resident of a state that is not a party to an 10156
agreement under section 1533.91 of the Revised Code. ~~The fee for a~~ 10157
~~tourist's license shall be eighteen dollars.~~ 10158

(2) The chief shall adopt rules under section 1531.10 of the 10159
Revised Code providing for the issuance of a one-day fishing 10160
license to a resident of this state or of any other state. ~~The fee~~ 10161
~~for such a license shall be fifty five per cent of the amount~~ 10162
~~established under this section for a tourist's license, rounded up~~ 10163
~~to the nearest whole dollar.~~ A one-day fishing license shall allow 10164
the holder to take or catch fish by angling in the waters in the 10165
state, engage in fishing in those waters, or take or catch frogs 10166
or turtles in those waters for one day without obtaining an annual 10167
license or a tourist's license under this section. At the request 10168
of a holder of a one-day fishing license who wishes to obtain an 10169
annual license, a clerk or agent authorized to issue licenses 10170
under section 1533.13 of the Revised Code, not later than the last 10171
day on which the one-day license would be valid if it were an 10172
annual license, shall credit the amount of the fee paid for the 10173
one-day license toward the fee charged for the annual license if 10174
so authorized by the chief. The clerk or agent shall issue the 10175

annual license upon presentation of the one-day license and 10176
payment of a fee in an amount equal to the difference between the 10177
fee for the annual license and the fee for the one-day license. 10178

(3) Unless otherwise provided by division rule, each annual 10179
license shall begin on the date of issuance and expire a year from 10180
the date of issuance. 10181

(4) Unless otherwise provided by division rule, each 10182
multi-year license issued in accordance with section 1533.321 of 10183
the Revised Code shall begin on the date of issuance and expire 10184
three years, five years, or ten years from the date of issuance, 10185
as applicable. 10186

(5) No person shall alter a fishing license or possess a 10187
fishing license that has been altered. 10188

(6) No person shall procure or attempt to procure a fishing 10189
license by fraud, deceit, misrepresentation, or any false 10190
statement. 10191

(7) A resident of this state who owns land over, through, 10192
upon, or along which any water flows or stands, except where the 10193
land is in or borders on state parks or state-owned lakes, 10194
together with the members of the immediate families of such 10195
owners, may take frogs and turtles and may take or catch fish of 10196
the kind permitted to be taken or caught therefrom without 10197
procuring a license provided for in this section. This exemption 10198
extends to tenants actually residing upon such lands and to the 10199
members of the immediate families of the tenants. A resident of 10200
any other state who owns land in this state over, through, upon, 10201
or along which any water flows or stands, except where the land is 10202
in or borders on state parks or state-owned lakes, and the spouse 10203
and children living with the owner, may take frogs and turtles and 10204
may take or catch fish of the kind permitted to be taken or caught 10205
from that water without obtaining a license under this section, 10206

provided that the state of residence of the owner allows residents 10207
of this state owning real property in that state, and the spouse 10208
and children living with such a property owner, to take frogs and 10209
turtles and take or catch fish without a license. If the owner of 10210
such land in this state is a limited liability company or a 10211
limited liability partnership that consists of three or fewer 10212
individual members or partners, as applicable, an individual 10213
member or partner who is a resident of this state and the member's 10214
or partner's children of any age may take frogs and turtles and 10215
may take or catch fish of the kind permitted to be taken or caught 10216
therefrom without procuring a license provided for in this 10217
section. In addition, if the owner of such land in this state is a 10218
trust that has a total of three or fewer trustees and 10219
beneficiaries, an individual who is a trustee or beneficiary and 10220
who is a resident of this state and the individual's children of 10221
any age may take frogs and turtles and may take or catch fish of 10222
the kind permitted to be taken or caught therefrom without 10223
procuring a license provided for in this section. Residents of 10224
state or county institutions, charitable institutions, and 10225
military homes in this state may take frogs and turtles without 10226
procuring the required license, provided that a member of the 10227
institution or home has an identification card, which shall be 10228
carried on that person when fishing. 10229

(8) Every fisher required to be licensed, while fishing or 10230
taking or attempting to take frogs or turtles, shall carry the 10231
license and exhibit it to any person. Failure to so carry and 10232
exhibit the license constitutes an offense under this section. 10233

Sec. 1533.321. (A) The chief of the division of wildlife may 10234
issue any of the following: 10235

(1) Multi-year hunting or fishing licenses for three-, five-, 10236
or ten-year terms to a resident of this state; 10237

(2) Lifetime hunting or fishing licenses to a resident of this state; 10238
10239

(3) A package consisting of any combination of license, stamp, or permit that the chief is authorized to issue under this chapter. 10240
10241
10242

(B) The chief may adopt rules in accordance with section 1531.10 of the Revised Code governing multi-year hunting and fishing licenses, lifetime hunting and fishing licenses, and combination packages, including rules establishing fees for the combination packages. The chief shall ensure that the price for a combination package is not discounted by more than five per cent of the total fees for the licenses, permits, or stamps that a person would otherwise pay for those licenses, permits, or stamps if the person purchased them individually. 10243
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(C)(1) The multi-year and lifetime license fund is hereby created in the state treasury. The fund shall consist of money received from application fees for multi-year and lifetime hunting and fishing licenses. 10252
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(2) Each fiscal year, a prorated amount of the money from each multi-year and lifetime license fee shall be transferred from the multi-year and lifetime license fund to the fund into which the applicable single year license fee would otherwise be deposited. The prorated amount shall equal the total amount of the fee charged for the license divided by the number of years the license is valid. The chief shall adopt rules in accordance with section 1531.10 of the Revised Code for the administration of this division, including establishing a system that prorates lifetime license fees for deposit each year into the wildlife fund created in section 1531.17 of the Revised Code. 10256
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(3) Each fiscal year, all previous year's investment earnings from the multi-year and lifetime license fund shall be transferred 10267
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into the wildlife fund created in section 1531.17 of the Revised Code. 10269
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(D)(1) ~~Each~~ Except as otherwise provided in rules adopted 10271
under section 1533.09 of the Revised Code, each applicant for a 10272
multi-year or lifetime fishing license who is a resident of this 10273
state shall pay a fee for each license in accordance with the 10274
following schedule: 10275

Senior 3-year fishing license	\$27.50	10276
Senior 5-year fishing license	\$45.75	10277
Senior lifetime fishing license	\$81.00	10278
3-year fishing license	\$52.00	10279
5-year fishing license	\$86.75	10280
10-year fishing license	\$173.50	10281
Lifetime fishing license	\$450.00	10282
Youth lifetime fishing license	\$414.00	10283

(2) As used in division (D)(1) of this section: 10284

(a) "Youth" means an applicant who is under the age of 10285
sixteen years at the time of application for a ~~permit~~ license. 10286

(b) "Senior" means an applicant who is sixty-six years of age 10287
or older at the time of application for a ~~permit~~ license. 10288

(E)(1) ~~Each~~ Except as otherwise provided in rules adopted 10289
under section 1533.09 of the Revised Code, each applicant for a 10290
multi-year or lifetime hunting license who is a resident of this 10291
state shall pay a fee for each license in accordance with the 10292
following schedule: 10293

Senior 3-year hunting license	\$27.50	10294
Senior 5-year hunting license	\$45.75	10295
Senior lifetime hunting license	\$81.00	10296
Youth 3-year hunting license	\$27.50	10297
Youth 5-year hunting license	\$45.75	10298
Youth 10-year hunting license	\$91.50	10299

Youth lifetime hunting license	\$414.00	10300
3-year hunting license	\$52.00	10301
5-year hunting license	\$86.75	10302
10-year hunting license	\$173.50	10303
Lifetime hunting license	\$450.00	10304

(2) As used in division (E)(1) of this section: 10305

(a) "Youth" means an applicant who is under the age of 10306
eighteen years at the time of application for a ~~permit~~ license. 10307

(b) "Senior" means an applicant who is sixty-six years of age 10308
or older at the time of application for a ~~permit~~ license. 10309

(F) If a person who is issued a multi-year hunting or fishing 10310
license or lifetime hunting or fishing license in accordance with 10311
division (A) of this section subsequently becomes a nonresident 10312
after issuance of the license, the person's license remains valid 10313
in this state during its term, regardless of residency status. 10314

Sec. 1561.011. ~~Except as provided in section 1561.24 of the~~ 10315
~~Revised Code, nothing~~ Nothing in this chapter applies to 10316
activities that are permitted and regulated under Chapter 1514. of 10317
the Revised Code. 10318

Sec. 1711.52. (A) The advisory council on amusement ride 10319
safety shall do both of the following: 10320

~~(A)~~ (1) Study any subject pertaining to amusement ride safety, 10321
including administrative, engineering, and technical subjects, and 10322
make findings and recommendations to the director of agriculture 10323
in accordance with division (B) of this section; 10324

~~(B)~~ (2) Prior to the adoption of any rules or amendments to 10325
those rules under division (B) of section 1711.53 and division (B) 10326
of section 1711.551 of the Revised Code, study the proposed rules 10327
to be adopted by the director regarding amusement ride safety, 10328
advise the director, and make findings and recommendations to the 10329

director ~~in accordance with division (B) of this section.~~ 10330

~~(C) Not later than December 31, 2006, prepare and submit a~~ 10331
~~report to the governor, the speaker and the minority leader of the~~ 10332
~~house of representatives, the president and the minority leader of~~ 10333
~~the senate, and the director concerning the advisory council's~~ 10334
~~recommendations for alternative funding sources for the amusement~~ 10335
~~ride safety program established under this chapter~~ 10336
(B) Prior to 10337
submitting any findings or recommendations, the advisory council 10337
shall vote on whether to submit such findings or recommendations 10338
to the director. The advisory council shall submit only those 10339
findings and recommendations that receive a majority vote of the 10340
advisory council. 10341

(C) The director shall make available to the advisory council 10342
any information, reports, and studies requested by the advisory 10343
council. 10344

Sec. 1711.53. (A)(1) No person shall operate an amusement 10345
ride within the state without a permit issued by the director of 10346
agriculture under division (A)(2) of this section. The owner of an 10347
amusement ride, whether the ride is a temporary amusement ride or 10348
a permanent amusement ride, who desires to operate the amusement 10349
ride within the state shall, prior to the operation of the 10350
amusement ride and annually thereafter, submit to the department 10351
of agriculture an application for a permit, together with the 10352
appropriate permit and inspection fee, on a form to be furnished 10353
by the department. Prior to issuing any permit the department 10354
shall, within thirty days after the date on which it receives the 10355
application, inspect each amusement ride described in the 10356
application. The owner of an amusement ride shall have the 10357
amusement ride ready for inspection not later than two hours after 10358
the time that is requested by the person for the inspection. 10359

(2) For each amusement ride found to comply with the rules 10360

adopted by the director under division (B) of this section and 10361
division (B) of section 1711.551 of the Revised Code, the director 10362
shall issue an annual permit, provided that evidence of liability 10363
insurance coverage for the amusement ride as required by section 10364
1711.54 of the Revised Code is on file with the department. 10365

(3) The director shall issue with each permit a decal 10366
indicating that the amusement ride has been issued the permit. The 10367
owner of the amusement ride shall affix the decal on the ride at a 10368
location where the decal is easily visible to the patrons of the 10369
ride. A copy of the permit shall be kept on file at the same 10370
address as the location of the amusement ride identified on the 10371
permit, and shall be made available for inspection, upon 10372
reasonable demand, by any person. An owner may operate an 10373
amusement ride prior to obtaining a permit, provided that the 10374
operation is for the purpose of testing the amusement ride or 10375
training amusement ride operators and other employees of the owner 10376
and the amusement ride is not open to the public. 10377

(B) The director, in accordance with Chapter 119. of the 10378
Revised Code, shall adopt rules providing for a schedule of fines, 10379
with no fine exceeding five thousand dollars, for violations of 10380
sections 1711.50 to 1711.57 of the Revised Code or any rules 10381
adopted under this division and for the classification of 10382
amusement rides and rules for the safe operation and inspection of 10383
all amusement rides as are necessary for amusement ride safety and 10384
for the protection of the general public. Rules adopted by the 10385
director for the safe operation and inspection of amusement rides 10386
shall be reasonable and based upon generally accepted engineering 10387
standards and practices. In adopting rules under this section, the 10388
director may adopt by reference, in whole or in part, the national 10389
fire code or the national electrical code (NEC) prepared by the 10390
national fire protection association, the standards of the 10391
American society for testing and materials (ASTM) or the American 10392

national standards institute (ANSI), or any other principles, 10393
tests, or standards of nationally recognized technical or 10394
scientific authorities. Insofar as is practicable and consistent 10395
with sections 1711.50 to 1711.57 of the Revised Code, rules 10396
adopted under this division shall be consistent with the rules of 10397
other states. The department shall cause sections 1711.50 to 10398
1711.57 of the Revised Code and the rules adopted in accordance 10399
with this division and division (B) of section 1711.551 of the 10400
Revised Code to be published in pamphlet form and a copy to be 10401
furnished without charge to each owner of an amusement ride who 10402
holds a current permit or is an applicant therefor. 10403

(C) With respect to an application for a permit for an 10404
amusement ride, an owner may apply to the director for a waiver or 10405
modification of any rule adopted under division (B) of this 10406
section if there are practical difficulties or unnecessary 10407
hardships for the amusement ride to comply with the rules. Any 10408
application shall set forth the reasons for the request. The 10409
director, with the approval of the advisory council on amusement 10410
ride safety, may waive or modify the application of a rule to any 10411
amusement ride if the public safety is secure. Any authorization 10412
by the director under this division shall be in writing and shall 10413
set forth the conditions under which the waiver or modification is 10414
authorized, and the department shall retain separate records of 10415
all proceedings under this division. 10416

(D)(1) The director shall employ and provide for training of 10417
a chief inspector and additional inspectors and employees as may 10418
be necessary to administer and enforce sections 1711.50 to 1711.57 10419
of the Revised Code. The director may appoint or contract with 10420
other persons to perform inspections of amusement rides, provided 10421
that the persons meet the qualifications for inspectors 10422
established by rules adopted under division (B) of this section 10423
and are not owners, or employees of owners, of any amusement ride 10424

subject to inspection under sections 1711.50 to 1711.57 of the Revised Code. No person shall inspect an amusement ride who, within six months prior to the date of inspection, was an employee of the owner of the ride.

(2) Before the director contracts with other persons to inspect amusement rides, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E)(2) of section 1711.11 of the Revised Code.

(3) With the advice and consent of the advisory council on amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E)(1) Except as otherwise provided in division (E)(1) of this section, the department shall charge the following amusement ride fees:

Permit	\$	150	10446
		<u>225</u>	
Annual inspection and reinspection per ride:			10447
Kiddie rides	\$	100	10448
		<u>150</u>	
Roller coaster	\$	1,200	10449
		<u>1,250</u>	
Aerial lifts or bungee jumping facilities	\$	450	10450
		<u>500</u>	
Go karts, per kart	\$	5	10451
			10452

Other rides	\$	160	10453
		<u>210</u>	
Midseason operational inspection per ride	\$	25	10454
Expedited inspection per ride	\$	100	10455
Failure to cancel scheduled inspection per ride	\$	100	10456
Failure to have amusement ride ready for inspection			10457
per ride	\$	100	10458
The go kart inspection fee is in addition to the inspection			10459
fee for the go kart track.			10460
The director shall adopt rules in accordance with Chapter			10461
119. of the Revised Code establishing an annual fee that is less			10462
than one hundred five <u>fifty-four</u> dollars for an inspection and			10463
reinspection of an inflatable ride. In adopting the rules, the			10464
director shall ensure that the fee reasonably reflects the costs			10465
of inspection and reinspection of an inflatable ride. If the			10466
director issues a permit for an inflatable ride for a time period			10467
of less than one year, the director shall charge a prorated fee			10468
for the permit equal to one-twelfth of the annual permit fee			10469
multiplied by the number of full months for which the permit is			10470
issued.			10471
The fees for an expedited inspection, failure to cancel a			10472
scheduled inspection, and failure to have an amusement ride ready			10473
for inspection do not apply to go karts.			10474
As used in division (E)(1) of this section, "expedited			10475
inspection" means an inspection of an amusement ride by the			10476
department not later than ten days after the owner of the			10477
amusement ride files an application for a permit under this			10478
section.			10479
(2) All fees and fines collected by the department under			10480
sections 1711.50 to 1711.57 of the Revised Code shall be deposited			10481
in the state treasury to the credit of the amusement ride			10482
inspection fund, which is hereby created, and shall be used only			10483

for the purpose of administering and enforcing sections 1711.11 10484
and 1711.50 to 1711.57 of the Revised Code. 10485

(3) The owner of an amusement ride shall be required to pay a 10486
reinspection fee only if the reinspection was conducted at the 10487
owner's request under division (F) of this section, if the 10488
reinspection is required by division (F) of this section because 10489
of an accident, or if the reinspection is required by division (F) 10490
of section 1711.55 of the Revised Code. If a reinspection is 10491
conducted at the request of the chief officer of a fair, festival, 10492
or event where the ride is operating, the reinspection fee shall 10493
be charged to the fair, festival, or event. 10494

(4) The rules adopted under division (B) of this section 10495
shall define "roller coaster," "aerial lifts," "go karts," and 10496
"other rides" for purposes of determining the fees under division 10497
(E) of this section. The rules shall define "other rides" to 10498
include go kart tracks. 10499

(F) A reinspection of an amusement ride shall take place if 10500
an accident occurs, if the owner of the ride or the chief officer 10501
of the fair, festival, or event where the ride is operating 10502
requests a reinspection, or if the reinspection is required by 10503
division (F) of section 1711.55 of the Revised Code. 10504

(G) As a supplement to its annual inspection of a temporary 10505
amusement ride, the department may inspect the ride during each 10506
scheduled event, as listed in the schedule of events provided to 10507
the department by the owner pursuant to division (C) of section 10508
1711.55 of the Revised Code, at which the ride is operated in this 10509
state. These supplemental inspections are in addition to any other 10510
inspection or reinspection of the ride as may be required under 10511
sections 1711.50 to 1711.57 of the Revised Code, and the owner of 10512
the temporary amusement ride is not required to pay an inspection 10513
or reinspection fee for this supplemental inspection. Nothing in 10514
this division shall be construed to prohibit the owner of a 10515

temporary amusement ride having a valid permit to operate in this 10516
state from operating the ride at a scheduled event before the 10517
department conducts a supplemental inspection. 10518

(H) The department may annually conduct a midseason 10519
operational inspection of every amusement ride upon which it 10520
conducts an annual inspection pursuant to division (A) of this 10521
section. The midseason operational inspection is in addition to 10522
any other inspection or reinspection of the amusement ride as may 10523
be required pursuant to sections 1711.50 to 1711.57 of the Revised 10524
Code. The owner of an amusement ride shall submit to the 10525
department, at the time determined by the department, the 10526
midseason operational inspection fee specified in division (E) of 10527
this section. The director, in accordance with Chapter 119. of the 10528
Revised Code, shall adopt rules specifying the time period during 10529
which the department will conduct midseason operational 10530
inspections. 10531

Sec. 1713.032. On or after December 31, 2019, the chancellor 10532
of higher education shall not grant or renew a certificate of 10533
authorization under this chapter to a regionally accredited 10534
private, nonprofit institution of higher education that was 10535
created by the governors of several states. 10536

Sec. 1739.05. (A) A multiple employer welfare arrangement 10537
that is created pursuant to sections 1739.01 to 1739.22 of the 10538
Revised Code and that operates a group self-insurance program may 10539
be established only if any of the following applies: 10540

(1) The arrangement has and maintains a minimum enrollment of 10541
three hundred employees of two or more employers. 10542

(2) The arrangement has and maintains a minimum enrollment of 10543
three hundred self-employed individuals. 10544

(3) The arrangement has and maintains a minimum enrollment of 10545

three hundred employees or self-employed individuals in any 10546
combination of divisions (A)(1) and (2) of this section. 10547

(B) A multiple employer welfare arrangement that is created 10548
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 10549
that operates a group self-insurance program shall comply with all 10550
laws applicable to self-funded programs in this state, including 10551
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 10552
to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 10553
3902.14, 3923.041, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 10554
3923.581, 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 10555
3923.86, 3923.87, 3923.89, 3923.90, 3924.031, 3924.032, and 10556
3924.27 of the Revised Code. 10557

(C) A multiple employer welfare arrangement created pursuant 10558
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 10559
enrollments only through agents or solicitors licensed pursuant to 10560
Chapter 3905. of the Revised Code to sell or solicit sickness and 10561
accident insurance. 10562

(D) A multiple employer welfare arrangement created pursuant 10563
to sections 1739.01 to 1739.22 of the Revised Code shall provide 10564
benefits only to individuals who are members, employees of 10565
members, or the dependents of members or employees, or are 10566
eligible for continuation of coverage under section 1751.53 or 10567
3923.38 of the Revised Code or under Title X of the "Consolidated 10568
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 10569
U.S.C.A. 1161, as amended. 10570

(E) A multiple employer welfare arrangement created pursuant 10571
to sections 1739.01 to 1739.22 of the Revised Code is subject to, 10572
and shall comply with, sections 3903.81 to 3903.93 of the Revised 10573
Code in the same manner as other life or health insurers, as 10574
defined in section 3903.81 of the Revised Code. 10575

Sec. 1751.77. As used in sections 1751.77 to 1751.87 of the 10576

Revised Code, unless otherwise specifically provided or as 10577
otherwise required pursuant to applicable federal law or 10578
regulations: 10579

(A) "Adverse determination" means a determination by a health 10580
insuring corporation or its designee utilization review 10581
organization that an admission, availability of care, continued 10582
stay, or other health care service has been reviewed and, based 10583
upon the information provided, the health care service does not 10584
meet the requirements for benefit payment under the health 10585
insuring corporation's policy, contract, or agreement, and 10586
coverage is therefore denied, reduced, or terminated. 10587

(B) "Ambulatory review" means utilization review of health 10588
care services performed or provided in an outpatient setting. 10589

(C) "Authorized person" means a parent, guardian, or other 10590
person authorized to act on behalf of an enrollee with respect to 10591
health care decisions. 10592

(D) "Case management" means a coordinated set of activities 10593
conducted for individual patient management of serious, 10594
complicated, protracted, or other specified health conditions. 10595

(E) "Certification" means a determination by a health 10596
insuring corporation or its designee utilization review 10597
organization that an admission, availability of care, continued 10598
stay, or other health care service has been reviewed and, based 10599
upon the information provided, the health care service satisfies 10600
the requirements for benefit payment under the health insuring 10601
corporation's policy, contract, or agreement. 10602

(F) "Clinical peer" means a physician when an evaluation is 10603
to be made of the clinical appropriateness of health care services 10604
provided by a physician. If an evaluation is to be made of the 10605
clinical appropriateness of health care services provided by a 10606
provider who is not a physician, "clinical peer" means either a 10607

physician or a provider holding the same license as the provider 10608
who provided the health care services. 10609

(G) "Clinical review criteria" means the written screening 10610
procedures, decision abstracts, clinical protocols, and practice 10611
guidelines used by a health insuring corporation to determine the 10612
necessity and appropriateness of health care services. 10613

(H) "Concurrent review" means utilization review conducted 10614
during a patient's hospital stay or course of treatment. 10615

(I) "Discharge planning" means the formal process for 10616
determining, prior to a patient's discharge from a health care 10617
facility, the coordination and management of the care that the 10618
patient is to receive following discharge from a health care 10619
facility. 10620

(J) "Participating provider" means a provider or health care 10621
facility that, under a contract with a health insuring corporation 10622
or with its contractor or subcontractor, has agreed to provide 10623
health care services to enrollees with an expectation of receiving 10624
payment, other than coinsurance, copayments, or deductibles, 10625
directly or indirectly from the health insuring corporation. 10626

(K) "Physician" means a provider who holds a ~~certificate~~ 10627
license issued under Chapter 4731. of the Revised Code authorizing 10628
the practice of medicine and surgery or osteopathic medicine and 10629
surgery or a comparable license ~~or certificate~~ from another state. 10630

(L) "Prospective review" means utilization review that is 10631
conducted prior to an admission or a course of treatment. 10632

(M) "Retrospective review" means utilization review of 10633
medical necessity that is conducted after health care services 10634
have been provided to a patient. "Retrospective review" does not 10635
include the review of a claim that is limited to an evaluation of 10636
reimbursement levels, veracity of documentation, accuracy of 10637
coding, or adjudication of payment. 10638

(N) "Second opinion" means an opportunity or requirement to obtain a clinical evaluation by a provider other than the provider originally making a recommendation for proposed health care services to assess the clinical necessity and appropriateness of the proposed health care services.

(O) "Utilization review" means a process used to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Areas of review may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning, or retrospective review.

(P) "Utilization review organization" means an entity that conducts utilization review, other than a health insuring corporation performing a review of its own health care plans.

Sec. 1751.92. Each health insuring corporation shall comply with the requirements of section 3959.20 of the Revised Code as they pertain to health plan issuers.

As used in this section, "health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.

Sec. 1901.123. (A)(1) Subject to reimbursement under division (B) of this section, the treasurer of the county in which a county-operated municipal court or other municipal court is located shall pay the per diem compensation to which an acting judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) of section 1901.121 of the Revised Code is entitled pursuant to division (A)(1) of section 1901.122 of the Revised Code.

(2) Subject to reimbursement under division ~~(B)~~(C) of this section, the ~~treasurer of the county in which a county-operated municipal court or other municipal court is located~~ supreme court

shall pay the per diem compensation to which an assigned judge 10669
assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), 10670
or (D) of section 1901.121 of the Revised Code is entitled 10671
pursuant to division (B) of section 1901.122 of the Revised Code. 10672

(B) The treasurer of a county that, pursuant to division 10673
(A)(1) of this section, is required to pay any compensation to 10674
which an acting judge ~~or assigned judge~~ is entitled under division 10675
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 10676
to the administrative director of the supreme court quarterly 10677
requests for reimbursements of the per diem amounts so paid. The 10678
requests shall include verifications of the payment of those 10679
amounts and an affidavit from the acting judge ~~or assigned judge~~ 10680
stating the days and hours worked. The administrative director 10681
shall cause reimbursements of those amounts to be issued to the 10682
county if the administrative director verifies that those amounts 10683
were, in fact, so paid. 10684

(C) The supreme court, pursuant to division (A)(2) of this 10685
section, is required to pay any compensation to which an assigned 10686
judge is entitled under division (A)(5) or (6) of section 141.04 10687
of the Revised Code. Annually, on the first day of August, the 10688
administrative director of the supreme court shall issue a billing 10689
to the county treasurer of any county to which such a judge was 10690
assigned to a municipal court for reimbursement of the county or 10691
local portion of the compensation previously paid by the state for 10692
the twelve-month period preceding the last day of June. The county 10693
or local portion of the compensation shall be that part of each 10694
per diem paid by the state which is proportional to the county or 10695
local shares of the total compensation of a resident judge of such 10696
court. The county treasurer shall forward the payment within 10697
thirty days. After forwarding the payment, the county treasurer 10698
shall seek reimbursement from the applicable local municipalities 10699
as appropriate. 10700

Sec. 1907.143. (A)(1) Subject to reimbursement under division 10701
(B) of this section, the treasurer of the county in which a county 10702
court is located shall pay the per diem compensation to which an 10703
acting judge appointed pursuant to division (A)(2)(b), (B)(1), or 10704
(C)(1) of section 1907.141 of the Revised Code is entitled 10705
pursuant to division (A) of section 1907.142 of the Revised Code. 10706

10707

(2) Subject to reimbursement under division ~~(B)~~(C) of this 10708
section, the ~~treasurer of the county in which a county court is~~ 10709
~~located~~ supreme court shall pay the per diem compensation to which 10710
an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), 10711
(B)(2), or (C)(2) of section 1907.141 of the Revised Code is 10712
entitled pursuant to division (B) of section 1907.142 of the 10713
Revised Code. 10714

(B) The treasurer of a county that, pursuant to division 10715
(A)(1) of this section, is required to pay any compensation to 10716
which an acting judge ~~or assigned judge~~ is entitled under division 10717
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 10718
to the administrative director of the supreme court quarterly 10719
requests for reimbursements of the per diem amounts so paid. The 10720
requests shall include verifications of the payment of those 10721
amounts and an affidavit from the acting judge ~~or assigned judge~~ 10722
stating the days and hours worked. The administrative director 10723
shall cause reimbursements of those amounts to be issued to the 10724
county if the administrative director verifies that those amounts 10725
were, in fact, so paid. 10726

(C) The supreme court, pursuant to division (A)(2) of this 10727
section, is required to pay any compensation to which an assigned 10728
judge is entitled under division (A)(5) or (6) of section 141.04 10729
of the Revised Code. Annually, on the first day of August, the 10730
administrative director of the supreme court shall issue a billing 10731

to the county treasurer of any county to which such a judge was 10732
assigned to a county court for reimbursement of the county portion 10733
of the compensation previously paid by the state for the 10734
twelve-month period preceding the last day of June. The county 10735
portion of the compensation shall be that part of each per diem 10736
paid by the state which is proportional to the county shares of 10737
the total compensation of a resident judge of such court. The 10738
county treasurer shall forward the payment within thirty days. 10739
After forwarding the payment, the county treasurer shall seek 10740
reimbursement from the applicable local municipalities as 10741
appropriate. 10742

Sec. 2151.23. (A) The juvenile court has exclusive original 10743
jurisdiction under the Revised Code as follows: 10744

(1) Concerning any child who on or about the date specified 10745
in the complaint, indictment, or information is alleged to have 10746
violated section 2151.87 of the Revised Code or an order issued 10747
under that section or to be a juvenile traffic offender or a 10748
delinquent, unruly, abused, neglected, or dependent child and, 10749
based on and in relation to the allegation pertaining to the 10750
child, concerning the parent, guardian, or other person having 10751
care of a child who is alleged to be an unruly child for being an 10752
habitual truant or who is alleged to be a delinquent child for 10753
violating a court order regarding the child's prior adjudication 10754
as an unruly child for being an habitual truant; 10755

(2) Subject to divisions (G), (K), and (V) of section 2301.03 10756
of the Revised Code, to determine the custody of any child not a 10757
ward of another court of this state; 10758

(3) To hear and determine any application for a writ of 10759
habeas corpus involving the custody of a child; 10760

(4) To exercise the powers and jurisdiction given the probate 10761
division of the court of common pleas in Chapter 5122. of the 10762

Revised Code, if the court has probable cause to believe that a 10763
child otherwise within the jurisdiction of the court is a mentally 10764
ill person subject to court order, as defined in section 5122.01 10765
of the Revised Code; 10766

(5) To hear and determine all criminal cases charging adults 10767
with the violation of any section of this chapter; 10768

(6) To hear and determine all criminal cases in which an 10769
adult is charged with a violation of division (C) of section 10770
2919.21, division (B)(1) of section 2919.22, section 2919.222, 10771
division (B) of section 2919.23, or section 2919.24 of the Revised 10772
Code, provided the charge is not included in an indictment that 10773
also charges the alleged adult offender with the commission of a 10774
felony arising out of the same actions that are the basis of the 10775
alleged violation of division (C) of section 2919.21, division 10776
(B)(1) of section 2919.22, section 2919.222, division (B) of 10777
section 2919.23, or section 2919.24 of the Revised Code; 10778

(7) Under the interstate compact on juveniles in section 10779
2151.56 of the Revised Code; 10780

(8) Concerning any child who is to be taken into custody 10781
pursuant to section 2151.31 of the Revised Code, upon being 10782
notified of the intent to take the child into custody and the 10783
reasons for taking the child into custody; 10784

(9) To hear and determine requests for the extension of 10785
temporary custody agreements, and requests for court approval of 10786
permanent custody agreements, that are filed pursuant to section 10787
5103.15 of the Revised Code; 10788

(10) To hear and determine applications for consent to marry 10789
pursuant to section 3101.04 of the Revised Code; 10790

(11) Subject to divisions (G), (K), and (V) of section 10791
2301.03 of the Revised Code, to hear and determine a request for 10792
an order for the support of any child if the request is not 10793

ancillary to an action for divorce, dissolution of marriage, 10794
annulment, or legal separation, a criminal or civil action 10795
involving an allegation of domestic violence, or an action for 10796
support brought under Chapter 3115. of the Revised Code; 10797

(12) Concerning an action commenced under section 121.38 of 10798
the Revised Code; 10799

(13) To hear and determine violations of section 3321.38 of 10800
the Revised Code; 10801

(14) To exercise jurisdiction and authority over the parent, 10802
guardian, or other person having care of a child alleged to be a 10803
delinquent child, unruly child, or juvenile traffic offender, 10804
based on and in relation to the allegation pertaining to the 10805
child; 10806

(15) To conduct the hearings, and to make the determinations, 10807
adjudications, and orders authorized or required under sections 10808
2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding 10809
a child who has been adjudicated a delinquent child and to refer 10810
the duties conferred upon the juvenile court judge under sections 10811
2152.82 to 2152.86 and Chapter 2950. of the Revised Code to 10812
magistrates appointed by the juvenile court judge in accordance 10813
with Juvenile Rule 40; 10814

(16) To hear and determine a petition for a protection order 10815
against a child under section 2151.34 or 3113.31 of the Revised 10816
Code and to enforce a protection order issued or a consent 10817
agreement approved under either section against a child until a 10818
date certain but not later than the date the child attains 10819
nineteen years of age; 10820

(17) Concerning emancipated young adults under sections 10821
2151.45 to 2151.455 of the Revised Code. 10822

(B) Except as provided in divisions (G) and (I) of section 10823
2301.03 of the Revised Code, the juvenile court has original 10824

jurisdiction under the Revised Code:	10825
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	10826 10827 10828 10829
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	10830 10831 10832
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	10833 10834
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	10835 10836 10837
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	10838 10839
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	10840 10841
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	10842 10843 10844
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	10845 10846 10847
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	10848 10849 10850 10851
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine,	10852 10853 10854

and make a record of any action for divorce or legal separation 10855
that involves the custody or care of children and that is filed in 10856
the court of common pleas and certified by the court of common 10857
pleas with all the papers filed in the action to the juvenile 10858
court for trial, provided that no certification of that nature 10859
shall be made to any juvenile court unless the consent of the 10860
juvenile judge first is obtained. After a certification of that 10861
nature is made and consent is obtained, the juvenile court shall 10862
proceed as if the action originally had been begun in that court, 10863
except as to awards for spousal support or support due and unpaid 10864
at the time of certification, over which the juvenile court has no 10865
jurisdiction. 10866

(D) The juvenile court, except as provided in divisions (G) 10867
and (I) of section 2301.03 of the Revised Code, has jurisdiction 10868
to hear and determine all matters as to custody and support of 10869
children duly certified by the court of common pleas to the 10870
juvenile court after a divorce decree has been granted, including 10871
jurisdiction to modify the judgment and decree of the court of 10872
common pleas as the same relate to the custody and support of 10873
children. 10874

(E) The juvenile court, except as provided in divisions (G) 10875
and (I) of section 2301.03 of the Revised Code, has jurisdiction 10876
to hear and determine the case of any child certified to the court 10877
by any court of competent jurisdiction if the child comes within 10878
the jurisdiction of the juvenile court as defined by this section. 10879

(F)(1) The juvenile court shall exercise its jurisdiction in 10880
child custody matters in accordance with sections 3109.04 and 10881
3127.01 to 3127.53 of the Revised Code and, as applicable, 10882
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 10883
Code. 10884

(2) The juvenile court shall exercise its jurisdiction in 10885
child support matters in accordance with section 3109.05 of the 10886

Revised Code. 10887

(G) Any juvenile court that makes or modifies an order for 10888
child support shall comply with Chapters 3119., 3121., 3123., and 10889
3125. of the Revised Code. If any person required to pay child 10890
support under an order made by a juvenile court on or after April 10891
15, 1985, or modified on or after December 1, 1986, is found in 10892
contempt of court for failure to make support payments under the 10893
order, the court that makes the finding, in addition to any other 10894
penalty or remedy imposed, shall assess all court costs arising 10895
out of the contempt proceeding against the person and require the 10896
person to pay any reasonable attorney's fees of any adverse party, 10897
as determined by the court, that arose in relation to the act of 10898
contempt. 10899

(H) If a child who is charged with an act that would be an 10900
offense if committed by an adult was fourteen years of age or 10901
older and under eighteen years of age at the time of the alleged 10902
act and if the case is transferred for criminal prosecution 10903
pursuant to section 2152.12 of the Revised Code, except as 10904
provided in section 2152.121 of the Revised Code, the juvenile 10905
court does not have jurisdiction to hear or determine the case 10906
subsequent to the transfer. The court to which the case is 10907
transferred for criminal prosecution pursuant to that section has 10908
jurisdiction subsequent to the transfer to hear and determine the 10909
case in the same manner as if the case originally had been 10910
commenced in that court, subject to section 2152.121 of the 10911
Revised Code, including, but not limited to, jurisdiction to 10912
accept a plea of guilty or another plea authorized by Criminal 10913
Rule 11 or another section of the Revised Code and jurisdiction to 10914
accept a verdict and to enter a judgment of conviction pursuant to 10915
the Rules of Criminal Procedure against the child for the 10916
commission of the offense that was the basis of the transfer of 10917
the case for criminal prosecution, whether the conviction is for 10918

the same degree or a lesser degree of the offense charged, for the 10919
commission of a lesser-included offense, or for the commission of 10920
another offense that is different from the offense charged. 10921

(I) If a person under eighteen years of age allegedly commits 10922
an act that would be a felony if committed by an adult and if the 10923
person is not taken into custody or apprehended for that act until 10924
after the person attains twenty-one years of age, the juvenile 10925
court does not have jurisdiction to hear or determine any portion 10926
of the case charging the person with committing that act. In those 10927
circumstances, divisions (A) and (B) of section 2152.12 of the 10928
Revised Code do not apply regarding the act, and the case charging 10929
the person with committing the act shall be a criminal prosecution 10930
commenced and heard in the appropriate court having jurisdiction 10931
of the offense as if the person had been eighteen years of age or 10932
older when the person committed the act. All proceedings 10933
pertaining to the act shall be within the jurisdiction of the 10934
court having jurisdiction of the offense, and that court has all 10935
the authority and duties in the case that it has in other criminal 10936
cases in that court. 10937

(J) In exercising its exclusive original jurisdiction under 10938
division (A)(16) of this section with respect to any proceedings 10939
brought under section 2151.34 or 3113.31 of the Revised Code in 10940
which the respondent is a child, the juvenile court retains all 10941
dispositionary powers consistent with existing rules of juvenile 10942
procedure and may also exercise its discretion to adjudicate 10943
proceedings as provided in sections 2151.34 and 3113.31 of the 10944
Revised Code, including the issuance of protection orders or the 10945
approval of consent agreements under those sections. 10946

Sec. 2151.353. (A) If a child is adjudicated an abused, 10947
neglected, or dependent child, the court may make any of the 10948
following orders of disposition: 10949

(1) Place the child in protective supervision;	10950
(2) Commit the child to the temporary custody of any of the following:	10951 10952
(a) A public children services agency;	10953
(b) A private child placing agency;	10954
(c) Either parent;	10955
(d) A relative residing within or outside the state;	10956
(e) A probation officer for placement in a certified foster home;	10957 10958
(f) Any other person approved by the court.	10959
(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:	10960 10961 10962 10963 10964 10965 10966 10967 10968 10969
(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;	10970 10971 10972
(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other	10973 10974 10975 10976 10977 10978 10979

governing authority, successful completion of the curriculum of 10980
any high school, successful completion of an individualized 10981
education program developed for the student by any high school, or 10982
an age and schooling certificate. Responsibility beyond the age of 10983
majority shall terminate when the child ceases to continuously 10984
pursue such an education, completes such an education, or is 10985
excused from such an education under standards adopted by the 10986
state board of education, whichever occurs first. 10987

(c) That the parents of the child have residual parental 10988
rights, privileges, and responsibilities, including, but not 10989
limited to, the privilege of reasonable visitation, consent to 10990
adoption, the privilege to determine the child's religious 10991
affiliation, and the responsibility for support; 10992

(d) That the person understands that the person must be 10993
present in court for the dispositional hearing in order to affirm 10994
the person's intention to become legal custodian, to affirm that 10995
the person understands the effect of the custodianship before the 10996
court, and to answer any questions that the court or any parties 10997
to the case may have. 10998

(4) Commit the child to the permanent custody of a public 10999
children services agency or private child placing agency, if the 11000
court determines in accordance with division (E) of section 11001
2151.414 of the Revised Code that the child cannot be placed with 11002
one of the child's parents within a reasonable time or should not 11003
be placed with either parent and determines in accordance with 11004
division (D)(1) of section 2151.414 of the Revised Code that the 11005
permanent commitment is in the best interest of the child. If the 11006
court grants permanent custody under this division, the court, 11007
upon the request of any party, shall file a written opinion 11008
setting forth its findings of fact and conclusions of law in 11009
relation to the proceeding. 11010

(5) Place the child in a planned permanent living arrangement 11011

with a public children services agency or private child placing 11012
agency, if a public children services agency or private child 11013
placing agency requests the court to place the child in a planned 11014
permanent living arrangement and if the court finds, by clear and 11015
convincing evidence, that a planned permanent living arrangement 11016
is in the best interest of the child, that the child is sixteen 11017
years of age or older, and that one of the following exists: 11018

(a) The child, because of physical, mental, or psychological 11019
problems or needs, is unable to function in a family-like setting 11020
and must remain in residential or institutional care now and for 11021
the foreseeable future beyond the date of the dispositional 11022
hearing held pursuant to section 2151.35 of the Revised Code. 11023

(b) The parents of the child have significant physical, 11024
mental, or psychological problems and are unable to care for the 11025
child because of those problems, adoption is not in the best 11026
interest of the child, as determined in accordance with division 11027
(D)(1) of section 2151.414 of the Revised Code, and the child 11028
retains a significant and positive relationship with a parent or 11029
relative. 11030

(c) The child has been counseled on the permanent placement 11031
options available to the child, and is unwilling to accept or 11032
unable to adapt to a permanent placement. 11033

(6) Order the removal from the child's home until further 11034
order of the court of the person who committed abuse as described 11035
in section 2151.031 of the Revised Code against the child, who 11036
caused or allowed the child to suffer neglect as described in 11037
section 2151.03 of the Revised Code, or who is the parent, 11038
guardian, or custodian of a child who is adjudicated a dependent 11039
child and order any person not to have contact with the child or 11040
the child's siblings. 11041

(B)(1) When making a determination on whether to place a 11042

child in a planned permanent living arrangement pursuant to 11043
division (A)(5)(b) or (c) of this section, the court shall 11044
consider all relevant information that has been presented to the 11045
court, including information gathered from the child, the child's 11046
guardian ad litem, and the public children services agency or 11047
private child placing agency. 11048

(2) A child who is placed in a planned permanent living 11049
arrangement pursuant to division (A)(5)(b) or (c) of this section 11050
shall be placed in an independent living setting or in a family 11051
setting in which the caregiver has been provided by the agency 11052
that has custody of the child with a notice that addresses the 11053
following: 11054

(a) The caregiver understands that the planned permanent 11055
living arrangement is intended to be permanent in nature and that 11056
the caregiver will provide a stable placement for the child 11057
through the child's emancipation or until the court releases the 11058
child from the custody of the agency, whichever occurs first. 11059

(b) The caregiver is expected to actively participate in the 11060
youth's independent living case plan, attend agency team meetings 11061
and court hearings as appropriate, complete training, as provided 11062
in division (B) of section 5103.035 of the Revised Code, related 11063
to providing the child independent living services, and assist in 11064
the child's transition into adulthood. 11065

(3) The department of job and family services shall develop a 11066
model notice to be provided by an agency that has custody of a 11067
child to a caregiver under division (B)(2) of this section. The 11068
agency may modify the model notice to apply to the needs of the 11069
agency. 11070

(C) No order for permanent custody or temporary custody of a 11071
child or the placement of a child in a planned permanent living 11072
arrangement shall be made pursuant to this section unless the 11073

complaint alleging the abuse, neglect, or dependency contains a 11074
prayer requesting permanent custody, temporary custody, or the 11075
placement of the child in a planned permanent living arrangement 11076
as desired, the summons served on the parents of the child 11077
contains as is appropriate a full explanation that the granting of 11078
an order for permanent custody permanently divests them of their 11079
parental rights, a full explanation that an adjudication that the 11080
child is an abused, neglected, or dependent child may result in an 11081
order of temporary custody that will cause the removal of the 11082
child from their legal custody until the court terminates the 11083
order of temporary custody or permanently divests the parents of 11084
their parental rights, or a full explanation that the granting of 11085
an order for a planned permanent living arrangement will result in 11086
the removal of the child from their legal custody if any of the 11087
conditions listed in divisions (A)(5)(a) to (c) of this section 11088
are found to exist, and the summons served on the parents contains 11089
a full explanation of their right to be represented by counsel and 11090
to have counsel appointed pursuant to Chapter 120. of the Revised 11091
Code if they are indigent. 11092

If after making disposition as authorized by division (A)(2) 11093
of this section, a motion is filed that requests permanent custody 11094
of the child, the court may grant permanent custody of the child 11095
to the movant in accordance with section 2151.414 of the Revised 11096
Code. 11097

(D) If the court issues an order for protective supervision 11098
pursuant to division (A)(1) of this section, the court may place 11099
any reasonable restrictions upon the child, the child's parents, 11100
guardian, or custodian, or any other person, including, but not 11101
limited to, any of the following: 11102

(1) Order a party, within forty-eight hours after the 11103
issuance of the order, to vacate the child's home indefinitely or 11104
for a specified period of time; 11105

(2) Order a party, a parent of the child, or a physical 11106
custodian of the child to prevent any particular person from 11107
having contact with the child; 11108

(3) Issue an order restraining or otherwise controlling the 11109
conduct of any person which conduct would not be in the best 11110
interest of the child. 11111

(E) As part of its dispositional order, the court shall 11112
journalize a case plan for the child. The journalized case plan 11113
shall not be changed except as provided in section 2151.412 of the 11114
Revised Code. 11115

(F)(1) The court shall retain jurisdiction over any child for 11116
whom the court issues an order of disposition pursuant to division 11117
(A) of this section or pursuant to section 2151.414 or 2151.415 of 11118
the Revised Code until the child attains the age of eighteen years 11119
if the child is not mentally retarded, developmentally disabled, 11120
or physically impaired, the child attains the age of twenty-one 11121
years if the child is mentally retarded, developmentally disabled, 11122
or physically impaired, or the child is adopted and a final decree 11123
of adoption is issued, except that the court may retain 11124
jurisdiction over the child and continue any order of disposition 11125
under division (A) of this section or under section 2151.414 or 11126
2151.415 of the Revised Code for a specified period of time to 11127
enable the child to graduate from high school or vocational 11128
school. ~~The court shall retain jurisdiction over a person who~~ 11129
~~meets the requirements described in division (A)(1) of section~~ 11130
~~5101.1411 of the Revised Code and who is subject to a voluntary~~ 11131
~~participation agreement that is in effect.~~ The court shall make an 11132
entry continuing its jurisdiction under this division in the 11133
journal. 11134

(2) Any public children services agency, any private child 11135
placing agency, the department of job and family services, or any 11136
party, other than any parent whose parental rights with respect to 11137

the child have been terminated pursuant to an order issued under 11138
division (A)(4) of this section, by filing a motion with the 11139
court, may at any time request the court to modify or terminate 11140
any order of disposition issued pursuant to division (A) of this 11141
section or section 2151.414 or 2151.415 of the Revised Code. The 11142
court shall hold a hearing upon the motion as if the hearing were 11143
the original dispositional hearing and shall give all parties to 11144
the action and the guardian ad litem notice of the hearing 11145
pursuant to the Juvenile Rules. If applicable, the court shall 11146
comply with section 2151.42 of the Revised Code. 11147

(G) Any temporary custody order issued pursuant to division 11148
(A) of this section shall terminate one year after the earlier of 11149
the date on which the complaint in the case was filed or the child 11150
was first placed into shelter care, except that, upon the filing 11151
of a motion pursuant to section 2151.415 of the Revised Code, the 11152
temporary custody order shall continue and not terminate until the 11153
court issues a dispositional order under that section. In 11154
resolving the motion, the court shall not order an existing 11155
temporary custody order to continue beyond two years after the 11156
date on which the complaint was filed or the child was first 11157
placed into shelter care, whichever date is earlier, regardless of 11158
whether any extensions have been previously ordered pursuant to 11159
division (D) of section 2151.415 of the Revised Code. 11160

(H)(1) No later than one year after the earlier of the date 11161
the complaint in the case was filed or the child was first placed 11162
in shelter care, a party may ask the court to extend an order for 11163
protective supervision for six months or to terminate the order. A 11164
party requesting extension or termination of the order shall file 11165
a written request for the extension or termination with the court 11166
and give notice of the proposed extension or termination in 11167
writing before the end of the day after the day of filing it to 11168
all parties and the child's guardian ad litem. If a public 11169

children services agency or private child placing agency requests 11170
termination of the order, the agency shall file a written status 11171
report setting out the facts supporting termination of the order 11172
at the time it files the request with the court. If no party 11173
requests extension or termination of the order, the court shall 11174
notify the parties that the court will extend the order for six 11175
months or terminate it and that it may do so without a hearing 11176
unless one of the parties requests a hearing. All parties and the 11177
guardian ad litem shall have seven days from the date a notice is 11178
sent pursuant to this division to object to and request a hearing 11179
on the proposed extension or termination. 11180

(a) If it receives a timely request for a hearing, the court 11181
shall schedule a hearing to be held no later than thirty days 11182
after the request is received by the court. The court shall give 11183
notice of the date, time, and location of the hearing to all 11184
parties and the guardian ad litem. At the hearing, the court shall 11185
determine whether extension or termination of the order is in the 11186
child's best interest. If termination is in the child's best 11187
interest, the court shall terminate the order. If extension is in 11188
the child's best interest, the court shall extend the order for 11189
six months. 11190

(b) If it does not receive a timely request for a hearing, 11191
the court may extend the order for six months or terminate it 11192
without a hearing and shall journalize the order of extension or 11193
termination not later than fourteen days after receiving the 11194
request for extension or termination or after the date the court 11195
notifies the parties that it will extend or terminate the order. 11196
If the court does not extend or terminate the order, it shall 11197
schedule a hearing to be held no later than thirty days after the 11198
expiration of the applicable fourteen-day time period and give 11199
notice of the date, time, and location of the hearing to all 11200
parties and the child's guardian ad litem. At the hearing, the 11201

court shall determine whether extension or termination of the 11202
order is in the child's best interest. If termination is in the 11203
child's best interest, the court shall terminate the order. If 11204
extension is in the child's best interest, the court shall issue 11205
an order extending the order for protective supervision six 11206
months. 11207

(2) If the court grants an extension of the order for 11208
protective supervision pursuant to division (H)(1) of this 11209
section, a party may, prior to termination of the extension, file 11210
with the court a request for an additional extension of six months 11211
or for termination of the order. The court and the parties shall 11212
comply with division (H)(1) of this section with respect to 11213
extending or terminating the order. 11214

(3) If a court grants an extension pursuant to division 11215
(H)(2) of this section, the court shall terminate the order for 11216
protective supervision at the end of the extension. 11217

(I) The court shall not issue a dispositional order pursuant 11218
to division (A) of this section that removes a child from the 11219
child's home unless the court complies with section 2151.419 of 11220
the Revised Code and includes in the dispositional order the 11221
findings of fact required by that section. 11222

(J) If a motion or application for an order described in 11223
division (A)(6) of this section is made, the court shall not issue 11224
the order unless, prior to the issuance of the order, it provides 11225
to the person all of the following: 11226

(1) Notice and a copy of the motion or application; 11227

(2) The grounds for the motion or application; 11228

(3) An opportunity to present evidence and witnesses at a 11229
hearing regarding the motion or application; 11230

(4) An opportunity to be represented by counsel at the 11231

hearing. 11232

(K) The jurisdiction of the court shall terminate one year 11233
after the date of the award or, if the court takes any further 11234
action in the matter subsequent to the award, the date of the 11235
latest further action subsequent to the award, if the court awards 11236
legal custody of a child to either of the following: 11237

(1) A legal custodian who, at the time of the award of legal 11238
custody, resides in a county of this state other than the county 11239
in which the court is located; 11240

(2) A legal custodian who resides in the county in which the 11241
court is located at the time of the award of legal custody, but 11242
moves to a different county of this state prior to one year after 11243
the date of the award or, if the court takes any further action in 11244
the matter subsequent to the award, one year after the date of the 11245
latest further action subsequent to the award. 11246

The court in the county in which the legal custodian resides 11247
then shall have jurisdiction in the matter. 11248

Sec. 2151.421. (A)(1)(a) No person described in division 11249
(A)(1)(b) of this section who is acting in an official or 11250
professional capacity and knows, or has reasonable cause to 11251
suspect based on facts that would cause a reasonable person in a 11252
similar position to suspect, that a child under eighteen years of 11253
age, or a person under twenty-one years of age with a 11254
developmental disability or physical impairment, has suffered or 11255
faces a threat of suffering any physical or mental wound, injury, 11256
disability, or condition of a nature that reasonably indicates 11257
abuse or neglect of the child shall fail to immediately report 11258
that knowledge or reasonable cause to suspect to the entity or 11259
persons specified in this division. Except as otherwise provided 11260
in this division or section 5120.173 of the Revised Code, the 11261
person making the report shall make it to the public children 11262

services agency or a peace officer in the county in which the 11263
child resides or in which the abuse or neglect is occurring or has 11264
occurred. If the person making the report is a peace officer, the 11265
officer shall make it to the public children services agency in 11266
the county in which the child resides or in which the abuse or 11267
neglect is occurring or has occurred. In the circumstances 11268
described in section 5120.173 of the Revised Code, the person 11269
making the report shall make it to the entity specified in that 11270
section. 11271

(b) Division (A)(1)(a) of this section applies to any person 11272
who is an attorney; health care professional; practitioner of a 11273
limited branch of medicine as specified in section 4731.15 of the 11274
Revised Code; licensed school psychologist; independent marriage 11275
and family therapist or marriage and family therapist; coroner; 11276
administrator or employee of a child day-care center; 11277
administrator or employee of a residential camp, child day camp, 11278
or private, nonprofit therapeutic wilderness camp; administrator 11279
or employee of a certified child care agency or other public or 11280
private children services agency; school teacher; school employee; 11281
school authority; peace officer; agent of a county humane society; 11282
person, other than a cleric, rendering spiritual treatment through 11283
prayer in accordance with the tenets of a well-recognized 11284
religion; employee of a county department of job and family 11285
services who is a professional and who works with children and 11286
families; superintendent or regional administrator employed by the 11287
department of youth services; superintendent, board member, or 11288
employee of a county board of developmental disabilities; 11289
investigative agent contracted with by a county board of 11290
developmental disabilities; employee of the department of 11291
developmental disabilities; employee of a facility or home that 11292
provides respite care in accordance with section 5123.171 of the 11293
Revised Code; employee of an entity that provides homemaker 11294

services; foster caregiver; a person performing the duties of an 11295
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 11296
third party employed by a public children services agency to 11297
assist in providing child or family related services; court 11298
appointed special advocate; or guardian ad litem. 11299

(c) If two or more health care professionals, after providing 11300
health care services to a child, determine or suspect that the 11301
child has been or is being abused or neglected, the health care 11302
professionals may designate one of the health care professionals 11303
to report the abuse or neglect. A single report made under this 11304
division shall meet the reporting requirements of division (A)(1) 11305
of this section. 11306

(2) Except as provided in division (A)(3) of this section, an 11307
attorney or a physician is not required to make a report pursuant 11308
to division (A)(1) of this section concerning any communication 11309
the attorney or physician receives from a client or patient in an 11310
attorney-client or physician-patient relationship, if, in 11311
accordance with division (A) or (B) of section 2317.02 of the 11312
Revised Code, the attorney or physician could not testify with 11313
respect to that communication in a civil or criminal proceeding. 11314

(3) The client or patient in an attorney-client or 11315
physician-patient relationship described in division (A)(2) of 11316
this section is deemed to have waived any testimonial privilege 11317
under division (A) or (B) of section 2317.02 of the Revised Code 11318
with respect to any communication the attorney or physician 11319
receives from the client or patient in that attorney-client or 11320
physician-patient relationship, and the attorney or physician 11321
shall make a report pursuant to division (A)(1) of this section 11322
with respect to that communication, if all of the following apply: 11323

(a) The client or patient, at the time of the communication, 11324
is a child under eighteen years of age or is a person under 11325
twenty-one years of age with a developmental disability or 11326

physical impairment. 11327

(b) The attorney or physician knows, or has reasonable cause 11328
to suspect based on facts that would cause a reasonable person in 11329
similar position to suspect that the client or patient has 11330
suffered or faces a threat of suffering any physical or mental 11331
wound, injury, disability, or condition of a nature that 11332
reasonably indicates abuse or neglect of the client or patient. 11333

(c) The abuse or neglect does not arise out of the client's 11334
or patient's attempt to have an abortion without the notification 11335
of her parents, guardian, or custodian in accordance with section 11336
2151.85 of the Revised Code. 11337

(4)(a) No cleric and no person, other than a volunteer, 11338
designated by any church, religious society, or faith acting as a 11339
leader, official, or delegate on behalf of the church, religious 11340
society, or faith who is acting in an official or professional 11341
capacity, who knows, or has reasonable cause to believe based on 11342
facts that would cause a reasonable person in a similar position 11343
to believe, that a child under eighteen years of age, or a person 11344
under twenty-one years of age with a developmental disability or 11345
physical impairment, has suffered or faces a threat of suffering 11346
any physical or mental wound, injury, disability, or condition of 11347
a nature that reasonably indicates abuse or neglect of the child, 11348
and who knows, or has reasonable cause to believe based on facts 11349
that would cause a reasonable person in a similar position to 11350
believe, that another cleric or another person, other than a 11351
volunteer, designated by a church, religious society, or faith 11352
acting as a leader, official, or delegate on behalf of the church, 11353
religious society, or faith caused, or poses the threat of 11354
causing, the wound, injury, disability, or condition that 11355
reasonably indicates abuse or neglect shall fail to immediately 11356
report that knowledge or reasonable cause to believe to the entity 11357
or persons specified in this division. Except as provided in 11358

section 5120.173 of the Revised Code, the person making the report 11359
shall make it to the public children services agency or a peace 11360
officer in the county in which the child resides or in which the 11361
abuse or neglect is occurring or has occurred. In the 11362
circumstances described in section 5120.173 of the Revised Code, 11363
the person making the report shall make it to the entity specified 11364
in that section. 11365

(b) Except as provided in division (A)(4)(c) of this section, 11366
a cleric is not required to make a report pursuant to division 11367
(A)(4)(a) of this section concerning any communication the cleric 11368
receives from a penitent in a cleric-penitent relationship, if, in 11369
accordance with division (C) of section 2317.02 of the Revised 11370
Code, the cleric could not testify with respect to that 11371
communication in a civil or criminal proceeding. 11372

(c) The penitent in a cleric-penitent relationship described 11373
in division (A)(4)(b) of this section is deemed to have waived any 11374
testimonial privilege under division (C) of section 2317.02 of the 11375
Revised Code with respect to any communication the cleric receives 11376
from the penitent in that cleric-penitent relationship, and the 11377
cleric shall make a report pursuant to division (A)(4)(a) of this 11378
section with respect to that communication, if all of the 11379
following apply: 11380

(i) The penitent, at the time of the communication, is a 11381
child under eighteen years of age or is a person under twenty-one 11382
years of age with a developmental disability or physical 11383
impairment. 11384

(ii) The cleric knows, or has reasonable cause to believe 11385
based on facts that would cause a reasonable person in a similar 11386
position to believe, as a result of the communication or any 11387
observations made during that communication, the penitent has 11388
suffered or faces a threat of suffering any physical or mental 11389
wound, injury, disability, or condition of a nature that 11390

reasonably indicates abuse or neglect of the penitent. 11391

(iii) The abuse or neglect does not arise out of the 11392
penitent's attempt to have an abortion performed upon a child 11393
under eighteen years of age or upon a person under twenty-one 11394
years of age with a developmental disability or physical 11395
impairment without the notification of her parents, guardian, or 11396
custodian in accordance with section 2151.85 of the Revised Code. 11397

(d) Divisions (A)(4)(a) and (c) of this section do not apply 11398
in a cleric-penitent relationship when the disclosure of any 11399
communication the cleric receives from the penitent is in 11400
violation of the sacred trust. 11401

(e) As used in divisions (A)(1) and (4) of this section, 11402
"cleric" and "sacred trust" have the same meanings as in section 11403
2317.02 of the Revised Code. 11404

(B) Anyone who knows, or has reasonable cause to suspect 11405
based on facts that would cause a reasonable person in similar 11406
circumstances to suspect, that a child under eighteen years of 11407
age, or a person under twenty-one years of age with a 11408
developmental disability or physical impairment, has suffered or 11409
faces a threat of suffering any physical or mental wound, injury, 11410
disability, or other condition of a nature that reasonably 11411
indicates abuse or neglect of the child may report or cause 11412
reports to be made of that knowledge or reasonable cause to 11413
suspect to the entity or persons specified in this division. 11414
Except as provided in section 5120.173 of the Revised Code, a 11415
person making a report or causing a report to be made under this 11416
division shall make it or cause it to be made to the public 11417
children services agency or to a peace officer. In the 11418
circumstances described in section 5120.173 of the Revised Code, a 11419
person making a report or causing a report to be made under this 11420
division shall make it or cause it to be made to the entity 11421
specified in that section. 11422

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations,

tests, or procedures made under division (D)(1) of this section 11454
shall be included in a report made pursuant to division (A) of 11455
this section. Any additional reports of examinations, tests, or 11456
procedures that become available shall be provided to the public 11457
children services agency, upon request. 11458

(3) If a health care professional provides health care 11459
services in a hospital, children's advocacy center, or emergency 11460
medical facility to a child about whom a report has been made 11461
under division (A) of this section, the health care professional 11462
may take any steps that are reasonably necessary for the release 11463
or discharge of the child to an appropriate environment. Before 11464
the child's release or discharge, the health care professional may 11465
obtain information, or consider information obtained, from other 11466
entities or individuals that have knowledge about the child. 11467
Nothing in division (D)(3) of this section shall be construed to 11468
alter the responsibilities of any person under sections 2151.27 11469
and 2151.31 of the Revised Code. 11470

(4) A health care professional may conduct medical 11471
examinations, tests, or procedures on the siblings of a child 11472
about whom a report has been made under division (A) of this 11473
section and on other children who reside in the same home as the 11474
child, if the professional determines that the examinations, 11475
tests, or procedures are medically necessary to diagnose or treat 11476
the siblings or other children in order to determine whether 11477
reports under division (A) of this section are warranted with 11478
respect to such siblings or other children. The results of the 11479
examinations, tests, or procedures on the siblings and other 11480
children may be included in a report made pursuant to division (A) 11481
of this section. 11482

(5) Medical examinations, tests, or procedures conducted 11483
under divisions (D)(1) and (4) of this section and decisions 11484
regarding the release or discharge of a child under division 11485

(D)(3) of this section do not constitute a law enforcement 11486
investigation or activity. 11487

(E)(1) When a peace officer receives a report made pursuant 11488
to division (A) or (B) of this section, upon receipt of the 11489
report, the peace officer who receives the report shall refer the 11490
report to the appropriate public children services agency, unless 11491
an arrest is made at the time of the report that results in the 11492
appropriate public children services agency being contacted 11493
concerning the possible abuse or neglect of a child or the 11494
possible threat of abuse or neglect of a child. 11495

(2) When a public children services agency receives a report 11496
pursuant to this division or division (A) or (B) of this section, 11497
upon receipt of the report, the public children services agency 11498
shall do both of the following: 11499

(a) Comply with section 2151.422 of the Revised Code; 11500

(b) If the county served by the agency is also served by a 11501
children's advocacy center and the report alleges sexual abuse of 11502
a child or another type of abuse of a child that is specified in 11503
the memorandum of understanding that creates the center as being 11504
within the center's jurisdiction, comply regarding the report with 11505
the protocol and procedures for referrals and investigations, with 11506
the coordinating activities, and with the authority or 11507
responsibility for performing or providing functions, activities, 11508
and services stipulated in the interagency agreement entered into 11509
under section 2151.428 of the Revised Code relative to that 11510
center. 11511

(F) No peace officer shall remove a child about whom a report 11512
is made pursuant to this section from the child's parents, 11513
stepparents, or guardian or any other persons having custody of 11514
the child without consultation with the public children services 11515
agency, unless, in the judgment of the officer, and, if the report 11516

was made by physician, the physician, immediate removal is 11517
considered essential to protect the child from further abuse or 11518
neglect. The agency that must be consulted shall be the agency 11519
conducting the investigation of the report as determined pursuant 11520
to section 2151.422 of the Revised Code. 11521

(G)(1) Except as provided in section 2151.422 of the Revised 11522
Code or in an interagency agreement entered into under section 11523
2151.428 of the Revised Code that applies to the particular 11524
report, the public children services agency shall investigate, 11525
within twenty-four hours, each report of child abuse or child 11526
neglect that is known or reasonably suspected or believed to have 11527
occurred and of a threat of child abuse or child neglect that is 11528
known or reasonably suspected or believed to exist that is 11529
referred to it under this section to determine the circumstances 11530
surrounding the injuries, abuse, or neglect or the threat of 11531
injury, abuse, or neglect, the cause of the injuries, abuse, 11532
neglect, or threat, and the person or persons responsible. The 11533
investigation shall be made in cooperation with the law 11534
enforcement agency and in accordance with the memorandum of 11535
understanding prepared under division (K) of this section. A 11536
representative of the public children services agency shall, at 11537
the time of initial contact with the person subject to the 11538
investigation, inform the person of the specific complaints or 11539
allegations made against the person. The information shall be 11540
given in a manner that is consistent with division (I)(1) of this 11541
section and protects the rights of the person making the report 11542
under this section. 11543

A failure to make the investigation in accordance with the 11544
memorandum is not grounds for, and shall not result in, the 11545
dismissal of any charges or complaint arising from the report or 11546
the suppression of any evidence obtained as a result of the report 11547
and does not give, and shall not be construed as giving, any 11548

rights or any grounds for appeal or post-conviction relief to any 11549
person. The public children services agency shall report each case 11550
to the uniform statewide automated child welfare information 11551
system that the department of job and family services shall 11552
maintain in accordance with section 5101.13 of the Revised Code. 11553
The public children services agency shall submit a report of its 11554
investigation, in writing, to the law enforcement agency. 11555

(2) The public children services agency shall make any 11556
recommendations to the county prosecuting attorney or city 11557
director of law that it considers necessary to protect any 11558
children that are brought to its attention. 11559

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 11560
(I)(3) of this section, any person, health care professional, 11561
hospital, institution, school, health department, or agency shall 11562
be immune from any civil or criminal liability for injury, death, 11563
or loss to person or property that otherwise might be incurred or 11564
imposed as a result of any of the following: 11565

(i) Participating in the making of reports pursuant to 11566
division (A) of this section or in the making of reports in good 11567
faith, pursuant to division (B) of this section; 11568

(ii) Participating in medical examinations, tests, or 11569
procedures under division (D) of this section; 11570

(iii) Providing information used in a report made pursuant to 11571
division (A) of this section or providing information in good 11572
faith used in a report made pursuant to division (B) of this 11573
section; 11574

(iv) Participating in a judicial proceeding resulting from a 11575
report made pursuant to division (A) of this section or 11576
participating in good faith in a proceeding resulting from a 11577
report made pursuant to division (B) of this section. 11578

(b) Immunity under division (H)(1)(a)(ii) of this section 11579

shall not apply when a health care provider has deviated from the 11580
standard of care applicable to the provider's profession. 11581

(c) Notwithstanding section 4731.22 of the Revised Code, the 11582
physician-patient privilege shall not be a ground for excluding 11583
evidence regarding a child's injuries, abuse, or neglect, or the 11584
cause of the injuries, abuse, or neglect in any judicial 11585
proceeding resulting from a report submitted pursuant to this 11586
section. 11587

(2) In any civil or criminal action or proceeding in which it 11588
is alleged and proved that participation in the making of a report 11589
under this section was not in good faith or participation in a 11590
judicial proceeding resulting from a report made under this 11591
section was not in good faith, the court shall award the 11592
prevailing party reasonable attorney's fees and costs and, if a 11593
civil action or proceeding is voluntarily dismissed, may award 11594
reasonable attorney's fees and costs to the party against whom the 11595
civil action or proceeding is brought. 11596

(I)(1) Except as provided in divisions (I)(4) and (O) of this 11597
section, a report made under this section is confidential. The 11598
information provided in a report made pursuant to this section and 11599
the name of the person who made the report shall not be released 11600
for use, and shall not be used, as evidence in any civil action or 11601
proceeding brought against the person who made the report. Nothing 11602
in this division shall preclude the use of reports of other 11603
incidents of known or suspected abuse or neglect in a civil action 11604
or proceeding brought pursuant to division (N) of this section 11605
against a person who is alleged to have violated division (A)(1) 11606
of this section, provided that any information in a report that 11607
would identify the child who is the subject of the report or the 11608
maker of the report, if the maker of the report is not the 11609
defendant or an agent or employee of the defendant, has been 11610
redacted. In a criminal proceeding, the report is admissible in 11611

evidence in accordance with the Rules of Evidence and is subject 11612
to discovery in accordance with the Rules of Criminal Procedure. 11613

(2)(a) Except as provided in division (I)(2)(b) of this 11614
section, no person shall permit or encourage the unauthorized 11615
dissemination of the contents of any report made under this 11616
section. 11617

(b) A health care professional that obtains the same 11618
information contained in a report made under this section from a 11619
source other than the report may disseminate the information, if 11620
its dissemination is otherwise permitted by law. 11621

(3) A person who knowingly makes or causes another person to 11622
make a false report under division (B) of this section that 11623
alleges that any person has committed an act or omission that 11624
resulted in a child being an abused child or a neglected child is 11625
guilty of a violation of section 2921.14 of the Revised Code. 11626

(4) If a report is made pursuant to division (A) or (B) of 11627
this section and the child who is the subject of the report dies 11628
for any reason at any time after the report is made, but before 11629
the child attains eighteen years of age, the public children 11630
services agency or peace officer to which the report was made or 11631
referred, on the request of the child fatality review board or the 11632
director of health pursuant to guidelines established under 11633
section 3701.70 of the Revised Code, shall submit a summary sheet 11634
of information providing a summary of the report to the review 11635
board of the county in which the deceased child resided at the 11636
time of death or to the director. On the request of the review 11637
board or director, the agency or peace officer may, at its 11638
discretion, make the report available to the review board or 11639
director. If the county served by the public children services 11640
agency is also served by a children's advocacy center and the 11641
report of alleged sexual abuse of a child or another type of abuse 11642
of a child is specified in the memorandum of understanding that 11643

creates the center as being within the center's jurisdiction, the 11644
agency or center shall perform the duties and functions specified 11645
in this division in accordance with the interagency agreement 11646
entered into under section 2151.428 of the Revised Code relative 11647
to that advocacy center. 11648

(5) A public children services agency shall advise a person 11649
alleged to have inflicted abuse or neglect on a child who is the 11650
subject of a report made pursuant to this section, including a 11651
report alleging sexual abuse of a child or another type of abuse 11652
of a child referred to a children's advocacy center pursuant to an 11653
interagency agreement entered into under section 2151.428 of the 11654
Revised Code, in writing of the disposition of the investigation. 11655
The agency shall not provide to the person any information that 11656
identifies the person who made the report, statements of 11657
witnesses, or police or other investigative reports. 11658

(J) Any report that is required by this section, other than a 11659
report that is made to the state highway patrol as described in 11660
section 5120.173 of the Revised Code, shall result in protective 11661
services and emergency supportive services being made available by 11662
the public children services agency on behalf of the children 11663
about whom the report is made, in an effort to prevent further 11664
neglect or abuse, to enhance their welfare, and, whenever 11665
possible, to preserve the family unit intact. The agency required 11666
to provide the services shall be the agency conducting the 11667
investigation of the report pursuant to section 2151.422 of the 11668
Revised Code. 11669

(K)(1) Each public children services agency shall prepare a 11670
memorandum of understanding that is signed by all of the 11671
following: 11672

(a) If there is only one juvenile judge in the county, the 11673
juvenile judge of the county or the juvenile judge's 11674
representative; 11675

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to

follow the procedure set forth in the memorandum by the concerned 11706
officials is not grounds for, and shall not result in, the 11707
dismissal of any charges or complaint arising from any reported 11708
case of abuse or neglect or the suppression of any evidence 11709
obtained as a result of any reported child abuse or child neglect 11710
and does not give, and shall not be construed as giving, any 11711
rights or any grounds for appeal or post-conviction relief to any 11712
person. 11713

(3) A memorandum of understanding shall include all of the 11714
following: 11715

(a) The roles and responsibilities for handling emergency and 11716
nonemergency cases of abuse and neglect; 11717

(b) Standards and procedures to be used in handling and 11718
coordinating investigations of reported cases of child abuse and 11719
reported cases of child neglect, methods to be used in 11720
interviewing the child who is the subject of the report and who 11721
allegedly was abused or neglected, and standards and procedures 11722
addressing the categories of persons who may interview the child 11723
who is the subject of the report and who allegedly was abused or 11724
neglected. 11725

(4) If a public children services agency participated in the 11726
execution of a memorandum of understanding under section 2151.426 11727
of the Revised Code establishing a children's advocacy center, the 11728
agency shall incorporate the contents of that memorandum in the 11729
memorandum prepared pursuant to this section. 11730

(5) The clerk of the court of common pleas in the county may 11731
sign the memorandum of understanding prepared under division 11732
(K)(1) of this section. If the clerk signs the memorandum of 11733
understanding, the clerk shall execute all relevant 11734
responsibilities as required of officials specified in the 11735
memorandum. 11736

(L)(1) Except as provided in division (L)(4) or (5) of this 11737
section, a person who is required to make a report pursuant to 11738
division (A) of this section may make a reasonable number of 11739
requests of the public children services agency that receives or 11740
is referred the report, or of the children's advocacy center that 11741
is referred the report if the report is referred to a children's 11742
advocacy center pursuant to an interagency agreement entered into 11743
under section 2151.428 of the Revised Code, to be provided with 11744
the following information: 11745

(a) Whether the agency or center has initiated an 11746
investigation of the report; 11747

(b) Whether the agency or center is continuing to investigate 11748
the report; 11749

(c) Whether the agency or center is otherwise involved with 11750
the child who is the subject of the report; 11751

(d) The general status of the health and safety of the child 11752
who is the subject of the report; 11753

(e) Whether the report has resulted in the filing of a 11754
complaint in juvenile court or of criminal charges in another 11755
court. 11756

(2) A person may request the information specified in 11757
division (L)(1) of this section only if, at the time the report is 11758
made, the person's name, address, and telephone number are 11759
provided to the person who receives the report. 11760

When a peace officer or employee of a public children 11761
services agency receives a report pursuant to division (A) or (B) 11762
of this section the recipient of the report shall inform the 11763
person of the right to request the information described in 11764
division (L)(1) of this section. The recipient of the report shall 11765
include in the initial child abuse or child neglect report that 11766
the person making the report was so informed and, if provided at 11767

the time of the making of the report, shall include the person's 11768
name, address, and telephone number in the report. 11769

Each request is subject to verification of the identity of 11770
the person making the report. If that person's identity is 11771
verified, the agency shall provide the person with the information 11772
described in division (L)(1) of this section a reasonable number 11773
of times, except that the agency shall not disclose any 11774
confidential information regarding the child who is the subject of 11775
the report other than the information described in those 11776
divisions. 11777

(3) A request made pursuant to division (L)(1) of this 11778
section is not a substitute for any report required to be made 11779
pursuant to division (A) of this section. 11780

(4) If an agency other than the agency that received or was 11781
referred the report is conducting the investigation of the report 11782
pursuant to section 2151.422 of the Revised Code, the agency 11783
conducting the investigation shall comply with the requirements of 11784
division (L) of this section. 11785

(5) A health care professional who made a report under 11786
division (A) of this section, or on whose behalf such a report was 11787
made as provided in division (A)(1)(c) of this section, may 11788
authorize a person to obtain the information described in division 11789
(L)(1) of this section if the person requesting the information is 11790
associated with or acting on behalf of the health care 11791
professional who provided health care services to the child about 11792
whom the report was made. 11793

(M) The director of job and family services shall adopt rules 11794
in accordance with Chapter 119. of the Revised Code to implement 11795
this section. The department of job and family services may enter 11796
into a plan of cooperation with any other governmental entity to 11797
aid in ensuring that children are protected from abuse and 11798

neglect. The department shall make recommendations to the attorney 11799
general that the department determines are necessary to protect 11800
children from child abuse and child neglect. 11801

(N) Whoever violates division (A) of this section is liable 11802
for compensatory and exemplary damages to the child who would have 11803
been the subject of the report that was not made. A person who 11804
brings a civil action or proceeding pursuant to this division 11805
against a person who is alleged to have violated division (A)(1) 11806
of this section may use in the action or proceeding reports of 11807
other incidents of known or suspected abuse or neglect, provided 11808
that any information in a report that would identify the child who 11809
is the subject of the report or the maker of the report, if the 11810
maker is not the defendant or an agent or employee of the 11811
defendant, has been redacted. 11812

(O)(1) As used in this division: 11813

(a) "Out-of-home care" includes a nonchartered nonpublic 11814
school if the alleged child abuse or child neglect, or alleged 11815
threat of child abuse or child neglect, described in a report 11816
received by a public children services agency allegedly occurred 11817
in or involved the nonchartered nonpublic school and the alleged 11818
perpetrator named in the report holds a certificate, permit, or 11819
license issued by the state board of education under section 11820
3301.071 or Chapter 3319. of the Revised Code. 11821

(b) "Administrator, director, or other chief administrative 11822
officer" means the superintendent of the school district if the 11823
out-of-home care entity subject to a report made pursuant to this 11824
section is a school operated by the district. 11825

(2) No later than the end of the day following the day on 11826
which a public children services agency receives a report of 11827
alleged child abuse or child neglect, or a report of an alleged 11828
threat of child abuse or child neglect, that allegedly occurred in 11829

or involved an out-of-home care entity, the agency shall provide 11830
written notice of the allegations contained in and the person 11831
named as the alleged perpetrator in the report to the 11832
administrator, director, or other chief administrative officer of 11833
the out-of-home care entity that is the subject of the report 11834
unless the administrator, director, or other chief administrative 11835
officer is named as an alleged perpetrator in the report. If the 11836
administrator, director, or other chief administrative officer of 11837
an out-of-home care entity is named as an alleged perpetrator in a 11838
report of alleged child abuse or child neglect, or a report of an 11839
alleged threat of child abuse or child neglect, that allegedly 11840
occurred in or involved the out-of-home care entity, the agency 11841
shall provide the written notice to the owner or governing board 11842
of the out-of-home care entity that is the subject of the report. 11843
The agency shall not provide witness statements or police or other 11844
investigative reports. 11845

(3) No later than three days after the day on which a public 11846
children services agency that conducted the investigation as 11847
determined pursuant to section 2151.422 of the Revised Code makes 11848
a disposition of an investigation involving a report of alleged 11849
child abuse or child neglect, or a report of an alleged threat of 11850
child abuse or child neglect, that allegedly occurred in or 11851
involved an out-of-home care entity, the agency shall send written 11852
notice of the disposition of the investigation to the 11853
administrator, director, or other chief administrative officer and 11854
the owner or governing board of the out-of-home care entity. The 11855
agency shall not provide witness statements or police or other 11856
investigative reports. 11857

(P) As used in this section: 11858

(1) "Children's advocacy center" and "sexual abuse of a 11859
child" have the same meanings as in section 2151.425 of the 11860
Revised Code. 11861

(2) "Health care professional" means an individual who 11862
provides health-related services including a physician, hospital 11863
intern or resident, dentist, podiatrist, registered nurse, 11864
licensed practical nurse, visiting nurse, licensed psychologist, 11865
speech pathologist, audiologist, person engaged in social work or 11866
the practice of professional counseling, and employee of a home 11867
health agency. "Health care professional" does not include a 11868
practitioner of a limited branch of medicine as specified in 11869
section 4731.15 of the Revised Code, licensed school psychologist, 11870
independent marriage and family therapist or marriage and family 11871
therapist, or coroner. 11872

(3) "Investigation" means the public children services 11873
agency's response to an accepted report of child abuse or neglect 11874
through either an alternative response or a traditional response. 11875

(4) "Peace officer" means a sheriff, deputy sheriff, 11876
constable, police officer of a township or joint police district, 11877
marshal, deputy marshal, municipal police officer, or a state 11878
highway patrol trooper. 11879

Sec. 2151.424. (A) If a child has been placed in a certified 11880
foster home or is in the custody of, or has been placed with, a 11881
~~relative of the child, other than a parent of the child~~ kinship 11882
caregiver as defined in section 5101.85 of the Revised Code, a 11883
court, prior to conducting any hearing pursuant to division (F)(2) 11884
or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 11885
2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with 11886
respect to the child, shall notify the foster caregiver or 11887
~~relative~~ kinship caregiver of the date, time, and place of the 11888
hearing. At the hearing, the foster caregiver or ~~relative~~ kinship 11889
caregiver shall have the right to ~~present evidence~~ be heard. 11890

(B) If a public children services agency or private child 11891
placing agency has permanent custody of a child and a petition to 11892

adopt the child has been filed under Chapter 3107. of the Revised 11893
Code, the agency, prior to conducting a review under section 11894
2151.416 of the Revised Code, or a court, prior to conducting a 11895
hearing under division (F)(2) or (3) of section 2151.412 or 11896
section 2151.416 or 2151.417 of the Revised Code, shall notify the 11897
prospective adoptive parent of the date, time, and place of the 11898
review or hearing. At the review or hearing, the prospective 11899
adoptive parent shall have the right to ~~present evidence~~ be heard. 11900

(C) The notice and the opportunity to ~~present evidence~~ be 11901
heard do not make the foster caregiver, ~~relative kinship~~ 11902
caregiver, or prospective adoptive parent a party in the action or 11903
proceeding pursuant to which the review or hearing is conducted. 11904

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of the 11905
Revised Code, "emancipated young adult" and "representative" have 11906
the same meanings as in section 5101.141 of the Revised Code. 11907

Sec. 2151.451. The juvenile court of the county in which an 11908
emancipated young adult described under division (A)(1) of section 11909
5101.1411 of the Revised Code resides shall have jurisdiction over 11910
the emancipated young adult for purposes of sections 2151.45 to 11911
2151.455 of the Revised Code. A juvenile court, on its own motion 11912
or the motion of any party, may transfer a proceeding under those 11913
sections to a juvenile court with jurisdiction as provided in this 11914
section. 11915

Sec. 2151.452. A juvenile court shall do both of the 11916
following regarding an emancipated young adult described under 11917
division (A)(1) of section 5101.1411 of the Revised Code: 11918

(A) Not later than one hundred eighty days after the 11919
voluntary participation agreement becomes effective, make a 11920
determination as to whether the emancipated young adult's best 11921
interest is served by continuing the care and placement with the 11922

department of job and family services or its representative. An 11923
emancipated young adult shall not be eligible for continued care 11924
and placement if the court finds it is not in the emancipated 11925
young adult's best interest. 11926

(B) Not later than twelve months after the date that the 11927
voluntary participation agreement is signed, and annually 11928
thereafter, make a determination as to whether reasonable efforts 11929
have been made to prepare the emancipated young adult for 11930
independence. 11931

Sec. 2151.453. If any determination required under division 11932
(B) of section 2151.452 of the Revised Code is not timely made, 11933
the federal payments for foster care under division (A)(1) of 11934
section 5101.1411 of the Revised Code for the emancipated young 11935
adult shall be suspended. The payments shall resume upon a 11936
subsequent determination that reasonable efforts have been made to 11937
prepare the emancipated young adult for independence, but only if 11938
both of the following apply: 11939

(A) The emancipated young adult complies with division (A)(1) 11940
of section 5101.1411 of the Revised Code. 11941

(B) There has been a timely determination of best interest 11942
under division (A) of section 2151.452 of the Revised Code. 11943

Sec. 2151.454. For purposes of a determination under section 11944
2151.452 of the Revised Code, the department of job and family 11945
services or its representative may file any documents and appear 11946
before the court in relation to such filings. Nothing in this 11947
section shall prohibit an emancipated young adult from obtaining 11948
legal representation pursuant to section 2151.455 of the Revised 11949
Code. 11950

Sec. 2151.455. (A) An emancipated young adult is entitled to 11951

representation by legal counsel at all stages of proceedings 11952
conducted under section 2151.45 to 2151.455 of the Revised Code. 11953

(B) If, as an indigent person, the emancipated young adult is 11954
unable to employ counsel, the emancipated young adult is entitled 11955
to have counsel provided pursuant to Chapter 120. of the Revised 11956
Code. 11957

(C) If an emancipated young adult appears without counsel, 11958
the court shall determine whether the emancipated young adult 11959
knows of the right to counsel, and to be provided with counsel, if 11960
indigent. 11961

(D) The court may continue the case to enable an emancipated 11962
young adult to obtain counsel, to be represented by the county 11963
public defender or the joint county public defender, or to be 11964
appointed counsel upon request pursuant to Chapter 120. of the 11965
Revised Code. 11966

(E) Upon written request, prior to any hearing involving the 11967
emancipated young adult, any report concerning an emancipated 11968
young adult that is used in, or is pertinent to, a hearing, shall 11969
for good cause shown be made available to any attorney 11970
representing the emancipated young adult and to any attorney 11971
representing any other party to the case. 11972

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 11973
entity that appoints or employs any person responsible for a 11974
child's care in out-of-home care shall request the superintendent 11975
of BCII to conduct a criminal records check with respect to any 11976
person who is under final consideration for appointment or 11977
employment as a person responsible for a child's care in 11978
out-of-home care, ~~except that section 3319.39 of the Revised Code~~ 11979
~~shall apply instead of this section if.~~ The request shall be made 11980
at the time of initial application for appointment or employment 11981
and every four years thereafter. If the out-of-home care entity is 11982

a public school, educational service center, or chartered 11983
nonpublic school, then section 3319.39 of the Revised Code shall 11984
apply instead. If the out-of-home care entity is a child day-care 11985
center, type A family day-care home, type B family day-care home, 11986
certified in-home aide, or child day camp, then section 5104.013 11987
of the Revised Code shall apply instead. 11988

(2) At the times specified in this division, the 11989
administrative director of an agency, or attorney, who arranges an 11990
adoption for a prospective adoptive parent shall request the 11991
superintendent of BCII to conduct a criminal records check with 11992
respect to that prospective adoptive parent and a criminal records 11993
check with respect to all persons eighteen years of age or older 11994
who reside with the prospective adoptive parent. The 11995
administrative director or attorney shall request a criminal 11996
records check pursuant to this division at the time of the initial 11997
home study, every four years after the initial home study at the 11998
time of an update, and at the time that an adoptive home study is 11999
completed as a new home study. 12000

(3) Before a recommending agency submits a recommendation to 12001
the department of job and family services on whether the 12002
department should issue a certificate to a foster home under 12003
section 5103.03 of the Revised Code, and every four years 12004
thereafter prior to a recertification under that section, the 12005
administrative director of the agency shall request that the 12006
superintendent of BCII conduct a criminal records check with 12007
respect to the prospective foster caregiver and a criminal records 12008
check with respect to all other persons eighteen years of age or 12009
older who reside with the foster caregiver. 12010

~~(B)(1) If a person subject to a criminal records check under 12011~~
~~division (A)(1) of this section does not present proof that the 12012~~
~~person has been a resident of this state for the five year period 12013~~
~~immediately prior to the date upon which the criminal records 12014~~

~~check is requested or does not provide evidence that within that~~ 12015
~~five year period the superintendent of BCII has requested~~ 12016
~~information about the person from the federal bureau of~~ 12017
~~investigation in a criminal records check, the appointing or~~ 12018
~~hiring officer shall request that the superintendent of BCII~~ 12019
~~obtain information from the federal bureau of investigation as a~~ 12020
~~part of the criminal records check, including fingerprint-based~~ 12021
~~checks of national crime information databases as described in 42~~ 12022
~~U.S.C. 671. If a person subject to a criminal records check under~~ 12023
~~division (A)(1) of this section presents proof that the person has~~ 12024
~~been a resident of this state for that five year period, the~~ 12025
~~appointing or hiring officer or attorney may request that the~~ 12026
~~superintendent of BCII include information from the federal bureau~~ 12027
~~of investigation in the criminal records check, including~~ 12028
~~fingerprint-based checks of national crime information databases~~ 12029
~~as described in 42 U.S.C. 671~~ When the appointing or hiring 12030
officer requests, at the time of initial application for 12031
appointment or employment, a criminal records check for a person 12032
subject to division (A)(1) of this section, the officer shall 12033
request that the superintendent of BCII obtain information from 12034
the federal bureau of investigation as part of the criminal 12035
records check, including fingerprint-based checks of national 12036
crime information databases as described in 42 U.S.C. 671, for the 12037
person subject to the criminal records check. In all other cases 12038
in which the appointing or hiring officer requests a criminal 12039
records check for a person pursuant to division (A)(1) of this 12040
section, the officer may request that the superintendent of BCII 12041
obtain information from the federal bureau of investigation as 12042
part of the criminal records check, including fingerprint-based 12043
checks of national crime information databases as described in 42 12044
U.S.C. 671, for the person subject to the criminal records check. 12045

When the administrative director of an agency, or attorney, 12046
who arranges an adoption for a prospective parent requests, at the 12047

time of the initial home study, a criminal records check for a 12048
person pursuant to division (A)(2) of this section, the 12049
administrative director or attorney shall request that the 12050
superintendent of BCII obtain information from the federal bureau 12051
of investigation as part of the criminal records check, including 12052
fingerprint-based checks of national crime information databases 12053
as described in 42 U.S.C. 671, for the person subject to the 12054
criminal records check. In all other cases in which the 12055
administrative director of an agency, or attorney, who arranges an 12056
adoption for a prospective parent requests a criminal records 12057
check for a person pursuant to division (A)(2) of this section, 12058
the administrative director or attorney may request that the 12059
superintendent of BCII include information from the federal bureau 12060
of investigation in the criminal records check, including 12061
fingerprint-based checks of national crime information databases 12062
as described in 42 U.S.C. 671. 12063

When the administrative director of a recommending agency 12064
requests, before submitting a recommendation to the department of 12065
job and family services on whether the department should issue a 12066
certificate to a foster home under section 5103.03 of the Revised 12067
Code, a criminal records check for a person pursuant to division 12068
(A)(3) of this section, the administrative director shall request 12069
that the superintendent of BCII obtain information from the 12070
federal bureau of investigation as part of a criminal records 12071
check, including fingerprint-based checks of national crime 12072
information databases as described in 42 U.S.C. 671, for the 12073
person subject to the criminal records check. In all other cases 12074
in which the administrative director of a recommending agency 12075
requests a criminal records check for a person pursuant to 12076
division (A)(3) of this section, the administrative director may 12077
request that the superintendent of BCII include information from 12078
the federal bureau of investigation in the criminal records check, 12079
including fingerprint-based checks of national crime information 12080

databases as described in 42 U.S.C. 671. 12081

Prior to a hearing on a final decree of adoption or 12082
interlocutory order of adoption by a probate court, the 12083
administrative director of an agency, or an attorney, who arranges 12084
an adoption for a prospective parent shall provide to the clerk of 12085
the probate court either of the following: 12086

(a) Any information received pursuant to a request made under 12087
this division from the superintendent of BCII or the federal 12088
bureau of investigation as part of the criminal records check, 12089
including fingerprint-based checks of national crime information 12090
databases as described in 42 U.S.C. 671, for the person subject to 12091
the criminal records check; 12092

(b) Written notification that the person subject to a 12093
criminal records check pursuant to this division failed upon 12094
request to provide the information necessary to complete the form 12095
or failed to provide impressions of the person's fingerprints as 12096
required under division (B)(2) of this section. 12097

(2) An appointing or hiring officer, administrative director, 12098
or attorney required by division (A) of this section to request a 12099
criminal records check shall provide to each person subject to a 12100
criminal records check a copy of the form prescribed pursuant to 12101
division (C)(1) of section 109.572 of the Revised Code and a 12102
standard impression sheet to obtain fingerprint impressions 12103
prescribed pursuant to division (C)(2) of section 109.572 of the 12104
Revised Code, obtain the completed form and impression sheet from 12105
the person, and forward the completed form and impression sheet to 12106
the superintendent of BCII at the time the criminal records check 12107
is requested. 12108

Any person subject to a criminal records check who receives 12109
pursuant to this division a copy of the form prescribed pursuant 12110
to division (C)(1) of section 109.572 of the Revised Code and a 12111

copy of an impression sheet prescribed pursuant to division (C)(2) 12112
of that section and who is requested to complete the form and 12113
provide a set of fingerprint impressions shall complete the form 12114
or provide all the information necessary to complete the form and 12115
shall provide the impression sheet with the impressions of the 12116
person's fingerprints. If a person subject to a criminal records 12117
check, upon request, fails to provide the information necessary to 12118
complete the form or fails to provide impressions of the person's 12119
fingerprints, the appointing or hiring officer shall not appoint 12120
or employ the person as a person responsible for a child's care in 12121
out-of-home care, a probate court may not issue a final decree of 12122
adoption or an interlocutory order of adoption making the person 12123
an adoptive parent, and the department of job and family services 12124
shall not issue a certificate authorizing the prospective foster 12125
caregiver to operate a foster home. 12126

(C)(1) No appointing or hiring officer shall appoint or 12127
employ a person as a person responsible for a child's care in 12128
out-of-home care, the department of job and family services shall 12129
not issue a certificate under section 5103.03 of the Revised Code 12130
authorizing a prospective foster caregiver to operate a foster 12131
home, and no probate court shall issue a final decree of adoption 12132
or an interlocutory order of adoption making a person an adoptive 12133
parent if the person or, in the case of a prospective foster 12134
caregiver or prospective adoptive parent, any person eighteen 12135
years of age or older who resides with the prospective foster 12136
caregiver or prospective adoptive parent previously has been 12137
convicted of or pleaded guilty to any of the violations described 12138
in division (A)(4) of section 109.572 of the Revised Code, unless 12139
the person meets rehabilitation standards established in rules 12140
adopted under division (F) of this section. 12141

~~(2) The appointing or hiring officer may appoint or employ a 12142~~
~~person as a person responsible for a child's care in out-of-home 12143~~

~~care conditionally until the criminal records check required by 12144
this section is completed and the officer receives the results of 12145
the criminal records check. If the results of the criminal records 12146
check indicate that, pursuant to division (C)(1) of this section, 12147
the person subject to the criminal records check does not qualify 12148
for appointment or employment, the officer shall release the 12149
person from appointment or employment. 12150~~

(3) Prior to certification or recertification under section 12151
5103.03 of the Revised Code, the prospective foster caregiver 12152
subject to a criminal records check under division (A)(3) of this 12153
section shall notify the recommending agency of the revocation of 12154
any foster home license, certificate, or other similar 12155
authorization in another state occurring within the five years 12156
prior to the date of application to become a foster caregiver in 12157
this state. The failure of a prospective foster caregiver to 12158
notify the recommending agency of any revocation of that type in 12159
another state that occurred within that five-year period shall be 12160
grounds for denial of the person's foster home application or the 12161
revocation of the person's foster home certification, whichever is 12162
applicable. If a person has had a revocation in another state 12163
within the five years prior to the date of the application, the 12164
department of job and family services shall not issue a foster 12165
home certificate to the prospective foster caregiver. 12166

(D) The appointing or hiring officer, administrative 12167
director, or attorney shall pay to the bureau of criminal 12168
identification and investigation the fee prescribed pursuant to 12169
division (C)(3) of section 109.572 of the Revised Code for each 12170
criminal records check conducted in accordance with that section 12171
upon a request pursuant to division (A) of this section. The 12172
officer, director, or attorney may charge the person subject to 12173
the criminal records check a fee for the costs the officer, 12174
director, or attorney incurs in obtaining the criminal records 12175

check. A fee charged under this division shall not exceed the 12176
amount of fees the officer, director, or attorney pays for the 12177
criminal records check. If a fee is charged under this division, 12178
the officer, director, or attorney shall notify the person who is 12179
the applicant at the time of the person's initial application for 12180
appointment or employment, an adoption to be arranged, or a 12181
certificate to operate a foster home of the amount of the fee and 12182
that, unless the fee is paid, the person who is the applicant will 12183
not be considered for appointment or employment or as an adoptive 12184
parent or foster caregiver. 12185

(E) The report of any criminal records check conducted by the 12186
bureau of criminal identification and investigation in accordance 12187
with section 109.572 of the Revised Code and pursuant to a request 12188
made under division (A) of this section is not a public record for 12189
the purposes of section 149.43 of the Revised Code and shall not 12190
be made available to any person other than the following: 12191

(1) The person who is the subject of the criminal records 12192
check or the person's representative; 12193

(2) The appointing or hiring officer, administrative 12194
director, or attorney requesting the criminal records check or the 12195
officer's, director's, or attorney's representative; 12196

(3) The department of job and family services, a county 12197
department of job and family services, or a public children 12198
services agency; 12199

(4) Any court, hearing officer, or other necessary individual 12200
involved in a case dealing with the denial of employment, a final 12201
decree of adoption or interlocutory order of adoption, or a foster 12202
home certificate. 12203

(F) The director of job and family services shall adopt rules 12204
in accordance with Chapter 119. of the Revised Code to implement 12205
this section. The rules shall include rehabilitation standards a 12206

person who has been convicted of or pleaded guilty to an offense 12207
listed in division (A)(4) of section 109.572 of the Revised Code 12208
must meet for an appointing or hiring officer to appoint or employ 12209
the person as a person responsible for a child's care in 12210
out-of-home care, a probate court to issue a final decree of 12211
adoption or interlocutory order of adoption making the person an 12212
adoptive parent, or the department to issue a certificate 12213
authorizing the prospective foster caregiver to operate a foster 12214
home or not revoke a foster home certificate for a violation 12215
specified in section 5103.0328 of the Revised Code. 12216

(G) An appointing or hiring officer, administrative director, 12217
or attorney required by division (A) of this section to request a 12218
criminal records check shall inform each person who is the 12219
applicant, at the time of the person's initial application for 12220
appointment or employment, an adoption to be arranged, or a foster 12221
home certificate, that the person subject to the criminal records 12222
check is required to provide a set of impressions of the person's 12223
fingerprints and that a criminal records check is required to be 12224
conducted and satisfactorily completed in accordance with section 12225
109.572 of the Revised Code. 12226

(H) As used in this section: 12227

(1) "Children's hospital" means any of the following: 12228

(a) A hospital registered under section 3701.07 of the 12229
Revised Code that provides general pediatric medical and surgical 12230
care, and in which at least seventy-five per cent of annual 12231
inpatient discharges for the preceding two calendar years were 12232
individuals less than eighteen years of age; 12233

(b) A distinct portion of a hospital registered under section 12234
3701.07 of the Revised Code that provides general pediatric 12235
medical and surgical care, has a total of at least one hundred 12236
fifty registered pediatric special care and pediatric acute care 12237

beds, and in which at least seventy-five per cent of annual 12238
inpatient discharges for the preceding two calendar years were 12239
individuals less than eighteen years of age; 12240

(c) A distinct portion of a hospital, if the hospital is 12241
registered under section 3701.07 of the Revised Code as a 12242
children's hospital and the children's hospital meets all the 12243
requirements of division (H)(1)(a) of this section. 12244

(2) "Criminal records check" has the same meaning as in 12245
section 109.572 of the Revised Code. 12246

(3) "Person responsible for a child's care in out-of-home 12247
care" has the same meaning as in section 2151.011 of the Revised 12248
Code, except that it does not include a prospective employee of 12249
the department of youth services or a person responsible for a 12250
child's care in a hospital or medical clinic other than a 12251
children's hospital. 12252

(4) "Person subject to a criminal records check" means the 12253
following: 12254

(a) A person who is under final consideration for appointment 12255
or employment as a person responsible for a child's care in 12256
out-of-home care; 12257

(b) A prospective or current adoptive parent; 12258

(c) A prospective or current foster caregiver; 12259

(d) A person eighteen years old or older who resides with a 12260
prospective or current foster caregiver or a prospective or 12261
current adoptive parent. 12262

(5) "Recommending agency" means a public children services 12263
agency, private child placing agency, or private noncustodial 12264
agency to which the department of job and family services has 12265
delegated a duty to inspect and approve foster homes. 12266

(6) "Superintendent of BCII" means the superintendent of the 12267

bureau of criminal identification and investigation. 12268

Sec. 2305.231. (A) As used in this section: 12269

(1) "Dentist" means a person who is licensed under Chapter 12270
4715. of the Revised Code to practice dentistry. 12271

(2) "Physician" means a person ~~who holds a certificate issued~~ 12272
~~by the state medical board~~ authorized under Chapter 4731. of the 12273
Revised Code to practice medicine and surgery, osteopathic 12274
medicine and surgery, or podiatric medicine and surgery. 12275

(3) "Registered nurse" means a nurse who is licensed as a 12276
registered nurse under Chapter 4723. of the Revised Code. 12277

(4) "Therapeutic recreation" means adoptive recreation 12278
services to persons with illnesses or disabling conditions in 12279
order to do any of the following: 12280

(a) Restore, remediate, or rehabilitate; 12281

(b) Improve functioning and independence; 12282

(c) Reduce or eliminate the effects of illness or disability. 12283

(B) No physician who volunteers the physician's services as a 12284
team physician or team podiatrist to a school's athletics program, 12285
no dentist who volunteers the dentist's services as a team dentist 12286
to a school's athletics program, and no registered nurse who 12287
volunteers the registered nurse's services as a team nurse to a 12288
school's athletics program is liable in damages in a civil action 12289
for administering emergency medical care, emergency dental care, 12290
other emergency professional care, or first aid treatment to a 12291
participant in an athletic event involving the school, at the 12292
scene of the event or while the participant is being transported 12293
to a hospital, physician's or dentist's office, or other medical 12294
or dental facility, or for acts performed in administering the 12295
care or treatment, unless the acts of the physician, dentist, or 12296
registered nurse constitute willful or wanton misconduct. 12297

(C)(1) No physician who volunteers the physician's services 12298
as a camp physician at a camp that specializes in therapeutic 12299
recreation, and no registered nurse who volunteers the registered 12300
nurse's services at such a camp, is liable in damages in a civil 12301
action for either of the following: 12302

(a) Administering medical care, or emergency professional 12303
care, or first aid treatment to a participant in the camp or while 12304
the participant is being transported to a hospital, physician's or 12305
dentist's office, or other medical or dental facility; 12306

(b) Acts performed in administering that care or treatment. 12307

(2) Division (C)(1) of this section does not apply if the 12308
acts of the physician or registered nurse constitute willful or 12309
wanton misconduct. 12310

(D) This section does not apply if the administration of 12311
emergency medical care, emergency dental care, other emergency 12312
professional care, or first aid treatment is rendered for 12313
remuneration, or with the expectation of remuneration, from the 12314
recipient of the care or treatment or from someone on the 12315
recipient's behalf. 12316

Sec. 2305.41. As used in sections 2305.41 to 2305.49 of the 12317
Revised Code: 12318

(A) "Disabled condition" means the condition of being 12319
unconscious, semiconscious, incoherent, or otherwise incapacitated 12320
to communicate. 12321

(B) "Disabled person" means a person in a disabled condition. 12322

(C) "Emergency symbol" means the caduceus inscribed within a 12323
six-barred cross used by the American medical association to 12324
denote emergency information. 12325

(D) "Identifying device" means an identifying bracelet, 12326
necklace, metal tag, or similar device bearing the emergency 12327

symbol and the information needed in an emergency. 12328

(E) "Identification card" means any card containing the 12329
holder's name, type of medical condition, physician's name, and 12330
other medical information. "Identification card" does not include 12331
any license or permit issued pursuant to Chapter 4507. of the 12332
Revised Code. 12333

(F) "Medical practitioner" means an individual ~~who holds a~~ 12334
~~current valid certificate issued~~ authorized under Chapter 4731. of 12335
the Revised Code ~~authorizing the~~ to practice ~~of~~ medicine and 12336
surgery or osteopathic medicine and surgery. 12337

(G) "Paramedic" has the meaning given in section 4765.01 of 12338
the Revised Code. 12339

Sec. 2317.54. No hospital, home health agency, ambulatory 12340
surgical facility, or provider of a hospice care program or 12341
pediatric respite care program shall be held liable for a 12342
physician's failure to obtain an informed consent from the 12343
physician's patient prior to a surgical or medical procedure or 12344
course of procedures, unless the physician is an employee of the 12345
hospital, home health agency, ambulatory surgical facility, or 12346
provider of a hospice care program or pediatric respite care 12347
program. 12348

Written consent to a surgical or medical procedure or course 12349
of procedures shall, to the extent that it fulfills all the 12350
requirements in divisions (A), (B), and (C) of this section, be 12351
presumed to be valid and effective, in the absence of proof by a 12352
preponderance of the evidence that the person who sought such 12353
consent was not acting in good faith, or that the execution of the 12354
consent was induced by fraudulent misrepresentation of material 12355
facts, or that the person executing the consent was not able to 12356
communicate effectively in spoken and written English or any other 12357
language in which the consent is written. Except as herein 12358

provided, no evidence shall be admissible to impeach, modify, or 12359
limit the authorization for performance of the procedure or 12360
procedures set forth in such written consent. 12361

(A) The consent sets forth in general terms the nature and 12362
purpose of the procedure or procedures, and what the procedures 12363
are expected to accomplish, together with the reasonably known 12364
risks, and, except in emergency situations, sets forth the names 12365
of the physicians who shall perform the intended surgical 12366
procedures. 12367

(B) The person making the consent acknowledges that such 12368
disclosure of information has been made and that all questions 12369
asked about the procedure or procedures have been answered in a 12370
satisfactory manner. 12371

(C) The consent is signed by the patient for whom the 12372
procedure is to be performed, or, if the patient for any reason 12373
including, but not limited to, competence, minority, or the fact 12374
that, at the latest time that the consent is needed, the patient 12375
is under the influence of alcohol, hallucinogens, or drugs, lacks 12376
legal capacity to consent, by a person who has legal authority to 12377
consent on behalf of such patient in such circumstances, including 12378
either of the following: 12379

(1) The parent, whether the parent is an adult or a minor, of 12380
the parent's minor child; 12381

(2) An adult whom the parent of the minor child has given 12382
written authorization to consent to a surgical or medical 12383
procedure or course of procedures for the parent's minor child. 12384

Any use of a consent form that fulfills the requirements 12385
stated in divisions (A), (B), and (C) of this section has no 12386
effect on the common law rights and liabilities, including the 12387
right of a physician to obtain the oral or implied consent of a 12388
patient to a medical procedure, that may exist as between 12389

physicians and patients on July 28, 1975. 12390

As used in this section the term "hospital" has the same 12391
meaning as in section 2305.113 of the Revised Code; "home health 12392
agency" has the same meaning as in section 5101.61 of the Revised 12393
Code; "ambulatory surgical facility" has the same meaning as in 12394
~~division (A) of~~ section 3702.30 of the Revised Code; and "hospice 12395
care program" and "pediatric respite care program" have the same 12396
meanings as in section 3712.01 of the Revised Code. The provisions 12397
of this division apply to hospitals, doctors of medicine, doctors 12398
of osteopathic medicine, and doctors of podiatric medicine. 12399

Sec. 2925.01. As used in this chapter: 12400

(A) "Administer," "controlled substance," "controlled 12401
substance analog," "dispense," "distribute," "hypodermic," 12402
"manufacturer," "official written order," "person," "pharmacist," 12403
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 12404
"schedule IV," "schedule V," and "wholesaler" have the same 12405
meanings as in section 3719.01 of the Revised Code. 12406

(B) "Drug dependent person" and "drug of abuse" have the same 12407
meanings as in section 3719.011 of the Revised Code. 12408

(C) "Drug," "dangerous drug," "licensed health professional 12409
authorized to prescribe drugs," and "prescription" have the same 12410
meanings as in section 4729.01 of the Revised Code. 12411

(D) "Bulk amount" of a controlled substance means any of the 12412
following: 12413

(1) For any compound, mixture, preparation, or substance 12414
included in schedule I, schedule II, or schedule III, with the 12415
exception of any controlled substance analog, marihuana, cocaine, 12416
L.S.D., heroin, any fentanyl-related compound, a d hashish and 12417
except as provided in division (D)(2), (5), or (6) of this 12418
section, whichever of the following is applicable: 12419

(a) An amount equal to or exceeding ten grams or twenty-five	12420
unit doses of a compound, mixture, preparation, or substance that	12421
is or contains any amount of a schedule I opiate or opium	12422
derivative;	12423
(b) An amount equal to or exceeding ten grams of a compound,	12424
mixture, preparation, or substance that is or contains any amount	12425
of raw or gum opium;	12426
(c) An amount equal to or exceeding thirty grams or ten unit	12427
doses of a compound, mixture, preparation, or substance that is or	12428
contains any amount of a schedule I hallucinogen other than	12429
tetrahydrocannabinol or lysergic acid amide, or a schedule I	12430
stimulant or depressant;	12431
(d) An amount equal to or exceeding twenty grams or five	12432
times the maximum daily dose in the usual dose range specified in	12433
a standard pharmaceutical reference manual of a compound, mixture,	12434
preparation, or substance that is or contains any amount of a	12435
schedule II opiate or opium derivative;	12436
(e) An amount equal to or exceeding five grams or ten unit	12437
doses of a compound, mixture, preparation, or substance that is or	12438
contains any amount of phencyclidine;	12439
(f) An amount equal to or exceeding one hundred twenty grams	12440
or thirty times the maximum daily dose in the usual dose range	12441
specified in a standard pharmaceutical reference manual of a	12442
compound, mixture, preparation, or substance that is or contains	12443
any amount of a schedule II stimulant that is in a final dosage	12444
form manufactured by a person authorized by the "Federal Food,	12445
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as	12446
amended, and the federal drug abuse control laws, as defined in	12447
section 3719.01 of the Revised Code, that is or contains any	12448
amount of a schedule II depressant substance or a schedule II	12449
hallucinogenic substance;	12450

(g) An amount equal to or exceeding three grams of a 12451
compound, mixture, preparation, or substance that is or contains 12452
any amount of a schedule II stimulant, or any of its salts or 12453
isomers, that is not in a final dosage form manufactured by a 12454
person authorized by the Federal Food, Drug, and Cosmetic Act and 12455
the federal drug abuse control laws. 12456

(2) An amount equal to or exceeding one hundred twenty grams 12457
or thirty times the maximum daily dose in the usual dose range 12458
specified in a standard pharmaceutical reference manual of a 12459
compound, mixture, preparation, or substance that is or contains 12460
any amount of a schedule III or IV substance other than an 12461
anabolic steroid or a schedule III opiate or opium derivative; 12462

(3) An amount equal to or exceeding twenty grams or five 12463
times the maximum daily dose in the usual dose range specified in 12464
a standard pharmaceutical reference manual of a compound, mixture, 12465
preparation, or substance that is or contains any amount of a 12466
schedule III opiate or opium derivative; 12467

(4) An amount equal to or exceeding two hundred fifty 12468
milliliters or two hundred fifty grams of a compound, mixture, 12469
preparation, or substance that is or contains any amount of a 12470
schedule V substance; 12471

(5) An amount equal to or exceeding two hundred solid dosage 12472
units, sixteen grams, or sixteen milliliters of a compound, 12473
mixture, preparation, or substance that is or contains any amount 12474
of a schedule III anabolic steroid; 12475

(6) For any compound, mixture, preparation, or substance that 12476
is a combination of a fentanyl-related compound and any other 12477
compound, mixture, preparation, or substance included in schedule 12478
III, schedule IV, or schedule V, if the defendant is charged with 12479
a violation of section 2925.11 of the Revised Code and the 12480
sentencing provisions set forth in divisions (C)(10)(b) and 12481

(C)(11) of that section will not apply regarding the defendant and 12482
the violation, the bulk amount of the controlled substance for 12483
purposes of the violation is the amount specified in division 12484
(D)(1), (2), (3), (4), or (5) of this section for the other 12485
schedule III, IV, or V controlled substance that is combined with 12486
the fentanyl-related compound. 12487

(E) "Unit dose" means an amount or unit of a compound, 12488
mixture, or preparation containing a controlled substance that is 12489
separately identifiable and in a form that indicates that it is 12490
the amount or unit by which the controlled substance is separately 12491
administered to or taken by an individual. 12492

(F) "Cultivate" includes planting, watering, fertilizing, or 12493
tilling. 12494

(G) "Drug abuse offense" means any of the following: 12495

(1) A violation of division (A) of section 2913.02 that 12496
constitutes theft of drugs, or a violation of section 2925.02, 12497
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 12498
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 12499
2925.37 of the Revised Code; 12500

(2) A violation of an existing or former law of this or any 12501
other state or of the United States that is substantially 12502
equivalent to any section listed in division (G)(1) of this 12503
section; 12504

(3) An offense under an existing or former law of this or any 12505
other state, or of the United States, of which planting, 12506
cultivating, harvesting, processing, making, manufacturing, 12507
producing, shipping, transporting, delivering, acquiring, 12508
possessing, storing, distributing, dispensing, selling, inducing 12509
another to use, administering to another, using, or otherwise 12510
dealing with a controlled substance is an element; 12511

(4) A conspiracy to commit, attempt to commit, or complicity 12512

in committing or attempting to commit any offense under division 12513
(G)(1), (2), or (3) of this section. 12514

(H) "Felony drug abuse offense" means any drug abuse offense 12515
that would constitute a felony under the laws of this state, any 12516
other state, or the United States. 12517

(I) "Harmful intoxicant" does not include beer or 12518
intoxicating liquor but means any of the following: 12519

(1) Any compound, mixture, preparation, or substance the gas, 12520
fumes, or vapor of which when inhaled can induce intoxication, 12521
excitement, giddiness, irrational behavior, depression, 12522
stupefaction, paralysis, unconsciousness, asphyxiation, or other 12523
harmful physiological effects, and includes, but is not limited 12524
to, any of the following: 12525

(a) Any volatile organic solvent, plastic cement, model 12526
cement, fingernail polish remover, lacquer thinner, cleaning 12527
fluid, gasoline, or other preparation containing a volatile 12528
organic solvent; 12529

(b) Any aerosol propellant; 12530

(c) Any fluorocarbon refrigerant; 12531

(d) Any anesthetic gas. 12532

(2) Gamma Butyrolactone; 12533

(3) 1,4 Butanediol. 12534

(J) "Manufacture" means to plant, cultivate, harvest, 12535
process, make, prepare, or otherwise engage in any part of the 12536
production of a drug, by propagation, extraction, chemical 12537
synthesis, or compounding, or any combination of the same, and 12538
includes packaging, repackaging, labeling, and other activities 12539
incident to production. 12540

(K) "Possess" or "possession" means having control over a 12541
thing or substance, but may not be inferred solely from mere 12542

access to the thing or substance through ownership or occupation 12543
of the premises upon which the thing or substance is found. 12544

(L) "Sample drug" means a drug or pharmaceutical preparation 12545
that would be hazardous to health or safety if used without the 12546
supervision of a licensed health professional authorized to 12547
prescribe drugs, or a drug of abuse, and that, at one time, had 12548
been placed in a container plainly marked as a sample by a 12549
manufacturer. 12550

(M) "Standard pharmaceutical reference manual" means the 12551
current edition, with cumulative changes if any, of references 12552
that are approved by the state board of pharmacy. 12553

(N) "Juvenile" means a person under eighteen years of age. 12554

(O) "Counterfeit controlled substance" means any of the 12555
following: 12556

(1) Any drug that bears, or whose container or label bears, a 12557
trademark, trade name, or other identifying mark used without 12558
authorization of the owner of rights to that trademark, trade 12559
name, or identifying mark; 12560

(2) Any unmarked or unlabeled substance that is represented 12561
to be a controlled substance manufactured, processed, packed, or 12562
distributed by a person other than the person that manufactured, 12563
processed, packed, or distributed it; 12564

(3) Any substance that is represented to be a controlled 12565
substance but is not a controlled substance or is a different 12566
controlled substance; 12567

(4) Any substance other than a controlled substance that a 12568
reasonable person would believe to be a controlled substance 12569
because of its similarity in shape, size, and color, or its 12570
markings, labeling, packaging, distribution, or the price for 12571
which it is sold or offered for sale. 12572

(P) An offense is "committed in the vicinity of a school" if 12573
the offender commits the offense on school premises, in a school 12574
building, or within one thousand feet of the boundaries of any 12575
school premises, regardless of whether the offender knows the 12576
offense is being committed on school premises, in a school 12577
building, or within one thousand feet of the boundaries of any 12578
school premises. 12579

(Q) "School" means any school operated by a board of 12580
education, any community school established under Chapter 3314. of 12581
the Revised Code, or any nonpublic school for which the state 12582
board of education prescribes minimum standards under section 12583
3301.07 of the Revised Code, whether or not any instruction, 12584
extracurricular activities, or training provided by the school is 12585
being conducted at the time a criminal offense is committed. 12586

(R) "School premises" means either of the following: 12587

(1) The parcel of real property on which any school is 12588
situated, whether or not any instruction, extracurricular 12589
activities, or training provided by the school is being conducted 12590
on the premises at the time a criminal offense is committed; 12591

(2) Any other parcel of real property that is owned or leased 12592
by a board of education of a school, the governing authority of a 12593
community school established under Chapter 3314. of the Revised 12594
Code, or the governing body of a nonpublic school for which the 12595
state board of education prescribes minimum standards under 12596
section 3301.07 of the Revised Code and on which some of the 12597
instruction, extracurricular activities, or training of the school 12598
is conducted, whether or not any instruction, extracurricular 12599
activities, or training provided by the school is being conducted 12600
on the parcel of real property at the time a criminal offense is 12601
committed. 12602

(S) "School building" means any building in which any of the 12603

instruction, extracurricular activities, or training provided by a 12604
school is conducted, whether or not any instruction, 12605
extracurricular activities, or training provided by the school is 12606
being conducted in the school building at the time a criminal 12607
offense is committed. 12608

(T) "Disciplinary counsel" means the disciplinary counsel 12609
appointed by the board of commissioners on grievances and 12610
discipline of the supreme court under the Rules for the Government 12611
of the Bar of Ohio. 12612

(U) "Certified grievance committee" means a duly constituted 12613
and organized committee of the Ohio state bar association or of 12614
one or more local bar associations of the state of Ohio that 12615
complies with the criteria set forth in Rule V, section 6 of the 12616
Rules for the Government of the Bar of Ohio. 12617

(V) "Professional license" means any license, permit, 12618
certificate, registration, qualification, admission, temporary 12619
license, temporary permit, temporary certificate, or temporary 12620
registration that is described in divisions (W)(1) to (37) of this 12621
section and that qualifies a person as a professionally licensed 12622
person. 12623

(W) "Professionally licensed person" means any of the 12624
following: 12625

(1) A person who has received a certificate or temporary 12626
certificate as a certified public accountant or who has registered 12627
as a public accountant under Chapter 4701. of the Revised Code and 12628
who holds an Ohio permit issued under that chapter; 12629

(2) A person who holds a certificate of qualification to 12630
practice architecture issued or renewed and registered under 12631
Chapter 4703. of the Revised Code; 12632

(3) A person who is registered as a landscape architect under 12633
Chapter 4703. of the Revised Code or who holds a permit as a 12634

landscape architect issued under that chapter;	12635
(4) A person licensed under Chapter 4707. of the Revised Code;	12636 12637
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	12638 12639 12640
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	12641 12642 12643
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	12644 12645 12646 12647 12648 12649 12650 12651 12652 12653
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	12654 12655 12656 12657 12658
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	12659 12660 12661 12662
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised	12663 12664 12665

Code;	12666
(11) A person who has been licensed to practice optometry or	12667
to engage in optical dispensing under Chapter 4725. of the Revised	12668
Code;	12669
(12) A person licensed to act as a pawnbroker under Chapter	12670
4727. of the Revised Code;	12671
(13) A person licensed to act as a precious metals dealer	12672
under Chapter 4728. of the Revised Code;	12673
(14) A person licensed under Chapter 4729. of the Revised	12674
Code as a pharmacist or pharmacy intern or registered under that	12675
chapter as a registered pharmacy technician, certified pharmacy	12676
technician, or pharmacy technician trainee;	12677
(15) A person licensed under Chapter 4729. of the Revised	12678
Code as a manufacturer of dangerous drugs, outsourcing facility,	12679
third-party logistics provider, repackager of dangerous drugs,	12680
wholesale distributor of dangerous drugs, or terminal distributor	12681
of dangerous drugs;	12682
(16) A person who is authorized to practice as a physician	12683
assistant under Chapter 4730. of the Revised Code;	12684
(17) A person who has been issued a license to practice	12685
medicine and surgery, osteopathic medicine and surgery, or	12686
podiatric medicine and surgery under Chapter 4731. of the Revised	12687
Code or has been issued a certificate to practice a limited branch	12688
of medicine under that chapter;	12689
(18) A person licensed as a psychologist or school	12690
psychologist under Chapter 4732. of the Revised Code;	12691
(19) A person registered to practice the profession of	12692
engineering or surveying under Chapter 4733. of the Revised Code;	12693
(20) A person who has been issued a license to practice	12694
chiropractic under Chapter 4734. of the Revised Code;	12695

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	12696 12697
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	12698 12699
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	12700 12701
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	12702 12703
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	12704 12705
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	12706 12707 12708 12709
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	12710 12711 12712
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	12713 12714 12715
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	12716 12717 12718
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	12719 12720 12721
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	12722 12723
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social	12724 12725

worker, independent social worker, independent marriage and family	12726
therapist, or marriage and family therapist, or registered as a	12727
social work assistant under Chapter 4757. of the Revised Code;	12728
(33) A person issued a license to practice dietetics under	12729
Chapter 4759. of the Revised Code;	12730
(34) A person who has been issued a license or limited permit	12731
to practice respiratory therapy under Chapter 4761. of the Revised	12732
Code;	12733
(35) A person who has been issued a real estate appraiser	12734
certificate under Chapter 4763. of the Revised Code;	12735
(36) A person who has been issued a home inspector license	12736
under Chapter 4764. of the Revised Code;	12737
(37) A person who has been admitted to the bar by order of	12738
the supreme court in compliance with its prescribed and published	12739
rules.	12740
(X) "Cocaine" means any of the following:	12741
(1) A cocaine salt, isomer, or derivative, a salt of a	12742
cocaine isomer or derivative, or the base form of cocaine;	12743
(2) Coca leaves or a salt, compound, derivative, or	12744
preparation of coca leaves, including ecgonine, a salt, isomer, or	12745
derivative of ecgonine, or a salt of an isomer or derivative of	12746
ecgonine;	12747
(3) A salt, compound, derivative, or preparation of a	12748
substance identified in division (X)(1) or (2) of this section	12749
that is chemically equivalent to or identical with any of those	12750
substances, except that the substances shall not include	12751
decocainized coca leaves or extraction of coca leaves if the	12752
extractions do not contain cocaine or ecgonine.	12753
(Y) "L.S.D." means lysergic acid diethylamide.	12754
(Z) "Hashish" means the resin or a preparation of the resin	12755

contained in marihuana, whether in solid form or in a liquid 12756
concentrate, liquid extract, or liquid distillate form. 12757

(AA) "Marihuana" has the same meaning as in section 3719.01 12758
of the Revised Code, except that it does not include hashish. 12759

(BB) An offense is "committed in the vicinity of a juvenile" 12760
if the offender commits the offense within one hundred feet of a 12761
juvenile or within the view of a juvenile, regardless of whether 12762
the offender knows the age of the juvenile, whether the offender 12763
knows the offense is being committed within one hundred feet of or 12764
within view of the juvenile, or whether the juvenile actually 12765
views the commission of the offense. 12766

(CC) "Presumption for a prison term" or "presumption that a 12767
prison term shall be imposed" means a presumption, as described in 12768
division (D) of section 2929.13 of the Revised Code, that a prison 12769
term is a necessary sanction for a felony in order to comply with 12770
the purposes and principles of sentencing under section 2929.11 of 12771
the Revised Code. 12772

(DD) "Major drug offender" has the same meaning as in section 12773
2929.01 of the Revised Code. 12774

(EE) "Minor drug possession offense" means either of the 12775
following: 12776

(1) A violation of section 2925.11 of the Revised Code as it 12777
existed prior to July 1, 1996; 12778

(2) A violation of section 2925.11 of the Revised Code as it 12779
exists on and after July 1, 1996, that is a misdemeanor or a 12780
felony of the fifth degree. 12781

(FF) "Mandatory prison term" has the same meaning as in 12782
section 2929.01 of the Revised Code. 12783

(GG) "Adulterate" means to cause a drug to be adulterated as 12784
described in section 3715.63 of the Revised Code. 12785

(HH) "Public premises" means any hotel, restaurant, tavern,	12786
store, arena, hall, or other place of public accommodation,	12787
business, amusement, or resort.	12788
(II) "Methamphetamine" means methamphetamine, any salt,	12789
isomer, or salt of an isomer of methamphetamine, or any compound,	12790
mixture, preparation, or substance containing methamphetamine or	12791
any salt, isomer, or salt of an isomer of methamphetamine.	12792
(JJ) "Deception" has the same meaning as in section 2913.01	12793
of the Revised Code.	12794
(KK) "Fentanyl-related compound" means any of the following:	12795
(1) Fentanyl;	12796
(2) Alpha-methylfentanyl	12797
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;	12798
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	12799
(3) Alpha-methylthiofentanyl	12800
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	12801
(4) Beta-hydroxyfentanyl	12802
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	12803
(5) Beta-hydroxy-3-methylfentanyl (other name:	12804
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	12805
phenylpropanamide);	12806
(6) 3-methylfentanyl	12807
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	12808
(7) 3-methylthiofentanyl	12809
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	12810
(8) Para-fluorofentanyl	12811
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	12812
(9) Thiofentanyl	12813
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	12814

(10) Alfentanil;	12815
(11) Carfentanil;	12816
(12) Remifentanil;	12817
(13) Sufentanil;	12818
(14) Acetyl-alpha-methylfentanyl	12819
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);	12820
and	12821
(15) Any compound that meets all of the following fentanyl	12822
pharmacophore requirements to bind at the mu receptor, as	12823
identified by a report from an established forensic laboratory,	12824
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	12825
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	12826
para-fluorobutyrylfentanyl, acrylfentanyl, and	12827
ortho-fluorofentanyl:	12828
(a) A chemical scaffold consisting of both of the following:	12829
(i) A five, six, or seven member ring structure containing a	12830
nitrogen, whether or not further substituted;	12831
(ii) An attached nitrogen to the ring, whether or not that	12832
nitrogen is enclosed in a ring structure, including an attached	12833
aromatic ring or other lipophilic group to that nitrogen.	12834
(b) A polar functional group attached to the chemical	12835
scaffold, including but not limited to a hydroxyl, ketone, amide,	12836
or ester;	12837
(c) An alkyl or aryl substitution off the ring nitrogen of	12838
the chemical scaffold; and	12839
(d) The compound has not been approved for medical use by the	12840
United States food and drug administration.	12841
(LL) "First degree felony mandatory prison term" means one of	12842
the definite prison terms prescribed in division (A)(1)(b) of	12843

section 2929.14 of the Revised Code for a felony of the first 12844
degree, except that if the violation for which sentence is being 12845
imposed is committed on or after the effective date of this 12846
amendment, it means one of the minimum prison terms prescribed in 12847
division (A)(1)(a) of that section for a felony of the first 12848
degree. 12849

(MM) "Second degree felony mandatory prison term" means one 12850
of the definite prison terms prescribed in division (A)(2)(b) of 12851
section 2929.14 of the Revised Code for a felony of the second 12852
degree, except that if the violation for which sentence is being 12853
imposed is committed on or after the effective date of this 12854
amendment, it means one of the minimum prison terms prescribed in 12855
division (A)(2)(a) of that section for a felony of the second 12856
degree. 12857

(NN) "Maximum first degree felony mandatory prison term" 12858
means the maximum definite prison term prescribed in division 12859
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 12860
the first degree, except that if the violation for which sentence 12861
is being imposed is committed on or after the effective date of 12862
this amendment, it means the longest minimum prison term 12863
prescribed in division (A)(1)(a) of that section for a felony of 12864
the first degree. 12865

(OO) "Maximum second degree felony mandatory prison term" 12866
means the maximum definite prison term prescribed in division 12867
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 12868
the second degree, except that if the violation for which sentence 12869
is being imposed is committed on or after the effective date of 12870
this amendment, it means the longest minimum prison term 12871
prescribed in division (A)(2)(a) of that section for a felony of 12872
the second degree. 12873

Sec. 2927.02. (A) As used in this section and sections 12874

2927.021 and 2927.022 of the Revised Code: 12875

(1) "Age verification" means a service provided by an 12876
independent third party (other than a manufacturer, producer, 12877
distributor, wholesaler, or retailer of cigarettes, other tobacco 12878
products, alternative nicotine products, or papers used to roll 12879
cigarettes) that compares information available from a 12880
commercially available database, or aggregate of databases, that 12881
regularly are used by government and businesses for the purpose of 12882
age and identity verification to personal information provided 12883
during an internet sale or other remote method of sale to 12884
establish that the purchaser is ~~eighteen~~ twenty-one years of age 12885
or older. 12886

(2)(a) "Alternative nicotine product" means, subject to 12887
division (A)(2)(b) of this section, an electronic ~~cigarette~~ 12888
smoking device, vapor product, or any other product or device that 12889
consists of or contains nicotine that can be ingested into the 12890
body by any means, including, but not limited to, chewing, 12891
smoking, absorbing, dissolving, or inhaling. 12892

(b) "Alternative nicotine product" does not include any of 12893
the following: 12894

(i) Any cigarette or other tobacco product; 12895

(ii) Any product that is a "drug" as that term is defined in 12896
21 U.S.C. 321(g)(1); 12897

(iii) Any product that is a "device" as that term is defined 12898
in 21 U.S.C. 321(h); 12899

(iv) Any product that is a "combination product" as described 12900
in 21 U.S.C. 353(g). 12901

(3) ~~"Child" has the same meaning as in section 2151.011 of~~ 12902
~~the Revised Code.~~ 12903

~~(4)~~ "Cigarette" includes clove cigarettes and hand-rolled 12904

cigarettes. 12905

~~(5)~~(4) "Distribute" means to furnish, give, or provide 12906
cigarettes, other tobacco products, alternative nicotine products, 12907
or papers used to roll cigarettes to the ultimate consumer of the 12908
cigarettes, other tobacco products, alternative nicotine products, 12909
or papers used to roll cigarettes. 12910

~~(6)(a)~~(5) "Electronic cigarette smoking device" means, 12911
~~subject to division (A)(6)(b) of this section, any electronic~~ 12912
~~product or device that produces a vapor that delivers any device~~ 12913
~~that can be used to deliver aerosolized or vaporized~~ nicotine or 12914
any other substance to the person inhaling from the device ~~to~~ 12915
~~simulate smoking and that is likely to be offered to or purchased~~ 12916
~~by consumers as~~ including an electronic cigarette, electronic 12917
cigar, electronic ~~cigarillo~~ hookah, vaping pen, or electronic 12918
pipe. "Electronic smoking device" includes any component, part, or 12919
accessory of such a device, whether or not sold separately, and 12920
includes any substance intended to be aerosolized or vaporized 12921
during the use of the device. "Electronic smoking device" does not 12922
include any product that is a drug, device, or combination 12923
product, as those terms are defined or described in 21 U.S.C. 321 12924
and 353(g). 12925

~~(b) "Electronic cigarette" does not include any item,~~ 12926
~~product, or device described in divisions (A)(2)(b)(i) to (iv) of~~ 12927
~~this section.~~ 12928

~~(7)~~(6) "Proof of age" means a driver's license, a commercial 12929
driver's license, a military identification card, a passport, or 12930
an identification card issued under sections 4507.50 to 4507.52 of 12931
the Revised Code that shows that a person is eighteen years of age 12932
or older. 12933

~~(8)~~(7) "Tobacco product" means any product that is made or 12934
derived from tobacco or that contains any form of nicotine, if it 12935

is intended for human consumption or is likely to be consumed, 12936
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 12937
ingested by any other means, including, but not limited to, a 12938
cigarette, a cigar, pipe tobacco, chewing tobacco, ~~or~~ snuff, or 12939
snus. "Tobacco product" also means any component or accessory used 12940
in the consumption of a tobacco product, such as filters, rolling 12941
papers, pipes, blunt or hemp wraps, and liquids used in electronic 12942
smoking devices, whether or not they contain nicotine. "Tobacco 12943
product" does not include any product that is a drug, device, or 12944
combination product, as those terms are defined or described in 21 12945
U.S.C. 321 and 353(g). 12946

~~(9)~~(8) "Vapor product" means a product, other than a 12947
cigarette or other tobacco product as defined in Chapter 5743. of 12948
the Revised Code, that contains or is made or derived from 12949
nicotine and that is intended and marketed for human consumption, 12950
including by smoking, inhaling, snorting, or sniffing. "Vapor 12951
product" includes any component, part, or additive that is 12952
intended for use in an electronic smoking device, a mechanical 12953
heating element, battery, or electronic circuit and is used to 12954
deliver the product. "Vapor product" does not include any product 12955
that is a drug, device, or combination product, as those terms are 12956
defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 12957
includes any product containing nicotine, regardless of 12958
concentration. 12959

(9) "Vending machine" has the same meaning as "coin machine" 12960
in section 2913.01 of the Revised Code. 12961

(B) No manufacturer, producer, distributor, wholesaler, or 12962
retailer of cigarettes, other tobacco products, alternative 12963
nicotine products, or papers used to roll cigarettes, no agent, 12964
employee, or representative of a manufacturer, producer, 12965
distributor, wholesaler, or retailer of cigarettes, other tobacco 12966
products, alternative nicotine products, or papers used to roll 12967

cigarettes, and no other person shall do any of the following: 12968

(1) Give, sell, or otherwise distribute cigarettes, other 12969
tobacco products, alternative nicotine products, or papers used to 12970
roll cigarettes to any ~~child~~ person under twenty-one years of age; 12971

(2) Give away, sell, or distribute cigarettes, other tobacco 12972
products, alternative nicotine products, or papers used to roll 12973
cigarettes in any place that does not have posted in a conspicuous 12974
place a legibly printed sign in letters at least one-half inch 12975
high stating that giving, selling, or otherwise distributing 12976
cigarettes, other tobacco products, alternative nicotine products, 12977
or papers used to roll cigarettes to a person under ~~eighteen~~ 12978
twenty-one years of age is prohibited by law; 12979

(3) Knowingly furnish any false information regarding the 12980
name, age, or other identification of any ~~child~~ person under 12981
twenty-one years of age with purpose to obtain cigarettes, other 12982
tobacco products, alternative nicotine products, or papers used to 12983
roll cigarettes for that ~~child~~ person; 12984

(4) Manufacture, sell, or distribute in this state any pack 12985
or other container of cigarettes containing fewer than twenty 12986
cigarettes or any package of roll-your-own tobacco containing less 12987
than six-tenths of one ounce of tobacco; 12988

(5) Sell cigarettes or alternative nicotine products in a 12989
smaller quantity than that placed in the pack or other container 12990
by the manufacturer; 12991

(6) Give, sell, or otherwise distribute alternative nicotine 12992
products, papers used to roll cigarettes, or tobacco products 12993
other than cigarettes over the internet or through another remote 12994
method without age verification. 12995

(C) No person shall sell or offer to sell cigarettes, other 12996
tobacco products, or alternative nicotine products by or from a 12997
vending machine, except in the following locations: 12998

(1) An area within a factory, business, office, or other place not open to the general public;	12999 13000
(2) An area to which children <u>persons under twenty-one years of age</u> are not generally permitted access;	13001 13002
(3) Any other place not identified in division (C)(1) or (2) of this section, upon all of the following conditions:	13003 13004
(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.	13005 13006 13007 13008 13009 13010 13011 13012 13013 13014 13015 13016
(b) The vending machine is inaccessible to the public when the place is closed.	13017 13018
(c) <u>A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high:</u>	13019 13020 13021
<u>"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."</u>	13022 13023
(D) The following are affirmative defenses to a charge under division (B)(1) of this section:	13024 13025
(1) The child <u>person under twenty-one years of age</u> was accompanied by a parent, spouse who is eighteen <u>twenty-one</u> years of age or older, or legal guardian of the child <u>person under</u>	13026 13027 13028

twenty-one years of age. 13029

(2) The person who gave, sold, or distributed cigarettes, 13030
other tobacco products, alternative nicotine products, or papers 13031
used to roll cigarettes to a ~~child~~ person under twenty-one years 13032
of age under division (B)(1) of this section is a parent, spouse 13033
who is ~~eighteen~~ twenty-one years of age or older, or legal 13034
guardian of the ~~child~~ person under twenty-one years of age. 13035

(E) It is not a violation of division (B)(1) or (2) of this 13036
section for a person to give or otherwise distribute to a ~~child~~ 13037
person under twenty-one years of age cigarettes, other tobacco 13038
products, alternative nicotine products, or papers used to roll 13039
cigarettes while the ~~child~~ person under twenty-one years of age is 13040
participating in a research protocol if all of the following 13041
apply: 13042

(1) The parent, guardian, or legal custodian of the ~~child~~ 13043
person under twenty-one years of age has consented in writing to 13044
the ~~child~~ person under twenty-one years of age participating in 13045
the research protocol. 13046

(2) An institutional human subjects protection review board, 13047
or an equivalent entity, has approved the research protocol. 13048

(3) The ~~child~~ person under twenty-one years of age is 13049
participating in the research protocol at the facility or location 13050
specified in the research protocol. 13051

(F)(1) Whoever violates division (B)(1), (2), (4), (5), or 13052
(6) or (C) of this section is guilty of illegal distribution of 13053
cigarettes, other tobacco products, or alternative nicotine 13054
products. Except as otherwise provided in this division, illegal 13055
distribution of cigarettes, other tobacco products, or alternative 13056
nicotine products is a misdemeanor of the fourth degree. If the 13057
offender previously has been convicted of a violation of division 13058
(B)(1), (2), (4), (5), or (6) or (C) of this section, illegal 13059

distribution of cigarettes, other tobacco products, or alternative 13060
nicotine products is a misdemeanor of the third degree. 13061

(2) Whoever violates division (B)(3) of this section is 13062
guilty of permitting ~~children~~ a person under twenty-one years of 13063
age to use cigarettes, other tobacco products, or alternative 13064
nicotine products. Except as otherwise provided in this division, 13065
permitting ~~children~~ a person under twenty-one years of age to use 13066
cigarettes, other tobacco products, or alternative nicotine 13067
products is a misdemeanor of the fourth degree. If the offender 13068
previously has been convicted of a violation of division (B)(3) of 13069
this section, permitting ~~children~~ a person under twenty-one years 13070
of age to use cigarettes, other tobacco products, or alternative 13071
nicotine products is a misdemeanor of the third degree. 13072

(G) Any cigarettes, other tobacco products, alternative 13073
nicotine products, or papers used to roll cigarettes that are 13074
given, sold, or otherwise distributed to a ~~child~~ person under 13075
twenty-one years of age in violation of this section and that are 13076
used, possessed, purchased, or received by a ~~child~~ person under 13077
twenty-one years of age in violation of section 2151.87 of the 13078
Revised Code are subject to seizure and forfeiture as contraband 13079
under Chapter 2981. of the Revised Code. 13080

Sec. 2927.022. (A) A seller or an agent or employee of a 13081
seller may not be found guilty of a charge of a violation of 13082
section 2927.02 of the Revised Code in which the age of the 13083
purchaser or other recipient of cigarettes, other tobacco 13084
products, or alternative nicotine products is an element of the 13085
alleged violation, if the seller, agent, or employee raises and 13086
proves as an affirmative defense that all of the following 13087
occurred: 13088

(1) A card holder attempting to purchase or receive 13089
cigarettes, other tobacco products, or alternative nicotine 13090

products presented a driver's or commercial driver's license or an identification card. 13091
13092

(2) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid. 13093
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(3) The cigarettes, other tobacco products, or alternative nicotine products were sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan. 13096
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(B) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (A) of this section, the trier of fact in the action for the alleged violation of section 2927.02 of the Revised Code shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of section 2927.02 of the Revised Code. For purposes of division (A)(3) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following: 13100
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(1) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is ~~eighteen~~ twenty-one years of age or older; 13114
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(2) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder. 13118
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(C) In any criminal action in which the affirmative defense 13121

provided by division (A) of this section is raised, the registrar 13122
of motor vehicles or a deputy registrar who issued an 13123
identification card under sections 4507.50 to 4507.52 of the 13124
Revised Code shall be permitted to submit certified copies of the 13125
records of that issuance in lieu of the testimony of the personnel 13126
of or contractors with the bureau of motor vehicles in the action. 13127

Sec. 2929.13. (A) Except as provided in division (E), (F), or 13128
(G) of this section and unless a specific sanction is required to 13129
be imposed or is precluded from being imposed pursuant to law, a 13130
court that imposes a sentence upon an offender for a felony may 13131
impose any sanction or combination of sanctions on the offender 13132
that are provided in sections 2929.14 to 2929.18 of the Revised 13133
Code. 13134

If the offender is eligible to be sentenced to community 13135
control sanctions, the court shall consider the appropriateness of 13136
imposing a financial sanction pursuant to section 2929.18 of the 13137
Revised Code or a sanction of community service pursuant to 13138
section 2929.17 of the Revised Code as the sole sanction for the 13139
offense. Except as otherwise provided in this division, if the 13140
court is required to impose a mandatory prison term for the 13141
offense for which sentence is being imposed, the court also shall 13142
impose any financial sanction pursuant to section 2929.18 of the 13143
Revised Code that is required for the offense and may impose any 13144
other financial sanction pursuant to that section but may not 13145
impose any additional sanction or combination of sanctions under 13146
section 2929.16 or 2929.17 of the Revised Code. 13147

If the offender is being sentenced for a fourth degree felony 13148
OVI offense or for a third degree felony OVI offense, in addition 13149
to the mandatory term of local incarceration or the mandatory 13150
prison term required for the offense by division (G)(1) or (2) of 13151
this section, the court shall impose upon the offender a mandatory 13152

fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section.

(B)(1)(a) Except as provided in division (B)(1)(b) of this section, if an offender is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense, the court shall sentence the offender to a community control sanction or combination of community control sanctions if all of the following apply:

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.

(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.

(iii) ~~If the court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of~~

~~this section, the department, within the forty five day period 13184
specified in that division, provided the court with the names of, 13185
contact information for, and program details of one or more 13186
community control sanctions that are available for persons 13187
sentenced by the court. 13188~~

(iv) The offender previously has not been convicted of or 13189
pleaded guilty to a misdemeanor offense of violence that the 13190
offender committed within two years prior to the offense for which 13191
sentence is being imposed. 13192

(b) The court has discretion to impose a prison term upon an 13193
offender who is convicted of or pleads guilty to a felony of the 13194
fourth or fifth degree that is not an offense of violence or that 13195
is a qualifying assault offense if any of the following apply: 13196

(i) The offender committed the offense while having a firearm 13197
on or about the offender's person or under the offender's control. 13198

(ii) If the offense is a qualifying assault offense, the 13199
offender caused serious physical harm to another person while 13200
committing the offense, and, if the offense is not a qualifying 13201
assault offense, the offender caused physical harm to another 13202
person while committing the offense. 13203

(iii) The offender violated a term of the conditions of bond 13204
as set by the court. 13205

~~(iv) The court made a request of the department of 13206
rehabilitation and correction pursuant to division (B)(1)(c) of 13207
this section, and the department, within the forty five day period 13208
specified in that division, did not provide the court with the 13209
name of, contact information for, and program details of any 13210
community control sanction that is available for persons sentenced 13211
by the court. 13212~~

(v) The offense is a sex offense that is a fourth or fifth 13213
degree felony violation of any provision of Chapter 2907. of the 13214

Revised Code. 13215

~~(vi)~~(v) In committing the offense, the offender attempted to 13216
cause or made an actual threat of physical harm to a person with a 13217
deadly weapon. 13218

~~(vii)~~(vi) In committing the offense, the offender attempted 13219
to cause or made an actual threat of physical harm to a person, 13220
and the offender previously was convicted of an offense that 13221
caused physical harm to a person. 13222

~~(viii)~~(vii) The offender held a public office or position of 13223
trust, and the offense related to that office or position; the 13224
offender's position obliged the offender to prevent the offense or 13225
to bring those committing it to justice; or the offender's 13226
professional reputation or position facilitated the offense or was 13227
likely to influence the future conduct of others. 13228

~~(ix)~~(viii) The offender committed the offense for hire or as 13229
part of an organized criminal activity. 13230

~~(x)~~(ix) The offender at the time of the offense was serving, 13231
or the offender previously had served, a prison term. 13232

~~(xi)~~(x) The offender committed the offense while under a 13233
community control sanction, while on probation, or while released 13234
from custody on a bond or personal recognizance. 13235

~~(c) If a court that is sentencing an offender who is~~ 13236
~~convicted of or pleads guilty to a felony of the fourth or fifth~~ 13237
~~degree that is not an offense of violence or that is a qualifying~~ 13238
~~assault offense believes that no community control sanctions are~~ 13239
~~available for its use that, if imposed on the offender, will~~ 13240
~~adequately fulfill the overriding principles and purposes of~~ 13241
~~sentencing, the court shall contact the department of~~ 13242
~~rehabilitation and correction and ask the department to provide~~ 13243
~~the court with the names of, contact information for, and program~~ 13244
~~details of one or more community control sanctions that are~~ 13245

~~available for persons sentenced by the court. Not later than 13246
forty five days after receipt of a request from a court under this 13247
division, the department shall provide the court with the names 13248
of, contact information for, and program details of one or more 13249
community control sanctions that are available for persons 13250
sentenced by the court, if any. Upon making a request under this 13251
division that relates to a particular offender, a court shall 13252
defer sentencing of that offender until it receives from the 13253
department the names of, contact information for, and program 13254
details of one or more community control sanctions that are 13255
available for persons sentenced by the court or for forty five 13256
days, whichever is the earlier. 13257~~

~~If the department provides the court with the names of, 13258
contact information for, and program details of one or more 13259
community control sanctions that are available for persons 13260
sentenced by the court within the forty five day period specified 13261
in this division, the court shall impose upon the offender a 13262
community control sanction under division (B)(1)(a) of this 13263
section, except that the court may impose a prison term under 13264
division (B)(1)(b) of this section if a factor described in 13265
division (B)(1)(b)(i) or (ii) of this section applies. If the 13266
department does not provide the court with the names of, contact 13267
information for, and program details of one or more community 13268
control sanctions that are available for persons sentenced by the 13269
court within the forty five day period specified in this division, 13270
the court may impose upon the offender a prison term under 13271
division (B)(1)(b)(iv) of this section. 13272~~

~~(d) A sentencing court may impose an additional penalty under 13273
division (B) of section 2929.15 of the Revised Code upon an 13274
offender sentenced to a community control sanction under division 13275
(B)(1)(a) of this section if the offender violates the conditions 13276
of the community control sanction, violates a law, or leaves the 13277~~

state without the permission of the court or the offender's 13278
probation officer. 13279

(2) If division (B)(1) of this section does not apply, except 13280
as provided in division (E), (F), or (G) of this section, in 13281
determining whether to impose a prison term as a sanction for a 13282
felony of the fourth or fifth degree, the sentencing court shall 13283
comply with the purposes and principles of sentencing under 13284
section 2929.11 of the Revised Code and with section 2929.12 of 13285
the Revised Code. 13286

(C) Except as provided in division (D), (E), (F), or (G) of 13287
this section, in determining whether to impose a prison term as a 13288
sanction for a felony of the third degree or a felony drug offense 13289
that is a violation of a provision of Chapter 2925. of the Revised 13290
Code and that is specified as being subject to this division for 13291
purposes of sentencing, the sentencing court shall comply with the 13292
purposes and principles of sentencing under section 2929.11 of the 13293
Revised Code and with section 2929.12 of the Revised Code. 13294

(D)(1) Except as provided in division (E) or (F) of this 13295
section, for a felony of the first or second degree, for a felony 13296
drug offense that is a violation of any provision of Chapter 13297
2925., 3719., or 4729. of the Revised Code for which a presumption 13298
in favor of a prison term is specified as being applicable, and 13299
for a violation of division (A)(4) or (B) of section 2907.05 of 13300
the Revised Code for which a presumption in favor of a prison term 13301
is specified as being applicable, it is presumed that a prison 13302
term is necessary in order to comply with the purposes and 13303
principles of sentencing under section 2929.11 of the Revised 13304
Code. Division (D)(2) of this section does not apply to a 13305
presumption established under this division for a violation of 13306
division (A)(4) of section 2907.05 of the Revised Code. 13307

(2) Notwithstanding the presumption established under 13308
division (D)(1) of this section for the offenses listed in that 13309

division other than a violation of division (A)(4) or (B) of 13310
section 2907.05 of the Revised Code, the sentencing court may 13311
impose a community control sanction or a combination of community 13312
control sanctions instead of a prison term on an offender for a 13313
felony of the first or second degree or for a felony drug offense 13314
that is a violation of any provision of Chapter 2925., 3719., or 13315
4729. of the Revised Code for which a presumption in favor of a 13316
prison term is specified as being applicable if it makes both of 13317
the following findings: 13318

(a) A community control sanction or a combination of 13319
community control sanctions would adequately punish the offender 13320
and protect the public from future crime, because the applicable 13321
factors under section 2929.12 of the Revised Code indicating a 13322
lesser likelihood of recidivism outweigh the applicable factors 13323
under that section indicating a greater likelihood of recidivism. 13324

(b) A community control sanction or a combination of 13325
community control sanctions would not demean the seriousness of 13326
the offense, because one or more factors under section 2929.12 of 13327
the Revised Code that indicate that the offender's conduct was 13328
less serious than conduct normally constituting the offense are 13329
applicable, and they outweigh the applicable factors under that 13330
section that indicate that the offender's conduct was more serious 13331
than conduct normally constituting the offense. 13332

(E)(1) Except as provided in division (F) of this section, 13333
for any drug offense that is a violation of any provision of 13334
Chapter 2925. of the Revised Code and that is a felony of the 13335
third, fourth, or fifth degree, the applicability of a presumption 13336
under division (D) of this section in favor of a prison term or of 13337
division (B) or (C) of this section in determining whether to 13338
impose a prison term for the offense shall be determined as 13339
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 13340
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 13341

Revised Code, whichever is applicable regarding the violation. 13342

(2) If an offender who was convicted of or pleaded guilty to 13343
a felony violates the conditions of a community control sanction 13344
imposed for the offense solely by reason of producing positive 13345
results on a drug test or by acting pursuant to division (B)(2)(b) 13346
of section 2925.11 of the Revised Code with respect to a minor 13347
drug possession offense, the court, as punishment for the 13348
violation of the sanction, shall not order that the offender be 13349
imprisoned unless the court determines on the record either of the 13350
following: 13351

(a) The offender had been ordered as a sanction for the 13352
felony to participate in a drug treatment program, in a drug 13353
education program, or in narcotics anonymous or a similar program, 13354
and the offender continued to use illegal drugs after a reasonable 13355
period of participation in the program. 13356

(b) The imprisonment of the offender for the violation is 13357
consistent with the purposes and principles of sentencing set 13358
forth in section 2929.11 of the Revised Code. 13359

(3) A court that sentences an offender for a drug abuse 13360
offense that is a felony of the third, fourth, or fifth degree may 13361
require that the offender be assessed by a properly credentialed 13362
professional within a specified period of time. The court shall 13363
require the professional to file a written assessment of the 13364
offender with the court. If the offender is eligible for a 13365
community control sanction and after considering the written 13366
assessment, the court may impose a community control sanction that 13367
includes addiction services and recovery supports included in a 13368
community-based continuum of care established under section 13369
340.032 of the Revised Code. If the court imposes addiction 13370
services and recovery supports as a community control sanction, 13371
the court shall direct the level and type of addiction services 13372
and recovery supports after considering the assessment and 13373

recommendation of community addiction services providers. 13374

(F) Notwithstanding divisions (A) to (E) of this section, the 13375
court shall impose a prison term or terms under sections 2929.02 13376
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 13377
of the Revised Code and except as specifically provided in section 13378
2929.20, divisions (C) to (I) of section 2967.19, or section 13379
2967.191 of the Revised Code or when parole is authorized for the 13380
offense under section 2967.13 of the Revised Code shall not reduce 13381
the term or terms pursuant to section 2929.20, section 2967.19, 13382
section 2967.193, or any other provision of Chapter 2967. or 13383
Chapter 5120. of the Revised Code for any of the following 13384
offenses: 13385

(1) Aggravated murder when death is not imposed or murder; 13386

(2) Any rape, regardless of whether force was involved and 13387
regardless of the age of the victim, or an attempt to commit rape 13388
if, had the offender completed the rape that was attempted, the 13389
offender would have been guilty of a violation of division 13390
(A)(1)(b) of section 2907.02 of the Revised Code and would be 13391
sentenced under section 2971.03 of the Revised Code; 13392

(3) Gross sexual imposition or sexual battery, if the victim 13393
is less than thirteen years of age and if any of the following 13394
applies: 13395

(a) Regarding gross sexual imposition, the offender 13396
previously was convicted of or pleaded guilty to rape, the former 13397
offense of felonious sexual penetration, gross sexual imposition, 13398
or sexual battery, and the victim of the previous offense was less 13399
than thirteen years of age; 13400

(b) Regarding gross sexual imposition, the offense was 13401
committed on or after August 3, 2006, and evidence other than the 13402
testimony of the victim was admitted in the case corroborating the 13403
violation. 13404

(c) Regarding sexual battery, either of the following 13405
applies: 13406

(i) The offense was committed prior to August 3, 2006, the 13407
offender previously was convicted of or pleaded guilty to rape, 13408
the former offense of felonious sexual penetration, or sexual 13409
battery, and the victim of the previous offense was less than 13410
thirteen years of age. 13411

(ii) The offense was committed on or after August 3, 2006. 13412

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 13413
2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 13414
of the Revised Code if the section requires the imposition of a 13415
prison term; 13416

(5) A first, second, or third degree felony drug offense for 13417
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 13418
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 13419
4729.99 of the Revised Code, whichever is applicable regarding the 13420
violation, requires the imposition of a mandatory prison term; 13421

(6) Any offense that is a first or second degree felony and 13422
that is not set forth in division (F)(1), (2), (3), or (4) of this 13423
section, if the offender previously was convicted of or pleaded 13424
guilty to aggravated murder, murder, any first or second degree 13425
felony, or an offense under an existing or former law of this 13426
state, another state, or the United States that is or was 13427
substantially equivalent to one of those offenses; 13428

(7) Any offense that is a third degree felony and either is a 13429
violation of section 2903.04 of the Revised Code or an attempt to 13430
commit a felony of the second degree that is an offense of 13431
violence and involved an attempt to cause serious physical harm to 13432
a person or that resulted in serious physical harm to a person if 13433
the offender previously was convicted of or pleaded guilty to any 13434
of the following offenses: 13435

(a) Aggravated murder, murder, involuntary manslaughter, 13436
rape, felonious sexual penetration as it existed under section 13437
2907.12 of the Revised Code prior to September 3, 1996, a felony 13438
of the first or second degree that resulted in the death of a 13439
person or in physical harm to a person, or complicity in or an 13440
attempt to commit any of those offenses; 13441

(b) An offense under an existing or former law of this state, 13442
another state, or the United States that is or was substantially 13443
equivalent to an offense listed in division (F)(7)(a) of this 13444
section that resulted in the death of a person or in physical harm 13445
to a person. 13446

(8) Any offense, other than a violation of section 2923.12 of 13447
the Revised Code, that is a felony, if the offender had a firearm 13448
on or about the offender's person or under the offender's control 13449
while committing the felony, with respect to a portion of the 13450
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 13451
of the Revised Code for having the firearm; 13452

(9) Any offense of violence that is a felony, if the offender 13453
wore or carried body armor while committing the felony offense of 13454
violence, with respect to the portion of the sentence imposed 13455
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 13456
Code for wearing or carrying the body armor; 13457

(10) Corrupt activity in violation of section 2923.32 of the 13458
Revised Code when the most serious offense in the pattern of 13459
corrupt activity that is the basis of the offense is a felony of 13460
the first degree; 13461

(11) Any violent sex offense or designated homicide, assault, 13462
or kidnapping offense if, in relation to that offense, the 13463
offender is adjudicated a sexually violent predator; 13464

(12) A violation of division (A)(1) or (2) of section 2921.36 13465
of the Revised Code, or a violation of division (C) of that 13466

section involving an item listed in division (A)(1) or (2) of that 13467
section, if the offender is an officer or employee of the 13468
department of rehabilitation and correction; 13469

(13) A violation of division (A)(1) or (2) of section 2903.06 13470
of the Revised Code if the victim of the offense is a peace 13471
officer, as defined in section 2935.01 of the Revised Code, or an 13472
investigator of the bureau of criminal identification and 13473
investigation, as defined in section 2903.11 of the Revised Code, 13474
with respect to the portion of the sentence imposed pursuant to 13475
division (B)(5) of section 2929.14 of the Revised Code; 13476

(14) A violation of division (A)(1) or (2) of section 2903.06 13477
of the Revised Code if the offender has been convicted of or 13478
pleaded guilty to three or more violations of division (A) or (B) 13479
of section 4511.19 of the Revised Code or an equivalent offense, 13480
as defined in section 2941.1415 of the Revised Code, or three or 13481
more violations of any combination of those divisions and 13482
offenses, with respect to the portion of the sentence imposed 13483
pursuant to division (B)(6) of section 2929.14 of the Revised 13484
Code; 13485

(15) Kidnapping, in the circumstances specified in section 13486
2971.03 of the Revised Code and when no other provision of 13487
division (F) of this section applies; 13488

(16) Kidnapping, abduction, compelling prostitution, 13489
promoting prostitution, engaging in a pattern of corrupt activity, 13490
a violation of division (A)(1) or (2) of section 2907.323 of the 13491
Revised Code that involves a minor, or endangering children in 13492
violation of division (B)(1), (2), (3), (4), or (5) of section 13493
2919.22 of the Revised Code, if the offender is convicted of or 13494
pleads guilty to a specification as described in section 2941.1422 13495
of the Revised Code that was included in the indictment, count in 13496
the indictment, or information charging the offense; 13497

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D)(3), (4), or (5) of that section, and division (D)(6) of that section, require the imposition of a prison term; 13498
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(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B)(8) of section 2929.14 of the Revised Code; 13502
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(19)(a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code. 13508
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(b) As used in division (F)(19)(a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code; 13516
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(20) Any violation of division (A)(1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A)(2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B)(9) of section 2929.14 of the 13519
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Revised Code. The provisions of this division and of division 13530
(D)(2) of section 2903.11, divisions (B)(9) and (C)(6) of section 13531
2929.14, and section 2941.1425 of the Revised Code shall be known 13532
as "Judy's Law." 13533

(21) Any violation of division (A) of section 2903.11 of the 13534
Revised Code if the victim of the offense suffered permanent 13535
disabling harm as a result of the offense and the victim was under 13536
ten years of age at the time of the offense, with respect to a 13537
portion of the sentence imposed pursuant to division (B)(10) of 13538
section 2929.14 of the Revised Code. 13539

(22) A felony violation of section 2925.03, 2925.05, or 13540
2925.11 of the Revised Code, if the drug involved in the violation 13541
is a fentanyl-related compound or a compound, mixture, 13542
preparation, or substance containing a fentanyl-related compound 13543
and the offender is convicted of or pleads guilty to a 13544
specification of the type described in division (B) of section 13545
2941.1410 of the Revised Code that was included in the indictment, 13546
count in the indictment, or information charging the offense, with 13547
respect to the portion of the sentence imposed under division 13548
(B)(11) of section 2929.14 of the Revised Code. 13549

(G) Notwithstanding divisions (A) to (E) of this section, if 13550
an offender is being sentenced for a fourth degree felony OVI 13551
offense or for a third degree felony OVI offense, the court shall 13552
impose upon the offender a mandatory term of local incarceration 13553
or a mandatory prison term in accordance with the following: 13554

(1) If the offender is being sentenced for a fourth degree 13555
felony OVI offense and if the offender has not been convicted of 13556
and has not pleaded guilty to a specification of the type 13557
described in section 2941.1413 of the Revised Code, the court may 13558
impose upon the offender a mandatory term of local incarceration 13559
of sixty days or one hundred twenty days as specified in division 13560
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 13561

not reduce the term pursuant to section 2929.20, 2967.193, or any 13562
other provision of the Revised Code. The court that imposes a 13563
mandatory term of local incarceration under this division shall 13564
specify whether the term is to be served in a jail, a 13565
community-based correctional facility, a halfway house, or an 13566
alternative residential facility, and the offender shall serve the 13567
term in the type of facility specified by the court. A mandatory 13568
term of local incarceration imposed under division (G)(1) of this 13569
section is not subject to any other Revised Code provision that 13570
pertains to a prison term except as provided in division (A)(1) of 13571
this section. 13572

(2) If the offender is being sentenced for a third degree 13573
felony OVI offense, or if the offender is being sentenced for a 13574
fourth degree felony OVI offense and the court does not impose a 13575
mandatory term of local incarceration under division (G)(1) of 13576
this section, the court shall impose upon the offender a mandatory 13577
prison term of one, two, three, four, or five years if the 13578
offender also is convicted of or also pleads guilty to a 13579
specification of the type described in section 2941.1413 of the 13580
Revised Code or shall impose upon the offender a mandatory prison 13581
term of sixty days or one hundred twenty days as specified in 13582
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 13583
if the offender has not been convicted of and has not pleaded 13584
guilty to a specification of that type. Subject to divisions (C) 13585
to (I) of section 2967.19 of the Revised Code, the court shall not 13586
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 13587
any other provision of the Revised Code. The offender shall serve 13588
the one-, two-, three-, four-, or five-year mandatory prison term 13589
consecutively to and prior to the prison term imposed for the 13590
underlying offense and consecutively to any other mandatory prison 13591
term imposed in relation to the offense. In no case shall an 13592
offender who once has been sentenced to a mandatory term of local 13593
incarceration pursuant to division (G)(1) of this section for a 13594

fourth degree felony OVI offense be sentenced to another mandatory 13595
term of local incarceration under that division for any violation 13596
of division (A) of section 4511.19 of the Revised Code. In 13597
addition to the mandatory prison term described in division (G)(2) 13598
of this section, the court may sentence the offender to a 13599
community control sanction under section 2929.16 or 2929.17 of the 13600
Revised Code, but the offender shall serve the prison term prior 13601
to serving the community control sanction. The department of 13602
rehabilitation and correction may place an offender sentenced to a 13603
mandatory prison term under this division in an intensive program 13604
prison established pursuant to section 5120.033 of the Revised 13605
Code if the department gave the sentencing judge prior notice of 13606
its intent to place the offender in an intensive program prison 13607
established under that section and if the judge did not notify the 13608
department that the judge disapproved the placement. Upon the 13609
establishment of the initial intensive program prison pursuant to 13610
section 5120.033 of the Revised Code that is privately operated 13611
and managed by a contractor pursuant to a contract entered into 13612
under section 9.06 of the Revised Code, both of the following 13613
apply: 13614

(a) The department of rehabilitation and correction shall 13615
make a reasonable effort to ensure that a sufficient number of 13616
offenders sentenced to a mandatory prison term under this division 13617
are placed in the privately operated and managed prison so that 13618
the privately operated and managed prison has full occupancy. 13619

(b) Unless the privately operated and managed prison has full 13620
occupancy, the department of rehabilitation and correction shall 13621
not place any offender sentenced to a mandatory prison term under 13622
this division in any intensive program prison established pursuant 13623
to section 5120.033 of the Revised Code other than the privately 13624
operated and managed prison. 13625

(H) If an offender is being sentenced for a sexually oriented 13626

offense or child-victim oriented offense that is a felony 13627
committed on or after January 1, 1997, the judge shall require the 13628
offender to submit to a DNA specimen collection procedure pursuant 13629
to section 2901.07 of the Revised Code. 13630

(I) If an offender is being sentenced for a sexually oriented 13631
offense or a child-victim oriented offense committed on or after 13632
January 1, 1997, the judge shall include in the sentence a summary 13633
of the offender's duties imposed under sections 2950.04, 2950.041, 13634
2950.05, and 2950.06 of the Revised Code and the duration of the 13635
duties. The judge shall inform the offender, at the time of 13636
sentencing, of those duties and of their duration. If required 13637
under division (A)(2) of section 2950.03 of the Revised Code, the 13638
judge shall perform the duties specified in that section, or, if 13639
required under division (A)(6) of section 2950.03 of the Revised 13640
Code, the judge shall perform the duties specified in that 13641
division. 13642

(J)(1) Except as provided in division (J)(2) of this section, 13643
when considering sentencing factors under this section in relation 13644
to an offender who is convicted of or pleads guilty to an attempt 13645
to commit an offense in violation of section 2923.02 of the 13646
Revised Code, the sentencing court shall consider the factors 13647
applicable to the felony category of the violation of section 13648
2923.02 of the Revised Code instead of the factors applicable to 13649
the felony category of the offense attempted. 13650

(2) When considering sentencing factors under this section in 13651
relation to an offender who is convicted of or pleads guilty to an 13652
attempt to commit a drug abuse offense for which the penalty is 13653
determined by the amount or number of unit doses of the controlled 13654
substance involved in the drug abuse offense, the sentencing court 13655
shall consider the factors applicable to the felony category that 13656
the drug abuse offense attempted would be if that drug abuse 13657
offense had been committed and had involved an amount or number of 13658

unit doses of the controlled substance that is within the next 13659
lower range of controlled substance amounts than was involved in 13660
the attempt. 13661

(K) As used in this section: 13662

(1) "Community addiction services provider" has the same 13663
meaning as in section 5119.01 of the Revised Code. 13664

(2) "Drug abuse offense" has the same meaning as in section 13665
2925.01 of the Revised Code. 13666

(3) "Minor drug possession offense" has the same meaning as 13667
in section 2925.11 of the Revised Code. 13668

(4) "Qualifying assault offense" means a violation of section 13669
2903.13 of the Revised Code for which the penalty provision in 13670
division (C)(8)(b) or (C)(9)(b) of that section applies. 13671

(L) At the time of sentencing an offender for any sexually 13672
oriented offense, if the offender is a tier III sex 13673
offender/child-victim offender relative to that offense and the 13674
offender does not serve a prison term or jail term, the court may 13675
require that the offender be monitored by means of a global 13676
positioning device. If the court requires such monitoring, the 13677
cost of monitoring shall be borne by the offender. If the offender 13678
is indigent, the cost of compliance shall be paid by the crime 13679
victims reparations fund. 13680

Sec. 2929.15. (A)(1) If in sentencing an offender for a 13681
felony the court is not required to impose a prison term, a 13682
mandatory prison term, or a term of life imprisonment upon the 13683
offender, the court may directly impose a sentence that consists 13684
of one or more community control sanctions authorized pursuant to 13685
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 13686
court is sentencing an offender for a fourth degree felony OVI 13687
offense under division (G)(1) of section 2929.13 of the Revised 13688

Code, in addition to the mandatory term of local incarceration 13689
imposed under that division and the mandatory fine required by 13690
division (B)(3) of section 2929.18 of the Revised Code, the court 13691
may impose upon the offender a community control sanction or 13692
combination of community control sanctions in accordance with 13693
sections 2929.16 and 2929.17 of the Revised Code. If the court is 13694
sentencing an offender for a third or fourth degree felony OVI 13695
offense under division (G)(2) of section 2929.13 of the Revised 13696
Code, in addition to the mandatory prison term or mandatory prison 13697
term and additional prison term imposed under that division, the 13698
court also may impose upon the offender a community control 13699
sanction or combination of community control sanctions under 13700
section 2929.16 or 2929.17 of the Revised Code, but the offender 13701
shall serve all of the prison terms so imposed prior to serving 13702
the community control sanction. 13703

The duration of all community control sanctions imposed upon 13704
an offender under this division shall not exceed five years. If 13705
the offender absconds or otherwise leaves the jurisdiction of the 13706
court in which the offender resides without obtaining permission 13707
from the court or the offender's probation officer to leave the 13708
jurisdiction of the court, or if the offender is confined in any 13709
institution for the commission of any offense while under a 13710
community control sanction, the period of the community control 13711
sanction ceases to run until the offender is brought before the 13712
court for its further action. If the court sentences the offender 13713
to one or more nonresidential sanctions under section 2929.17 of 13714
the Revised Code, the court shall impose as a condition of the 13715
nonresidential sanctions that, during the period of the sanctions, 13716
the offender must abide by the law and must not leave the state 13717
without the permission of the court or the offender's probation 13718
officer. The court may impose any other conditions of release 13719
under a community control sanction that the court considers 13720

appropriate, including, but not limited to, requiring that the 13721
offender not ingest or be injected with a drug of abuse and submit 13722
to random drug testing as provided in division (D) of this section 13723
to determine whether the offender ingested or was injected with a 13724
drug of abuse and requiring that the results of the drug test 13725
indicate that the offender did not ingest or was not injected with 13726
a drug of abuse. 13727

(2)(a) If a court sentences an offender to any community 13728
control sanction or combination of community control sanctions 13729
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 13730
Revised Code, the court shall place the offender under the general 13731
control and supervision of a department of probation in the county 13732
that serves the court for purposes of reporting to the court a 13733
violation of any condition of the sanctions, any condition of 13734
release under a community control sanction imposed by the court, a 13735
violation of law, or the departure of the offender from this state 13736
without the permission of the court or the offender's probation 13737
officer. Alternatively, if the offender resides in another county 13738
and a county department of probation has been established in that 13739
county or that county is served by a multicounty probation 13740
department established under section 2301.27 of the Revised Code, 13741
the court may request the court of common pleas of that county to 13742
receive the offender into the general control and supervision of 13743
that county or multicounty department of probation for purposes of 13744
reporting to the court a violation of any condition of the 13745
sanctions, any condition of release under a community control 13746
sanction imposed by the court, a violation of law, or the 13747
departure of the offender from this state without the permission 13748
of the court or the offender's probation officer, subject to the 13749
jurisdiction of the trial judge over and with respect to the 13750
person of the offender, and to the rules governing that department 13751
of probation. 13752

If there is no department of probation in the county that 13753
serves the court, the court shall place the offender, regardless 13754
of the offender's county of residence, under the general control 13755
and supervision of the adult parole authority if the court has 13756
entered into an agreement with the authority as described in 13757
division (B) of section 2301.32 of the Revised Code or under an 13758
entity authorized under division (B) of section 2301.27 of the 13759
Revised Code to provide probation and supervisory services to 13760
counties for purposes of reporting to the court a violation of any 13761
of the sanctions, any condition of release under a community 13762
control sanction imposed by the court, a violation of law, or the 13763
departure of the offender from this state without the permission 13764
of the court or the offender's probation officer. 13765

(b) If the court imposing sentence upon an offender sentences 13766
the offender to any community control sanction or combination of 13767
community control sanctions authorized pursuant to section 13768
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 13769
offender violates any condition of the sanctions, any condition of 13770
release under a community control sanction imposed by the court, 13771
violates any law, or departs the state without the permission of 13772
the court or the offender's probation officer, the public or 13773
private person or entity that operates or administers the sanction 13774
or the program or activity that comprises the sanction shall 13775
report the violation or departure directly to the sentencing 13776
court, or shall report the violation or departure to the county or 13777
multicounty department of probation with general control and 13778
supervision over the offender under division (A)(2)(a) of this 13779
section or the officer of that department who supervises the 13780
offender, or, if there is no such department with general control 13781
and supervision over the offender under that division, to the 13782
adult parole authority if the court has entered into an agreement 13783
with the authority as described in division (B) of section 2301.32 13784
of the Revised Code, or an entity authorized under division (B) of 13785

section 2301.27 of the Revised Code to provide probation and 13786
supervisory services to the county. If the public or private 13787
person or entity that operates or administers the sanction or the 13788
program or activity that comprises the sanction reports the 13789
violation or departure to the county or multicounty department of 13790
probation, the adult parole authority, or any other entity 13791
providing probation and supervisory services to the county, the 13792
department's, authority's, or other entity's officers may treat 13793
the offender as if the offender were on probation and in violation 13794
of the probation, and shall report the violation of the condition 13795
of the sanction, any condition of release under a community 13796
control sanction imposed by the court, the violation of law, or 13797
the departure from the state without the required permission to 13798
the sentencing court. 13799

(3) If an offender who is eligible for community control 13800
sanctions under this section admits to being drug addicted or the 13801
court has reason to believe that the offender is drug addicted, 13802
and if the offense for which the offender is being sentenced was 13803
related to the addiction, the court may require that the offender 13804
be assessed by a properly credentialed professional within a 13805
specified period of time and shall require the professional to 13806
file a written assessment of the offender with the court. If a 13807
court imposes treatment and recovery support services as a 13808
community control sanction, the court shall direct the level and 13809
type of treatment and recovery support services after 13810
consideration of the written assessment, if available at the time 13811
of sentencing, and recommendations of the professional and other 13812
treatment and recovery support services providers. 13813

(4) If an assessment completed pursuant to division (A)(3) of 13814
this section indicates that the offender is addicted to drugs or 13815
alcohol, the court may include in any community control sanction 13816
imposed for a violation of section 2925.02, 2925.03, 2925.04, 13817

2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 13818
2925.37 of the Revised Code a requirement that the offender 13819
participate in alcohol and drug addiction services and recovery 13820
supports certified under section 5119.36 of the Revised Code or 13821
offered by a properly credentialed community addiction services 13822
provider. 13823

(B)(1) If the conditions of a community control sanction are 13824
violated or if the offender violates a law or leaves the state 13825
without the permission of the court or the offender's probation 13826
officer, the sentencing court may impose upon the violator one or 13827
more of the following penalties: 13828

(a) A longer time under the same sanction if the total time 13829
under the sanctions does not exceed the five-year limit specified 13830
in division (A) of this section; 13831

(b) A more restrictive sanction under section 2929.16, 13832
2929.17, or 2929.18 of the Revised Code, including but not limited 13833
to, a new term in a community-based correctional facility, halfway 13834
house, or jail pursuant to division (A)(6) of section 2929.16 of 13835
the Revised Code; 13836

(c) A prison term on the offender pursuant to section 2929.14 13837
of the Revised Code and division (B)(3) of this section, provided 13838
that a prison term imposed under this division is subject to the 13839
following limitations, as applicable: 13840

(i) If the prison term is imposed for any technical violation 13841
of the conditions of a community control sanction imposed for a 13842
felony of the fifth degree or for any violation of law committed 13843
while under a community control sanction imposed for such a felony 13844
that consists of a new criminal offense and that is not a felony, 13845
the prison term shall not exceed ninety days. 13846

(ii) If the prison term is imposed for any technical 13847
violation of the conditions of a community control sanction 13848

imposed for a felony of the fourth degree that is not an offense 13849
of violence and is not a sexually oriented offense or for any 13850
violation of law committed while under a community control 13851
sanction imposed for such a felony that consists of a new criminal 13852
offense and that is not a felony, the prison term shall not exceed 13853
one hundred eighty days. 13854

(2) If an offender was acting pursuant to division (B)(2)(b) 13855
of section 2925.11 of the Revised Code and in so doing violated 13856
the conditions of a community control sanction based on a minor 13857
drug possession offense, as defined in section 2925.11 of the 13858
Revised Code, the sentencing court may consider the offender's 13859
conduct in seeking or obtaining medical assistance for another in 13860
good faith or for self or may consider the offender being the 13861
subject of another person seeking or obtaining medical assistance 13862
in accordance with that division as a mitigating factor before 13863
imposing any of the penalties described in division (B)(1) of this 13864
section. 13865

(3) The prison term, if any, imposed upon a violator pursuant 13866
to this division and division (B)(1) of this section shall be 13867
within the range of prison terms described in this division and 13868
shall not exceed the prison term specified in the notice provided 13869
to the offender at the sentencing hearing pursuant to division 13870
(B)(2) of section 2929.19 of the Revised Code. The court may 13871
reduce the longer period of time that the offender is required to 13872
spend under the longer sanction, the more restrictive sanction, or 13873
a prison term imposed pursuant to division (B)(1) of this section 13874
by the time the offender successfully spent under the sanction 13875
that was initially imposed. Except as otherwise specified in this 13876
division, the prison term imposed under this division and division 13877
(B)(1) of this section shall be within the range of prison terms 13878
available as a definite term for the offense for which the 13879
sanction that was violated was imposed. If the offense for which 13880

the sanction that was violated was imposed is a felony of the 13881
first or second degree committed on or after ~~the effective date of~~ 13882
~~this amendment~~ March 22, 2019, the prison term so imposed under 13883
this division shall be within the range of prison terms available 13884
as a minimum term for the offense under division (A)(1)(a) or 13885
(2)(a) of section 2929.14 of the Revised Code. 13886

(C) If an offender, for a significant period of time, 13887
fulfills the conditions of a sanction imposed pursuant to section 13888
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 13889
manner, the court may reduce the period of time under the sanction 13890
or impose a less restrictive sanction, but the court shall not 13891
permit the offender to violate any law or permit the offender to 13892
leave the state without the permission of the court or the 13893
offender's probation officer. 13894

(D)(1) If a court under division (A)(1) of this section 13895
imposes a condition of release under a community control sanction 13896
that requires the offender to submit to random drug testing, the 13897
department of probation, the adult parole authority, or any other 13898
entity that has general control and supervision of the offender 13899
under division (A)(2)(a) of this section may cause the offender to 13900
submit to random drug testing performed by a laboratory or entity 13901
that has entered into a contract with any of the governmental 13902
entities or officers authorized to enter into a contract with that 13903
laboratory or entity under section 341.26, 753.33, or 5120.63 of 13904
the Revised Code. 13905

(2) If no laboratory or entity described in division (D)(1) 13906
of this section has entered into a contract as specified in that 13907
division, the department of probation, the adult parole authority, 13908
or any other entity that has general control and supervision of 13909
the offender under division (A)(2)(a) of this section shall cause 13910
the offender to submit to random drug testing performed by a 13911
reputable public laboratory to determine whether the individual 13912

who is the subject of the drug test ingested or was injected with 13913
a drug of abuse. 13914

(3) A laboratory or entity that has entered into a contract 13915
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 13916
shall perform the random drug tests under division (D)(1) of this 13917
section in accordance with the applicable standards that are 13918
included in the terms of that contract. A public laboratory shall 13919
perform the random drug tests under division (D)(2) of this 13920
section in accordance with the standards set forth in the policies 13921
and procedures established by the department of rehabilitation and 13922
correction pursuant to section 5120.63 of the Revised Code. An 13923
offender who is required under division (A)(1) of this section to 13924
submit to random drug testing as a condition of release under a 13925
community control sanction and whose test results indicate that 13926
the offender ingested or was injected with a drug of abuse shall 13927
pay the fee for the drug test if the department of probation, the 13928
adult parole authority, or any other entity that has general 13929
control and supervision of the offender requires payment of a fee. 13930
A laboratory or entity that performs the random drug testing on an 13931
offender under division (D)(1) or (2) of this section shall 13932
transmit the results of the drug test to the appropriate 13933
department of probation, the adult parole authority, or any other 13934
entity that has general control and supervision of the offender 13935
under division (A)(2)(a) of this section. 13936

Sec. 2929.34. (A) A person who is convicted of or pleads 13937
guilty to aggravated murder, murder, or an offense punishable by 13938
life imprisonment and who is sentenced to a term of life 13939
imprisonment or a prison term pursuant to that conviction shall 13940
serve that term in an institution under the control of the 13941
department of rehabilitation and correction. 13942

(B)(1) A person who is convicted of or pleads guilty to a 13943

felony other than aggravated murder, murder, or an offense 13944
punishable by life imprisonment and who is sentenced to a term of 13945
imprisonment or a prison term pursuant to that conviction shall 13946
serve that term as follows: 13947

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 13948
this section, in an institution under the control of the 13949
department of rehabilitation and correction if the term is a 13950
prison term or as otherwise determined by the sentencing court 13951
pursuant to section 2929.16 of the Revised Code if the term is not 13952
a prison term; 13953

(b) In a facility of a type described in division (G)(1) of 13954
section 2929.13 of the Revised Code, if the offender is sentenced 13955
pursuant to that division. 13956

(2) If the term is a prison term, the person may be 13957
imprisoned in a jail that is not a minimum security jail pursuant 13958
to agreement under section 5120.161 of the Revised Code between 13959
the department of rehabilitation and correction and the local 13960
authority that operates the jail. 13961

(3)(a) As used in divisions (B)(3)(a) to (d) of this section: 13962

~~(i) "Target county" means Franklin county, Cuyahoga county,~~ 13963
~~Hamilton county, Summit county, Montgomery county, Lucas county,~~ 13964
~~Butler county, Stark county, Lorain county, and Mahoning county.~~ 13965

~~(ii) "Voluntary, "voluntary county"~~ means any county in which 13966
the board of county commissioners of the county and the 13967
administrative judge of the general division of the court of 13968
common pleas of the county enter into an agreement of the type 13969
described in division (B)(3)(b) of this section and in which the 13970
agreement has not been terminated as described in that division. 13971

(b) In any voluntary county ~~other than a target county~~, the 13972
board of county commissioners of the county and the administrative 13973
judge of the general division of the court of common pleas of the 13974

county may agree to having the county participate in the 13975
procedures regarding local and state confinement established under 13976
division (B)(3)(c) of this section. A board of county 13977
commissioners and an administrative judge of a court of common 13978
pleas that enter into an agreement of the type described in this 13979
division may terminate the agreement, but a termination under this 13980
division shall take effect only at the end of the state fiscal 13981
biennium in which the termination decision is made. 13982

(c) Except as provided in division (B)(3)(d) of this section, 13983
on and after July 1, 2018, no person sentenced by the court of 13984
common pleas of a ~~target county or of a~~ voluntary county to a 13985
prison term ~~that is twelve months or less~~ for a felony of the 13986
fifth degree shall serve the term in an institution under the 13987
control of the department of rehabilitation and correction. The 13988
person shall instead serve the sentence as a term of confinement 13989
in a facility of a type described in division (C) or (D) of this 13990
section. Nothing in this division relieves the state of its 13991
obligation to pay for the cost of confinement of the person in a 13992
community-based correctional facility under division (D) of this 13993
section. 13994

(d) Division (B)(3)(c) of this section does not apply to any 13995
person to whom any of the following apply: 13996

(i) The felony of the fifth degree was an offense of 13997
violence, as defined in section 2901.01 of the Revised Code, a sex 13998
offense under Chapter 2907. of the Revised Code, a violation of 13999
section 2925.03 of the Revised Code, or any offense for which a 14000
mandatory prison term is required. 14001

(ii) The person previously has been convicted of or pleaded 14002
guilty to any felony offense of violence, as defined in section 14003
2901.01 of the Revised Code, unless the felony of the fifth degree 14004
for which the person is being sentenced is a violation of division 14005
(I)(1) of section 2903.43 of the Revised Code. 14006

(iii) The person previously has been convicted of or pleaded
guilty to any felony sex offense under Chapter 2907. of the
Revised Code.

(iv) The person's sentence is required to be served
concurrently to any other sentence imposed upon the person for a
felony that is required to be served in an institution under the
control of the department of rehabilitation and correction.

(C) A person who is convicted of or pleads guilty to one or
more misdemeanors and who is sentenced to a jail term or term of
imprisonment pursuant to the conviction or convictions shall serve
that term in a county, multicounty, municipal, municipal-county,
or multicounty-municipal jail or workhouse; in a community
alternative sentencing center or district community alternative
sentencing center when authorized by section 307.932 of the
Revised Code; or, if the misdemeanor or misdemeanors are not
offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment,
referral, or sentencing of a person who is convicted of or pleads
guilty to a felony to a community-based correctional facility.

Sec. 2941.51. (A) Counsel appointed to a case or selected by
an indigent person under division (E) of section 120.16 or
division (E) of section 120.26 of the Revised Code, or otherwise
appointed by the court, except for counsel appointed by the court
to provide legal representation for a person charged with a
violation of an ordinance of a municipal corporation, shall be
paid for their services by the county the compensation and
expenses that the trial court approves. Each request for payment
shall include a financial disclosure form completed by the
indigent person on a form prescribed by the state public defender.
Compensation and expenses shall not exceed the amounts fixed by
the board of county commissioners pursuant to division (B) of this

section. 14038

(B) The board of county commissioners shall establish a 14039
schedule of fees by case or on an hourly basis to be paid by the 14040
county for legal services provided by appointed counsel. Prior to 14041
establishing such schedule, the board shall request the bar 14042
association or associations of the county to submit a proposed 14043
schedule for cases other than capital cases. The schedule 14044
submitted shall be subject to the review, amendment, and approval 14045
of the board of county commissioners, except with respect to 14046
capital cases. With respect to capital cases, the schedule shall 14047
provide for fees by case or on an hourly basis to be paid to 14048
counsel in the amount or at the rate set by the capital case 14049
attorney fee council pursuant to division (D) of section 120.33 of 14050
the Revised Code, and the board of county commissioners shall 14051
approve that amount or rate. 14052

With respect to capital cases, counsel shall be paid 14053
compensation and expenses in accordance with the amount or at the 14054
rate set by the capital case attorney fee council pursuant to 14055
division (D) of section 120.33 of the Revised Code. 14056

(C) In a case where counsel have been appointed to conduct an 14057
appeal under Chapter 120. of the Revised Code, such compensation 14058
shall be fixed by the court of appeals or the supreme court, as 14059
provided in divisions (A) and (B) of this section. 14060

(D) The fees and expenses approved by the court under this 14061
section shall not be taxed as part of the costs and shall be paid 14062
by the county. However, if the person represented has, or 14063
reasonably may be expected to have, the means to meet some part of 14064
the cost of the services rendered to the person, the person shall 14065
pay the county an amount that the person reasonably can be 14066
expected to pay. Pursuant to section 120.04 of the Revised Code, 14067
the county shall pay to the state public defender a percentage of 14068
the payment received from the person in an amount proportionate to 14069

the percentage of the costs of the person's case that were paid to 14070
the county by the state public defender pursuant to this section. 14071
The money paid to the state public defender shall be credited to 14072
the client payment fund created pursuant to division (B)(5) of 14073
section 120.04 of the Revised Code. 14074

(E) The county auditor shall draw a warrant on the county 14075
treasurer for the payment of such counsel in the amount fixed by 14076
the court, plus the expenses that the court fixes and certifies to 14077
the auditor. The county auditor shall report periodically, but not 14078
less than annually, to the board of county commissioners and to 14079
the Ohio public defender commission the amounts paid out pursuant 14080
to the approval of the court under this section, separately 14081
stating costs and expenses that are reimbursable under section 14082
120.35 of the Revised Code. The board, after review and approval 14083
of the auditor's report, may then certify it to the state public 14084
defender for reimbursement. The request for reimbursement shall be 14085
accompanied by a financial disclosure form completed by each 14086
indigent person for whom counsel was provided on a form prescribed 14087
by the state public defender. The state public defender shall 14088
review the report and, in accordance with the standards, 14089
guidelines, and maximums established pursuant to divisions (B)(7) 14090
and (8) of section 120.04 of the Revised Code, pay ~~fifty per cent~~ 14091
~~of up to~~ the total cost, other than costs and expenses that are 14092
reimbursable under section 120.35 of the Revised Code, if any, of 14093
paying appointed counsel in each county and pay ~~fifty per cent of~~ 14094
costs and expenses that are reimbursable under section 120.35 of 14095
the Revised Code, if any, to the board. 14096

(F) If any county system for paying appointed counsel fails 14097
to maintain the standards for the conduct of the system 14098
established by the rules of the Ohio public defender commission 14099
pursuant to divisions (B) and (C) of section 120.03 of the Revised 14100
Code or the standards established by the state public defender 14101

pursuant to division (B)(7) of section 120.04 of the Revised Code, 14102
the commission shall notify the board of county commissioners of 14103
the county that the county system for paying appointed counsel has 14104
failed to comply with its rules. Unless the board corrects the 14105
conduct of its appointed counsel system to comply with the rules 14106
within ninety days after the date of the notice, the state public 14107
defender may deny all or part of the county's reimbursement from 14108
the state provided for in this section. 14109

Sec. 2950.08. (A) Subject to division (B) of this section, 14110
the statements, information, photographs, fingerprints, and 14111
material required by sections 2950.04, 2950.041, 2950.05, and 14112
2950.06 of the Revised Code and provided by a person who 14113
registers, who provides notice of a change of residence, school, 14114
institution of higher education, or place of employment address 14115
and registers the new residence, school, institution of higher 14116
education, or place of employment address, or who provides 14117
verification of a current residence, school, institution of higher 14118
education, or place of employment address pursuant to those 14119
sections and that are in the possession of the bureau of criminal 14120
identification and investigation and the information in the 14121
possession of the bureau that was received by the bureau pursuant 14122
to section 2950.14 of the Revised Code shall not be open to 14123
inspection by the public or by any person other than the following 14124
persons: 14125

(1) A regularly employed peace officer or other law 14126
enforcement officer; 14127

(2) An authorized employee of the bureau of criminal 14128
identification and investigation for the purpose of providing 14129
information to a board, administrator, or person pursuant to 14130
division (F) or (G) of section 109.57 of the Revised Code; 14131

(3) The registrar of motor vehicles, or an employee of the 14132

registrar of motor vehicles, for the purpose of verifying and 14133
updating any of the information so provided, upon the request of 14134
the bureau of criminal identification and investigation; 14135

(4) The director of job and family services, or an employee 14136
of the director, for the purpose of complying with division (D) of 14137
section 5104.013 of the Revised Code. 14138

(B) Division (A) of this section does not apply to any 14139
information that is contained in the internet sex offender and 14140
child-victim offender database established by the attorney general 14141
under division (A)(11) of section 2950.13 of the Revised Code 14142
regarding offenders and that is disseminated as described in that 14143
division. 14144

Sec. 3107.035. (A) At the time of the initial home study, and 14145
every two years thereafter, if the home study is updated, and 14146
until it becomes part of a final decree of adoption or an 14147
interlocutory order of adoption, the agency or attorney that 14148
arranges an adoption for the prospective adoptive parent shall 14149
conduct a search of the United States department of justice 14150
national sex offender public web site regarding the prospective 14151
adoptive parent and all persons eighteen years of age or older who 14152
reside with the prospective adoptive parent. 14153

(B) A petition for adoption may be denied based solely on the 14154
results of the search of the national sex offender public web 14155
site. 14156

(C) The director of job and family services shall adopt rules 14157
in accordance with Chapter 119. of the Revised Code necessary for 14158
the implementation and execution of this section. 14159

Sec. 3107.14. (A) The petitioner and the person sought to be 14160
adopted shall appear at the hearing on the petition, unless the 14161
presence of either is excused by the court for good cause shown. 14162

(B) The court may continue the hearing from time to time to 14163
permit further observation, investigation, or consideration of any 14164
facts or circumstances affecting the granting of the petition, and 14165
may examine the petitioners separate and apart from each other. 14166

(C) If, at the conclusion of the hearing, the court finds 14167
that the required consents have been obtained or excused and that 14168
the adoption is in the best interest of the person sought to be 14169
adopted as supported by the evidence, it may issue, subject to 14170
division (C)(1)~~(a)~~ of section 2151.86, section 3107.064, and 14171
division (E) of section 3107.09 of the Revised Code, and any other 14172
limitations specified in this chapter, a final decree of adoption 14173
or an interlocutory order of adoption, which by its own terms 14174
automatically becomes a final decree of adoption on a date 14175
specified in the order, which, except as provided in division (B) 14176
of section 3107.13 of the Revised Code, shall not be less than six 14177
months or more than one year from the date the person to be 14178
adopted is placed in the petitioner's home, unless sooner vacated 14179
by the court for good cause shown. In determining whether the 14180
adoption is in the best interest of the person sought to be 14181
adopted, the court shall not consider the age of the petitioner if 14182
the petitioner is old enough to adopt as provided by section 14183
3107.03 of the Revised Code. 14184

In an interlocutory order of adoption, the court shall 14185
provide for observation, investigation, and a further report on 14186
the adoptive home during the interlocutory period. 14187

(D) If the requirements for a decree under division (C) of 14188
this section have not been satisfied or the court vacates an 14189
interlocutory order of adoption, or if the court finds that a 14190
person sought to be adopted was placed in the home of the 14191
petitioner in violation of law, the court shall dismiss the 14192
petition and may determine the agency or person to have temporary 14193
or permanent custody of the person, which may include the agency 14194

or person that had custody prior to the filing of the petition or 14195
the petitioner, if the court finds it is in the best interest of 14196
the person as supported by the evidence, or if the person is a 14197
minor, the court may certify the case to the juvenile court of the 14198
county where the minor is then residing for appropriate action and 14199
disposition. 14200

(E) The issuance of a final decree or interlocutory order of 14201
adoption for an adult adoption under division (A)(4) of section 14202
3107.02 of the Revised Code shall not disqualify that adult for 14203
services under section 2151.82 or 2151.83 of the Revised Code. 14204

Sec. 3119.05. When a court computes the amount of child 14205
support required to be paid under a court child support order or a 14206
child support enforcement agency computes the amount of child 14207
support to be paid pursuant to an administrative child support 14208
order, all of the following apply: 14209

(A) The parents' current and past income and personal 14210
earnings shall be verified by electronic means or with suitable 14211
documents, including, but not limited to, paystubs, employer 14212
statements, receipts and expense vouchers related to 14213
self-generated income, tax returns, and all supporting 14214
documentation and schedules for the tax returns. 14215

(B) The annual amount of any court-ordered spousal support 14216
actually paid, excluding any ordered payment on arrears, shall be 14217
deducted from the annual income of that parent to the extent that 14218
payment of that court-ordered spousal support is verified by 14219
supporting documentation. 14220

(C) The court or agency shall adjust the amount of child 14221
support paid by a parent to give credit for children not included 14222
in the current calculation. When calculating the adjusted amount, 14223
the court or agency shall use the schedule and do the following: 14224

(1) Determine the amount of child support that each parent 14225
would be ordered to pay for all children for whom the parent has 14226
the legal duty to support, according to each parent's annual 14227
income. If the number of children subject to the order is greater 14228
than six, multiply the amount for three children in accordance 14229
with division (C)(4) of this section to determine the amount of 14230
child support. 14231

(2) Compute a child support credit amount for each parent's 14232
children who are not subject to this order by dividing the amount 14233
determined in division (C)(1) of this section by the total number 14234
of children whom the parent is obligated to support and 14235
multiplying that number by the number of the parent's children who 14236
are not subject to this order. 14237

(3) Determine the adjusted income of the parents by 14238
subtracting the credit for minor children not subject to this 14239
order computed under division (C)(2) of this section, from the 14240
annual income of each parent for the children each has a duty to 14241
support that are not subject to this order. 14242

(4) If the number of children is greater than six, multiply 14243
the amount for three children by: 14244

(a) 1.440 for seven children; 14245

(b) 1.540 for eight children; 14246

(c) 1.638 for nine children; 14247

(d) 1.734 for ten children; 14248

(e) 1.827 for eleven children; 14249

(f) 1.919 for twelve children; 14250

(g) 2.008 for thirteen children; 14251

(h) 2.096 for fourteen children; 14252

(i) 2.182 for more than fourteen children. 14253

(D) When the court or agency calculates the annual income of 14254
a parent, it shall include the lesser of the following as income 14255
from overtime and bonuses: 14256

(1) The yearly average of all overtime, commissions, and 14257
bonuses received during the three years immediately prior to the 14258
time when the person's child support obligation is being computed; 14259

(2) The total overtime, commissions, and bonuses received 14260
during the year immediately prior to the time when the person's 14261
child support obligation is being computed. 14262

(E) When the court or agency calculates the annual income of 14263
a parent, it shall not include any income earned by the spouse of 14264
that parent. 14265

(F) The court shall issue a separate medical support order 14266
for extraordinary medical expenses, including orthodontia, dental, 14267
optical, and psychological services. 14268

If the court makes an order for payment of private education, 14269
and other appropriate expenses, it shall do so by issuing a 14270
separate order. 14271

The court may consider these expenses in adjusting a child 14272
support order. 14273

(G) When a court or agency calculates the amount of child 14274
support to be paid pursuant to a court child support order or an 14275
administrative child support order, the following shall apply: 14276

(1) The court or agency shall apply the basic child support 14277
schedule to the parents' combined annual incomes and to each 14278
parent's individual income. 14279

(2) If the combined annual income of both parents or the 14280
individual annual income of a parent is an amount that is between 14281
two amounts set forth in the first column of the schedule, the 14282
court or agency may use the basic child support obligation that 14283

corresponds to the higher of the two amounts in the first column 14284
of the schedule, use the basic child support obligation that 14285
corresponds to the lower of the two amounts in the first column of 14286
the schedule, or calculate a basic child support obligation that 14287
is between those two amounts and corresponds proportionally to the 14288
parents' actual combined annual income or the individual parent's 14289
annual income. 14290

(3) If the annual individual income of either or both of the 14291
parents is within the self-sufficiency reserve in the basic child 14292
support schedule, the court or agency shall do both of the 14293
following: 14294

(a) Calculate the basic child support obligation for the 14295
parents using the schedule amount applicable to the combined 14296
annual income and the schedule amount applicable to the income in 14297
the self-sufficiency reserve; 14298

(b) Determine the lesser of the following amounts to be the 14299
applicable basic child support obligation: 14300

(i) The amount that results from using the combined annual 14301
income of the parents not in the self-sufficiency reserve of the 14302
schedule; or 14303

(ii) The amount that results from using the individual 14304
parent's income within the self-sufficiency reserve of the 14305
schedule. 14306

(H) When the court or agency calculates annual income, the 14307
court or agency, when appropriate, may average income over a 14308
reasonable period of years. 14309

(I) Unless it would be unjust or inappropriate and therefore 14310
not in the best interests of the child, a court or agency shall 14311
not determine a parent to be voluntarily unemployed or 14312
underemployed and shall not impute income to that parent if any of 14313
the following conditions exist: 14314

(1) The parent is receiving recurring monetary income from 14315
means-tested public assistance benefits, including cash assistance 14316
payments under the Ohio works first program established under 14317
Chapter 5107. of the Revised Code, general assistance under former 14318
Chapter 5113. of the Revised Code, supplemental security income, 14319
or means-tested veterans' benefits; 14320

(2) The parent is approved for social security disability 14321
insurance benefits because of a mental or physical disability, or 14322
the court or agency determines that the parent is unable to work 14323
based on medical documentation that includes a physician's 14324
diagnosis and a physician's opinion regarding the parent's mental 14325
or physical disability and inability to work. 14326

(3) The parent has proven that the parent has made continuous 14327
and diligent efforts without success to find and accept 14328
employment, including temporary employment, part-time employment, 14329
or employment at less than the parent's previous salary or wage. 14330

(4) The parent is complying with court-ordered family 14331
reunification efforts in a child abuse, neglect, or dependency 14332
proceeding, to the extent that compliance with those efforts 14333
limits the parent's ability to earn income. 14334

(5) The parent is incarcerated or institutionalized for a 14335
period of twelve months or more with no other available assets, 14336
unless the parent is incarcerated for an offense relating to the 14337
abuse or neglect of a child who is the subject of the support 14338
order or an offense under Title XXIX of the Revised Code against 14339
the obligee or a child who is the subject of the support order. 14340

(J) When a court or agency requires a parent to pay an amount 14341
for that parent's failure to support a child for a period of time 14342
prior to the date the court modifies or issues a court child 14343
support order or an agency modifies or issues an administrative 14344
child support order for the current support of the child, the 14345

court or agency shall calculate that amount using the basic child support schedule, worksheets, and child support laws in effect, and the incomes of the parents as they existed, for that prior period of time.

(K) A court or agency may disregard a parent's additional income from overtime or additional employment when the court or agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.

(L) If both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the court or agency shall collect information about the existing order or orders and consider those together with the current calculation for support to ensure that the total of all orders for all children of the parties does not exceed the amount that would have been ordered if all children were addressed in a single judicial or administrative proceeding.

(M) A support obligation of a parent with annual income subject to the self-sufficiency reserve of the basic child support schedule shall not exceed the support obligation that would result from application of the schedule without the reserve.

(N) Any non-means tested benefit received by the child or children subject to the order resulting from the claims of either parent shall be deducted from that parent's annual child support obligation after all other adjustments have been made. If that non-means tested benefit exceeds the child support obligation of the parent from whose claim the benefit is realized, the child support obligation for that parent shall be zero.

(O) As part of the child support calculation, the parents shall be ordered to share the costs of child care. Subject to the

limitations in this division, a child support obligor shall pay an amount equal to the obligor's income share of the child care cost incurred for the child or children subject to the order.

(1) The child care cost used in the calculation:

(a) Shall be for the child determined to be necessary to allow a parent to work, or for activities related to employment training;

(b) Shall be verifiable by credible evidence as determined by a court or child support enforcement agency;

(c) Shall exclude any reimbursed or subsidized child care cost, including any state or federal tax credit for child care available to the parent or caretaker, whether or not claimed;

(d) Shall not exceed the maximum state-wide average cost estimate ~~issued by the department of job and family services, using the data collected and reported as required in section 5104.04 of the Revised Code~~ determined in accordance with 45 C.F.R. 98.45.

(2) When the annual income of the obligor is subject to the self-sufficiency reserve of the basic support schedule, the share of the child care cost paid by the obligor shall be equal to the lower of the obligor's income share of the child care cost, or fifty per cent of the child care cost.

Sec. 3119.23. The court may consider any of the following factors in determining whether to grant a deviation pursuant to section 3119.22 of the Revised Code:

(A) Special and unusual needs of the child or children, including needs arising from the physical or psychological condition of the child or children;

(B) Other court-ordered payments;

(C) Extended parenting time or extraordinary costs associated with parenting time, including extraordinary travel expenses when exchanging the child or children for parenting time;	14406 14407 14408
(D) The financial resources and the earning ability of the child or children;	14409 14410
(E) The relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent;	14411 14412 14413
(F) The obligee's income, if the obligee's annual income is equal to or less than one hundred per cent of the federal poverty level;	14414 14415 14416
(G) Benefits that either parent receives from remarriage or sharing living expenses with another person;	14417 14418
(H) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;	14419 14420
(I) Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;	14421 14422 14423
(J) Extraordinary work-related expenses incurred by either parent;	14424 14425
(K) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;	14426 14427 14428
(L) The educational opportunities that would have been available to the child had the circumstances requiring a child support order not arisen;	14429 14430 14431
(M) The responsibility of each parent for the support of others, including support of a child or children with disabilities who are not subject to the support order;	14432 14433 14434
(N) Post-secondary educational expenses paid for by a parent	14435

for the parent's own child or children, regardless of whether the 14436
child or children are emancipated; 14437

(O) Costs incurred or reasonably anticipated to be incurred 14438
by the parents in compliance with court-ordered reunification 14439
efforts in child abuse, neglect, or dependency cases; 14440

(P) Extraordinary child care costs required for the child or 14441
children that exceed the maximum state-wide average cost estimate 14442
~~provided~~ as described in division (O)(1)(d) of section 3119.05 of 14443
the Revised Code, including extraordinary costs associated with 14444
caring for a child or children with specialized physical, 14445
psychological, or educational needs; 14446

(Q) Any other relevant factor. 14447

If the court grants a deviation based on division (Q) of this 14448
section, it shall specifically state in the order the facts that 14449
are the basis for the deviation. 14450

Sec. 3301.07. The state board of education shall exercise 14451
under the acts of the general assembly general supervision of the 14452
system of public education in the state. In addition to the powers 14453
otherwise imposed on the state board under the provisions of law, 14454
the board shall have the powers described in this section. 14455

(A) The state board shall exercise policy forming, planning, 14456
and evaluative functions for the public schools of the state 14457
except as otherwise provided by law. 14458

(B)(1) The state board shall exercise leadership in the 14459
improvement of public education in this state, and administer the 14460
educational policies of this state relating to public schools, and 14461
relating to instruction and instructional material, building and 14462
equipment, transportation of pupils, administrative 14463
responsibilities of school officials and personnel, and finance 14464
and organization of school districts, educational service centers, 14465

and territory. Consultative and advisory services in such matters 14466
shall be provided by the board to school districts and educational 14467
service centers of this state. 14468

(2) The state board also shall develop a standard of 14469
financial reporting which shall be used by each school district 14470
board of education and each governing board of an educational 14471
service center, each governing authority of a community school 14472
established under Chapter 3314., each governing body of a STEM 14473
school established under Chapter 3328., and each board of trustees 14474
of a college-preparatory boarding school established under Chapter 14475
3328. of the Revised Code to make its financial information and 14476
annual budgets for each school building under its control 14477
available to the public in a format understandable by the average 14478
citizen. The format shall show, both at the district and at the 14479
school building level, revenue by source; expenditures for 14480
salaries, wages, and benefits of employees, showing such amounts 14481
separately for classroom teachers, other employees required to 14482
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 14483
the Revised Code, and all other employees; expenditures other than 14484
for personnel, by category, including utilities, textbooks and 14485
other educational materials, equipment, permanent improvements, 14486
pupil transportation, extracurricular athletics, and other 14487
extracurricular activities; and per pupil expenditures. The format 14488
shall also include information on total revenue and expenditures, 14489
per pupil revenue, and expenditures for both classroom and 14490
nonclassroom purposes, as defined by the standards adopted under 14491
section 3302.20 of the Revised Code in the aggregate and for each 14492
subgroup of students, as defined by section 3317.40 of the Revised 14493
Code, that receives services provided for by state or federal 14494
funding. 14495

(3) Each school district board, governing authority, 14496
governing body, or board of trustees, or its respective designee, 14497

shall annually report, to the department of education, all 14498
financial information required by the standards for financial 14499
reporting, as prescribed by division (B)(2) of this section and 14500
adopted by the state board. The department shall make all reports 14501
submitted pursuant to this division available in such a way that 14502
allows for comparison between financial information included in 14503
these reports and financial information included in reports 14504
produced prior to July 1, 2013. The department shall post these 14505
reports in a prominent location on its web site and shall notify 14506
each school when reports are made available. 14507

(C) The state board shall administer and supervise the 14508
allocation and distribution of all state and federal funds for 14509
public school education under the provisions of law, and may 14510
prescribe such systems of accounting as are necessary and proper 14511
to this function. It may require county auditors and treasurers, 14512
boards of education, educational service center governing boards, 14513
treasurers of such boards, teachers, and other school officers and 14514
employees, or other public officers or employees, to file with it 14515
such reports as it may prescribe relating to such funds, or to the 14516
management and condition of such funds. 14517

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 14518
XLVII, and LI of the Revised Code a reference is made to standards 14519
prescribed under this section or division (D) of this section, 14520
that reference shall be construed to refer to the standards 14521
prescribed under division (D)(2) of this section, unless the 14522
context specifically indicates a different meaning or intent. 14523

(2) The state board shall formulate and prescribe minimum 14524
standards to be applied to all elementary and secondary schools in 14525
this state for the purpose of providing children access to a 14526
general education of high quality according to the learning needs 14527
of each individual, including students with disabilities, 14528
economically disadvantaged students, ~~limited English proficient~~ 14529

~~students~~ learners, and students identified as gifted. Such 14530
standards shall provide adequately for: the licensing of teachers, 14531
administrators, and other professional personnel and their 14532
assignment according to training and qualifications; efficient and 14533
effective instructional materials and equipment, including library 14534
facilities; the proper organization, administration, and 14535
supervision of each school, including regulations for preparing 14536
all necessary records and reports and the preparation of a 14537
statement of policies and objectives for each school; the 14538
provision of safe buildings, grounds, health and sanitary 14539
facilities and services; admission of pupils, and such 14540
requirements for their promotion from grade to grade as will 14541
assure that they are capable and prepared for the level of study 14542
to which they are certified; requirements for graduation; and such 14543
other factors as the board finds necessary. 14544

The state board shall base any standards governing the 14545
promotion of students or requirements for graduation on the 14546
ability of students, at any grade level, to earn credits or 14547
advance upon demonstration of mastery of knowledge and skills 14548
through competency-based learning models. Credits of grade level 14549
advancement shall not require a minimum number of days or hours in 14550
a classroom. 14551

The state board shall base any standards governing the 14552
assignment of staff on ensuring each school has a sufficient 14553
number of teachers to ensure a student has an appropriate level of 14554
interaction to meet each student's personal learning goals. 14555

In the formulation and administration of such standards for 14556
nonpublic schools the board shall also consider the particular 14557
needs, methods and objectives of those schools, provided they do 14558
not conflict with the provision of a general education of a high 14559
quality and provided that regular procedures shall be followed for 14560
promotion from grade to grade of pupils who have met the 14561

educational requirements prescribed. 14562

(3) In addition to the minimum standards required by division 14563
(D)(2) of this section, the state board may formulate and 14564
prescribe the following additional minimum operating standards for 14565
school districts: 14566

(a) Standards for the effective and efficient organization, 14567
administration, and supervision of each school district with a 14568
commitment to high expectations for every student based on the 14569
learning needs of each individual, including students with 14570
disabilities, economically disadvantaged students, ~~limited~~ English 14571
~~proficient~~ ~~students~~ learners, and students identified as gifted, 14572
and commitment to closing the achievement gap without suppressing 14573
the achievement levels of higher achieving students so that all 14574
students achieve core knowledge and skills in accordance with the 14575
statewide academic standards adopted under section 3301.079 of the 14576
Revised Code; 14577

(b) Standards for the establishment of business advisory 14578
councils under section 3313.82 of the Revised Code; 14579

(c) Standards for school district buildings that may require 14580
the effective and efficient organization, administration, and 14581
supervision of each school district building with a commitment to 14582
high expectations for every student based on the learning needs of 14583
each individual, including students with disabilities, 14584
economically disadvantaged students, ~~limited~~ English ~~proficient~~ 14585
~~students~~ learners, and students identified as gifted, and 14586
commitment to closing the achievement gap without suppressing the 14587
achievement levels of higher achieving students so that all 14588
students achieve core knowledge and skills in accordance with the 14589
statewide academic standards adopted under section 3301.079 of the 14590
Revised Code. 14591

(E) The state board may require as part of the health 14592

curriculum information developed under section 2108.34 of the 14593
Revised Code promoting the donation of anatomical gifts pursuant 14594
to Chapter 2108. of the Revised Code and may provide the 14595
information to high schools, educational service centers, and 14596
joint vocational school district boards of education; 14597

(F) The state board shall prepare and submit annually to the 14598
governor and the general assembly a report on the status, needs, 14599
and major problems of the public schools of the state, with 14600
recommendations for necessary legislative action and a ten-year 14601
projection of the state's public and nonpublic school enrollment, 14602
by year and by grade level. 14603

(G) The state board shall prepare and submit to the director 14604
of budget and management the biennial budgetary requests of the 14605
state board of education, for its agencies and for the public 14606
schools of the state. 14607

(H) The state board shall cooperate with federal, state, and 14608
local agencies concerned with the health and welfare of children 14609
and youth of the state. 14610

(I) The state board shall require such reports from school 14611
districts and educational service centers, school officers, and 14612
employees as are necessary and desirable. The superintendents and 14613
treasurers of school districts and educational service centers 14614
shall certify as to the accuracy of all reports required by law or 14615
state board or state department of education rules to be submitted 14616
by the district or educational service center and which contain 14617
information necessary for calculation of state funding. Any 14618
superintendent who knowingly falsifies such report shall be 14619
subject to license revocation pursuant to section 3319.31 of the 14620
Revised Code. 14621

(J) In accordance with Chapter 119. of the Revised Code, the 14622
state board shall adopt procedures, standards, and guidelines for 14623

the education of children with disabilities pursuant to Chapter 14624
3323. of the Revised Code, including procedures, standards, and 14625
guidelines governing programs and services operated by county 14626
boards of developmental disabilities pursuant to section 3323.09 14627
of the Revised Code. 14628

(K) For the purpose of encouraging the development of special 14629
programs of education for academically gifted children, the state 14630
board shall employ competent persons to analyze and publish data, 14631
promote research, advise and counsel with boards of education, and 14632
encourage the training of teachers in the special instruction of 14633
gifted children. The board may provide financial assistance out of 14634
any funds appropriated for this purpose to boards of education and 14635
educational service center governing boards for developing and 14636
conducting programs of education for academically gifted children. 14637

(L) The state board shall require that all public schools 14638
emphasize and encourage, within existing units of study, the 14639
teaching of energy and resource conservation as recommended to 14640
each district board of education by leading business persons 14641
involved in energy production and conservation, beginning in the 14642
primary grades. 14643

(M) The state board shall formulate and prescribe minimum 14644
standards requiring the use of phonics as a technique in the 14645
teaching of reading in grades kindergarten through three. In 14646
addition, the state board shall provide in-service training 14647
programs for teachers on the use of phonics as a technique in the 14648
teaching of reading in grades kindergarten through three. 14649

(N) The state board may adopt rules necessary for carrying 14650
out any function imposed on it by law, and may provide rules as 14651
are necessary for its government and the government of its 14652
employees, and may delegate to the superintendent of public 14653
instruction the management and administration of any function 14654
imposed on it by law. It may provide for the appointment of board 14655

members to serve on temporary committees established by the board 14656
for such purposes as are necessary. Permanent or standing 14657
committees shall not be created. 14658

(O) Upon application from the board of education of a school 14659
district, the superintendent of public instruction may issue a 14660
waiver exempting the district from compliance with the standards 14661
adopted under divisions (B)(2) and (D) of this section, as they 14662
relate to the operation of a school operated by the district. The 14663
state board shall adopt standards for the approval or disapproval 14664
of waivers under this division. The state superintendent shall 14665
consider every application for a waiver, and shall determine 14666
whether to grant or deny a waiver in accordance with the state 14667
board's standards. For each waiver granted, the state 14668
superintendent shall specify the period of time during which the 14669
waiver is in effect, which shall not exceed five years. A district 14670
board may apply to renew a waiver. 14671

Sec. 3301.0710. The state board of education shall adopt 14672
rules establishing a statewide program to assess student 14673
achievement. The state board shall ensure that all assessments 14674
administered under the program are aligned with the academic 14675
standards and model curricula adopted by the state board and are 14676
created with input from Ohio parents, Ohio classroom teachers, 14677
Ohio school administrators, and other Ohio school personnel 14678
pursuant to section 3301.079 of the Revised Code. 14679

The assessment program shall be designed to ensure that 14680
students who receive a high school diploma demonstrate at least 14681
high school levels of achievement in English language arts, 14682
mathematics, science, and social studies. 14683

(A)(1) The state board shall prescribe all of the following: 14684

(a) Two statewide achievement assessments, one each designed 14685
to measure the level of English language arts and mathematics 14686

skill expected at the end of third grade;	14687
(b) Two statewide achievement assessments, one each designed	14688
to measure the level of English language arts and mathematics	14689
skill expected at the end of fourth grade;	14690
(c) Three statewide achievement assessments, one each	14691
designed to measure the level of English language arts,	14692
mathematics, and science skill expected at the end of fifth grade;	14693
(d) Two statewide achievement assessments, one each designed	14694
to measure the level of English language arts and mathematics	14695
skill expected at the end of sixth grade;	14696
(e) Two statewide achievement assessments, one each designed	14697
to measure the level of English language arts and mathematics	14698
skill expected at the end of seventh grade;	14699
(f) Three statewide achievement assessments, one each	14700
designed to measure the level of English language arts,	14701
mathematics, and science skill expected at the end of eighth	14702
grade.	14703
(2) The state board shall determine and designate at least	14704
five ranges of scores on each of the achievement assessments	14705
described in divisions (A)(1) and (B)(1) of this section. Each	14706
range of scores shall be deemed to demonstrate a level of	14707
achievement so that any student attaining a score within such	14708
range has achieved one of the following:	14709
(a) An advanced level of skill;	14710
(b) An accelerated level of skill;	14711
(c) A proficient level of skill;	14712
(d) A basic level of skill;	14713
(e) A limited level of skill.	14714
(3) For the purpose of implementing division (A) of section	14715

3313.608 of the Revised Code, the state board shall determine and 14716
designate a level of achievement, not lower than the level 14717
designated in division (A)(2)(e) of this section, on the third 14718
grade English language arts assessment for a student to be 14719
promoted to the fourth grade. The state board shall review and 14720
adjust upward the level of achievement designated under this 14721
division each year the test is administered until the level is set 14722
equal to the level designated in division (A)(2)(c) of this 14723
section. 14724

(4) Each school district or school shall teach and assess 14725
social studies in at least the fourth and sixth grades. Any 14726
assessment in such area shall be determined by the district or 14727
school and may be formative or summative in nature. The results of 14728
such assessment shall not be reported to the department of 14729
education. 14730

(B)(1) The assessments prescribed under division (B)(1) of 14731
this section shall collectively be known as the Ohio graduation 14732
tests. The state board shall prescribe five statewide high school 14733
achievement assessments, one each designed to measure the level of 14734
reading, writing, mathematics, science, and social studies skill 14735
expected at the end of tenth grade. The state board shall 14736
designate a score in at least the range designated under division 14737
(A)(2)(c) of this section on each such assessment that shall be 14738
deemed to be a passing score on the assessment as a condition 14739
toward granting high school diplomas under sections 3313.61, 14740
3313.611, 3313.612, and 3325.08 of the Revised Code until the 14741
assessment system prescribed by section 3301.0712 of the Revised 14742
Code is implemented in accordance with division (B)(2) of this 14743
section. 14744

(2) The state board shall prescribe an assessment system in 14745
accordance with section 3301.0712 of the Revised Code that shall 14746
replace the Ohio graduation tests beginning with students who 14747

enter the ninth grade for the first time on or after July 1, 2014. 14748

(3) The state board may enter into a reciprocal agreement 14749
with the appropriate body or agency of any other state that has 14750
similar statewide achievement assessment requirements for 14751
receiving high school diplomas, under which any student who has 14752
met an achievement assessment requirement of one state is 14753
recognized as having met the similar requirement of the other 14754
state for purposes of receiving a high school diploma. For 14755
purposes of this section and sections 3301.0711 and 3313.61 of the 14756
Revised Code, any student enrolled in any public high school in 14757
this state who has met an achievement assessment requirement 14758
specified in a reciprocal agreement entered into under this 14759
division shall be deemed to have attained at least the applicable 14760
score designated under this division on each assessment required 14761
by division (B)(1) or (2) of this section that is specified in the 14762
agreement. 14763

(C) The superintendent of public instruction shall designate 14764
dates and times for the administration of the assessments 14765
prescribed by divisions (A) and (B) of this section. 14766

In prescribing administration dates pursuant to this 14767
division, the superintendent shall designate the dates in such a 14768
way as to allow a reasonable length of time between the 14769
administration of assessments prescribed under this section and 14770
any administration of the national assessment of educational 14771
progress given to students in the same grade level pursuant to 14772
section 3301.27 of the Revised Code or federal law. 14773

(D) The state board shall prescribe a practice version of 14774
each Ohio graduation test described in division (B)(1) of this 14775
section that is of comparable length to the actual test. 14776

(E) Any committee established by the department of education 14777
for the purpose of making recommendations to the state board 14778

regarding the state board's designation of scores on the 14779
assessments described by this section shall inform the state board 14780
of the probable percentage of students who would score in each of 14781
the ranges established under division (A)(2) of this section on 14782
the assessments if the committee's recommendations are adopted by 14783
the state board. To the extent possible, these percentages shall 14784
be disaggregated by gender, major racial and ethnic groups, 14785
~~limited English proficient students~~ learners, economically 14786
disadvantaged students, students with disabilities, and migrant 14787
students. 14788

Sec. 3301.0711. (A) The department of education shall: 14789

(1) Annually furnish to, grade, and score all assessments 14790
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 14791
the Revised Code to be administered by city, local, exempted 14792
village, and joint vocational school districts, except that each 14793
district shall score any assessment administered pursuant to 14794
division (B)(10) of this section. Each assessment so furnished 14795
shall include the data verification code of the student to whom 14796
the assessment will be administered, as assigned pursuant to 14797
division (D)(2) of section 3301.0714 of the Revised Code. In 14798
furnishing the practice versions of Ohio graduation tests 14799
prescribed by division (D) of section 3301.0710 of the Revised 14800
Code, the department shall make the tests available on its web 14801
site for reproduction by districts. In awarding contracts for 14802
grading assessments, the department shall give preference to 14803
Ohio-based entities employing Ohio residents. 14804

(2) Adopt rules for the ethical use of assessments and 14805
prescribing the manner in which the assessments prescribed by 14806
section 3301.0710 of the Revised Code shall be administered to 14807
students. 14808

(B) Except as provided in divisions (C) and (J) of this 14809

section, the board of education of each city, local, and exempted 14810
village school district shall, in accordance with rules adopted 14811
under division (A) of this section: 14812

(1) Administer the English language arts assessments 14813
prescribed under division (A)(1)(a) of section 3301.0710 of the 14814
Revised Code twice annually to all students in the third grade who 14815
have not attained the score designated for that assessment under 14816
division (A)(2)(c) of section 3301.0710 of the Revised Code. 14817

(2) Administer the mathematics assessment prescribed under 14818
division (A)(1)(a) of section 3301.0710 of the Revised Code at 14819
least once annually to all students in the third grade. 14820

(3) Administer the assessments prescribed under division 14821
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 14822
annually to all students in the fourth grade. 14823

(4) Administer the assessments prescribed under division 14824
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 14825
annually to all students in the fifth grade. 14826

(5) Administer the assessments prescribed under division 14827
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 14828
annually to all students in the sixth grade. 14829

(6) Administer the assessments prescribed under division 14830
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 14831
annually to all students in the seventh grade. 14832

(7) Administer the assessments prescribed under division 14833
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 14834
annually to all students in the eighth grade. 14835

(8) Except as provided in division (B)(9) of this section, 14836
administer any assessment prescribed under division (B)(1) of 14837
section 3301.0710 of the Revised Code as follows: 14838

(a) At least once annually to all tenth grade students and at 14839

least twice annually to all students in eleventh or twelfth grade 14840
who have not yet attained the score on that assessment designated 14841
under that division; 14842

(b) To any person who has successfully completed the 14843
curriculum in any high school or the individualized education 14844
program developed for the person by any high school pursuant to 14845
section 3323.08 of the Revised Code but has not received a high 14846
school diploma and who requests to take such assessment, at any 14847
time such assessment is administered in the district. 14848

(9) In lieu of the board of education of any city, local, or 14849
exempted village school district in which the student is also 14850
enrolled, the board of a joint vocational school district shall 14851
administer any assessment prescribed under division (B)(1) of 14852
section 3301.0710 of the Revised Code at least twice annually to 14853
any student enrolled in the joint vocational school district who 14854
has not yet attained the score on that assessment designated under 14855
that division. A board of a joint vocational school district may 14856
also administer such an assessment to any student described in 14857
division (B)(8)(b) of this section. 14858

(10) If the district has a three-year average graduation rate 14859
of not more than seventy-five per cent, administer each assessment 14860
prescribed by division (D) of section 3301.0710 of the Revised 14861
Code in September to all ninth grade students who entered ninth 14862
grade prior to July 1, 2014. 14863

Except as provided in section 3313.614 of the Revised Code 14864
for administration of an assessment to a person who has fulfilled 14865
the curriculum requirement for a high school diploma but has not 14866
passed one or more of the required assessments, the assessments 14867
prescribed under division (B)(1) of section 3301.0710 of the 14868
Revised Code shall not be administered after the date specified in 14869
the rules adopted by the state board of education under division 14870
(D)(1) of section 3301.0712 of the Revised Code. 14871

(11)(a) Except as provided in division (B)(11)(b) of this 14872
section, administer the assessments prescribed by division (B)(2) 14873
of section 3301.0710 and section 3301.0712 of the Revised Code in 14874
accordance with the timeline and plan for implementation of those 14875
assessments prescribed by rule of the state board adopted under 14876
division (D)(1) of section 3301.0712 of the Revised Code; 14877

(b) A student who has presented evidence to the district or 14878
school of having satisfied the condition prescribed by division 14879
(A)(1) of section 3313.618 of the Revised Code to qualify for a 14880
high school diploma prior to the date of the administration of the 14881
assessment prescribed under division (B)(1) of section 3301.0712 14882
of the Revised Code shall not be required to take that assessment. 14883
However, no board shall prohibit a student who is not required to 14884
take such assessment from taking the assessment. 14885

(C)(1)(a) In the case of a student receiving special 14886
education services under Chapter 3323. of the Revised Code, the 14887
individualized education program developed for the student under 14888
that chapter shall specify the manner in which the student will 14889
participate in the assessments administered under this section, 14890
except that a student with significant cognitive disabilities to 14891
whom an alternate assessment is administered in accordance with 14892
division (C)(1) of this section and a student determined to have a 14893
disability that includes an intellectual disability as outlined in 14894
guidance issued by the department shall not be required to take 14895
the assessment prescribed under division (B)(1) of section 14896
3301.0712 of the Revised Code. The individualized education 14897
program may excuse the student from taking any particular 14898
assessment required to be administered under this section if it 14899
instead specifies an alternate assessment method approved by the 14900
department of education as conforming to requirements of federal 14901
law for receipt of federal funds for disadvantaged pupils. To the 14902
extent possible, the individualized education program shall not 14903

excuse the student from taking an assessment unless no reasonable
accommodation can be made to enable the student to take the
assessment. No board shall prohibit a student who is not required
to take an assessment under division (C)(1) of this section from
taking the assessment.

(b) Any alternate assessment approved by the department for a
student under this division shall produce measurable results
comparable to those produced by the assessment it replaces in
order to allow for the student's results to be included in the
data compiled for a school district or building under section
3302.03 of the Revised Code.

(c)(i) Any student enrolled in a chartered nonpublic school
who has been identified, based on an evaluation conducted in
accordance with section 3323.03 of the Revised Code or section 504
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A.
794, as amended, as a child with a disability shall be excused
from taking any particular assessment required to be administered
under this section if ~~a~~ either of the following apply:

(I) A plan developed for the student pursuant to rules
adopted by the state board excuses the student from taking that
assessment.

(II) The chartered nonpublic school develops a written plan
in which the school, in consultation with the student's parents,
determines that an assessment or alternative assessment with
accommodations does not accurately assess the student's academic
performance. The plan shall include an academic profile of the
student's academic performance and shall be reviewed annually to
determine if the student's needs continue to require excusal from
taking the assessment.

(ii) A student with significant cognitive disabilities to
whom an alternate assessment is administered in accordance with

division (C)(1) of this section and a student determined to have a
disability that includes an intellectual disability as outlined in
guidance issued by the department shall not be required to take
the assessment prescribed under division (B)(1) of section
3301.0712 of the Revised Code.

(iii) In the case of any student so excused from taking an
assessment under division (C)(1)(c) of this section, the chartered
nonpublic school shall not prohibit the student from taking the
assessment.

(2) A district board may, for medical reasons or other good
cause, excuse a student from taking an assessment administered
under this section on the date scheduled, but that assessment
shall be administered to the excused student not later than nine
days following the scheduled date. The district board shall
annually report the number of students who have not taken one or
more of the assessments required by this section to the state
board not later than the thirtieth day of June.

(3) As used in this division, "~~limited English proficient~~
~~student~~ learner" has the same meaning as in 20 U.S.C. 7801.

No school district board shall excuse any ~~limited English~~
~~proficient student~~ learner from taking any particular assessment
required to be administered under this section, except as follows:

(a) Any ~~limited English proficient student~~ learner who has
been enrolled in United States schools for less than two years and
for whom no appropriate accommodations are available based on
guidance issued by the department shall not be required to take
the assessment prescribed under division (B)(1) of section
3301.0712 of the Revised Code.

(b) Any ~~limited English proficient student~~ learner who has
been enrolled in United States schools for less than one full
school year shall not be required to take any reading, writing, or

English language arts assessment. 14966

However, no board shall prohibit ~~a limited~~ an English 14967
~~proficient student learner~~ who is not required to take an 14968
assessment under division (C)(3) of this section from taking the 14969
assessment. A board may permit any ~~limited~~ English ~~proficient~~ 14970
~~student learner~~ to take an assessment required to be administered 14971
under this section with appropriate accommodations, as determined 14972
by the department. For each ~~limited~~ English ~~proficient student~~ 14973
learner, each school district shall annually assess that student's 14974
progress in learning English, in accordance with procedures 14975
approved by the department. 14976

(4)(a) The governing authority of a chartered nonpublic 14977
school may excuse ~~a limited~~ an English ~~proficient student learner~~ 14978
from taking any assessment administered under this section. 14979

(b) No governing authority shall require ~~a limited~~ an English 14980
~~proficient student learner~~ who has been enrolled in United States 14981
schools for less than two years and for whom no appropriate 14982
accommodations are available based on guidance issued by the 14983
department to take the assessment prescribed under division (B)(1) 14984
of section 3301.0712 of the Revised Code. 14985

(c) No governing authority shall prohibit ~~a limited~~ an 14986
English ~~proficient student learner~~ from taking an assessment from 14987
which the student was excused under division (C)(4) of this 14988
section. 14989

(D)(1) In the school year next succeeding the school year in 14990
which the assessments prescribed by division (A)(1) or (B)(1) of 14991
section 3301.0710 of the Revised Code or former division (A)(1), 14992
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 14993
existed prior to September 11, 2001, are administered to any 14994
student, the board of education of any school district in which 14995
the student is enrolled in that year shall provide to the student 14996

intervention services commensurate with the student's performance, 14997
including any intensive intervention required under section 14998
3313.608 of the Revised Code, in any skill in which the student 14999
failed to demonstrate at least a score at the proficient level on 15000
the assessment. 15001

(2) Following any administration of the assessments 15002
prescribed by division (D) of section 3301.0710 of the Revised 15003
Code to ninth grade students, each school district that has a 15004
three-year average graduation rate of not more than seventy-five 15005
per cent shall determine for each high school in the district 15006
whether the school shall be required to provide intervention 15007
services to any students who took the assessments. In determining 15008
which high schools shall provide intervention services based on 15009
the resources available, the district shall consider each school's 15010
graduation rate and scores on the practice assessments. The 15011
district also shall consider the scores received by ninth grade 15012
students on the English language arts and mathematics assessments 15013
prescribed under division (A)(1)(f) of section 3301.0710 of the 15014
Revised Code in the eighth grade in determining which high schools 15015
shall provide intervention services. 15016

Each high school selected to provide intervention services 15017
under this division shall provide intervention services to any 15018
student whose results indicate that the student is failing to make 15019
satisfactory progress toward being able to attain scores at the 15020
proficient level on the Ohio graduation tests. Intervention 15021
services shall be provided in any skill in which a student 15022
demonstrates unsatisfactory progress and shall be commensurate 15023
with the student's performance. Schools shall provide the 15024
intervention services prior to the end of the school year, during 15025
the summer following the ninth grade, in the next succeeding 15026
school year, or at any combination of those times. 15027

(E) Except as provided in section 3313.608 of the Revised 15028

Code and division (N) of this section, no school district board of 15029
education shall utilize any student's failure to attain a 15030
specified score on an assessment administered under this section 15031
as a factor in any decision to deny the student promotion to a 15032
higher grade level. However, a district board may choose not to 15033
promote to the next grade level any student who does not take an 15034
assessment administered under this section or make up an 15035
assessment as provided by division (C)(2) of this section and who 15036
is not exempt from the requirement to take the assessment under 15037
division (C)(3) of this section. 15038

(F) No person shall be charged a fee for taking any 15039
assessment administered under this section. 15040

(G)(1) Each school district board shall designate one 15041
location for the collection of assessments administered in the 15042
spring under division (B)(1) of this section and those 15043
administered under divisions (B)(2) to (7) of this section. Each 15044
district board shall submit the assessments to the entity with 15045
which the department contracts for the scoring of the assessments 15046
as follows: 15047

(a) If the district's total enrollment in grades kindergarten 15048
through twelve during the first full school week of October was 15049
less than two thousand five hundred, not later than the Friday 15050
after all of the assessments have been administered; 15051

(b) If the district's total enrollment in grades kindergarten 15052
through twelve during the first full school week of October was 15053
two thousand five hundred or more, but less than seven thousand, 15054
not later than the Monday after all of the assessments have been 15055
administered; 15056

(c) If the district's total enrollment in grades kindergarten 15057
through twelve during the first full school week of October was 15058
seven thousand or more, not later than the Tuesday after all of 15059

the assessments have been administered. 15060

However, any assessment that a student takes during the 15061
make-up period described in division (C)(2) of this section shall 15062
be submitted not later than the Friday following the day the 15063
student takes the assessment. 15064

(2) The department or an entity with which the department 15065
contracts for the scoring of the assessment shall send to each 15066
school district board a list of the individual scores of all 15067
persons taking a state achievement assessment as follows: 15068

(a) Except as provided in division (G)(2)(b) or (c) of this 15069
section, within forty-five days after the administration of the 15070
assessments prescribed by sections 3301.0710 and 3301.0712 of the 15071
Revised Code, but in no case shall the scores be returned later 15072
than the thirtieth day of June following the administration; 15073

(b) In the case of the third-grade English language arts 15074
assessment, within forty-five days after the administration of 15075
that assessment, but in no case shall the scores be returned later 15076
than the fifteenth day of June following the administration; 15077

(c) In the case of the writing component of an assessment or 15078
end-of-course examination in the area of English language arts, 15079
except for the third-grade English language arts assessment, the 15080
results may be sent after forty-five days of the administration of 15081
the writing component, but in no case shall the scores be returned 15082
later than the thirtieth day of June following the administration. 15083

(3) For assessments administered under this section by a 15084
joint vocational school district, the department or entity shall 15085
also send to each city, local, or exempted village school district 15086
a list of the individual scores of any students of such city, 15087
local, or exempted village school district who are attending 15088
school in the joint vocational school district. 15089

(4) Beginning with the 2019-2020 school year, a school 15090

district, other public school, or chartered nonpublic school may 15091
administer the third-grade English language arts or mathematics 15092
assessment, or both, in a paper format in any school year for 15093
which the district board of education or school governing body 15094
adopts a resolution indicating that the district or school chooses 15095
to administer the assessment in a paper format. The board or 15096
governing body shall submit a copy of the resolution to the 15097
department of education not later than the first day of May prior 15098
to the school year for which it will apply. If the resolution is 15099
submitted, the district or school shall administer the assessment 15100
in a paper format to all students in the third grade, except that 15101
any student whose individualized education program or plan 15102
developed under section 504 of the "Rehabilitation Act of 1973," 15103
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 15104
assessment in an online format is an appropriate accommodation for 15105
the student may take the assessment in an online format. 15106

(H) Individual scores on any assessments administered under 15107
this section shall be released by a district board only in 15108
accordance with section 3319.321 of the Revised Code and the rules 15109
adopted under division (A) of this section. No district board or 15110
its employees shall utilize individual or aggregate results in any 15111
manner that conflicts with rules for the ethical use of 15112
assessments adopted pursuant to division (A) of this section. 15113

(I) Except as provided in division (G) of this section, the 15114
department or an entity with which the department contracts for 15115
the scoring of the assessment shall not release any individual 15116
scores on any assessment administered under this section. The 15117
state board shall adopt rules to ensure the protection of student 15118
confidentiality at all times. The rules may require the use of the 15119
data verification codes assigned to students pursuant to division 15120
(D)(2) of section 3301.0714 of the Revised Code to protect the 15121
confidentiality of student scores. 15122

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1) Except as otherwise provided in division (K)(1) or (2)

of this section, each chartered nonpublic school for which at 15154
least sixty-five per cent of its total enrollment is made up of 15155
students who are participating in state scholarship programs shall 15156
administer the ~~elementary~~ assessments prescribed by division (A) 15157
of section 3301.0710 of the Revised Code or an alternative 15158
standardized assessment determined by the department. In 15159
accordance with procedures and deadlines prescribed by the 15160
department, the parent or guardian of a student enrolled in the 15161
school who is not participating in a state scholarship program may 15162
submit notice to the chief administrative officer of the school 15163
that the parent or guardian does not wish to have the student take 15164
the ~~elementary~~ assessments prescribed for the student's grade 15165
level under division (A) of section 3301.0710 of the Revised Code. 15166
If a parent or guardian submits an opt-out notice, the school 15167
shall not administer the assessments to that student. This option 15168
does not apply to any assessment required for a high school 15169
diploma under section 3313.612 of the Revised Code. 15170

Each chartered nonpublic school subject to division (K)(1) of 15171
this section shall report the results of each assessment 15172
administered under that division to the department. 15173

(2) A chartered nonpublic school may submit to the 15174
superintendent of public instruction a request for a waiver from 15175
administering the elementary assessments prescribed by division 15176
(A) of section 3301.0710 of the Revised Code. The state 15177
superintendent shall approve or disapprove a request for a waiver 15178
submitted under division (K)(2) of this section. No waiver shall 15179
be approved for any school year prior to the 2015-2016 school 15180
year. 15181

To be eligible to submit a request for a waiver, a chartered 15182
nonpublic school shall meet the following conditions: 15183

(a) At least ninety-five per cent of the students enrolled in 15184
the school are children with disabilities, as defined under 15185

section 3323.01 of the Revised Code, or have received a diagnosis 15186
by a school district or from a physician, including a 15187
neuropsychiatrist or psychiatrist, or a psychologist who is 15188
authorized to practice in this or another state as having a 15189
condition that impairs academic performance, such as dyslexia, 15190
dyscalculia, attention deficit hyperactivity disorder, or 15191
Asperger's syndrome. 15192

(b) The school has solely served a student population 15193
described in division (K)(1)(a) of this section for at least ten 15194
years. 15195

(c) The school provides to the department at least five years 15196
of records of internal testing conducted by the school that 15197
affords the department data required for accountability purposes, 15198
including diagnostic assessments and nationally standardized 15199
norm-referenced achievement assessments that measure reading and 15200
math skills. 15201

(3) Any chartered nonpublic school that is not subject to 15202
division (K)(1) of this section may participate in the assessment 15203
program by administering any of the assessments prescribed by 15204
division (A) of section 3301.0710 of the Revised Code. The chief 15205
administrator of the school shall specify which assessments the 15206
school will administer. Such specification shall be made in 15207
writing to the superintendent of public instruction prior to the 15208
first day of August of any school year in which assessments are 15209
administered and shall include a pledge that the nonpublic school 15210
will administer the specified assessments in the same manner as 15211
public schools are required to do under this section and rules 15212
adopted by the department. 15213

(4) The department of education shall furnish the assessments 15214
prescribed by section 3301.0710 of the Revised Code to each 15215
chartered nonpublic school that is subject to division (K)(1) of 15216
this section or participates under division (K)(3) of this 15217

section. 15218

(L) If a chartered nonpublic school is educating students in 15219
grades nine through twelve, the following shall apply: 15220

(1) Except as provided in division (L)(4) of this section, 15221
for a student who is enrolled in a chartered nonpublic school that 15222
is accredited through the independent schools association of the 15223
central states and who is attending the school under a state 15224
scholarship program, the student shall either take all of the 15225
assessments prescribed by division (B) of section 3301.0712 of the 15226
Revised Code or take an alternative assessment approved by the 15227
department under section 3313.619 of the Revised Code. However, a 15228
student who is excused from taking an assessment under division 15229
(C) of this section or has presented evidence to the chartered 15230
nonpublic school of having satisfied the condition prescribed by 15231
division (A)(1) of section 3313.618 of the Revised Code to qualify 15232
for a high school diploma prior to the date of the administration 15233
of the assessment prescribed under division (B)(1) of section 15234
3301.0712 of the Revised Code shall not be required to take that 15235
assessment. No governing authority of a chartered nonpublic school 15236
shall prohibit a student who is not required to take such 15237
assessment from taking the assessment. 15238

(2) For a student who is enrolled in a chartered nonpublic 15239
school that is accredited through the independent schools 15240
association of the central states, and who is not attending the 15241
school under a state scholarship program, the student shall not be 15242
required to take any assessment prescribed under section 3301.0712 15243
or 3313.619 of the Revised Code. 15244

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 15245
this section, for a student who is enrolled in a chartered 15246
nonpublic school that is not accredited through the independent 15247
schools association of the central states, regardless of whether 15248
the student is attending or is not attending the school under a 15249

state scholarship program, the student shall do one of the 15250
following: 15251

(i) Take all of the assessments prescribed by division (B) of 15252
section 3301.0712 of the Revised Code; 15253

(ii) Take only the assessment prescribed by division (B)(1) 15254
of section 3301.0712 of the Revised Code, provided that the 15255
student's school publishes the results of that assessment for each 15256
graduating class. The published results of that assessment shall 15257
include the overall composite scores, mean scores, twenty-fifth 15258
percentile scores, and seventy-fifth percentile scores for each 15259
subject area of the assessment. 15260

(iii) Take an alternative assessment approved by the 15261
department under section 3313.619 of the Revised Code. 15262

(b) A student who is excused from taking an assessment under 15263
division (C) of this section or has presented evidence to the 15264
chartered nonpublic school of having satisfied the condition 15265
prescribed by division (A)(1) of section 3313.618 of the Revised 15266
Code to qualify for a high school diploma prior to the date of the 15267
administration of the assessment prescribed under division (B)(1) 15268
of section 3301.0712 of the Revised Code shall not be required to 15269
take that assessment. No governing authority of a chartered 15270
nonpublic school shall prohibit a student who is not required to 15271
take such assessment from taking the assessment. 15272

(4) The assessments prescribed by sections 3301.0712 and 15273
3313.619 of the Revised Code shall not be administered to any 15274
student attending the school, if the school meets all of the 15275
following conditions: 15276

(a) At least ninety-five per cent of the students enrolled in 15277
the school are children with disabilities, as defined under 15278
section 3323.01 of the Revised Code, or have received a diagnosis 15279
by a school district or from a physician, including a 15280

neuropsychologist or psychiatrist, or a psychologist who is 15281
authorized to practice in this or another state as having a 15282
condition that impairs academic performance, such as dyslexia, 15283
dyscalculia, attention deficit hyperactivity disorder, or 15284
Asperger's syndrome. 15285

(b) The school has solely served a student population 15286
described in division (L)(4)(a) of this section for at least ten 15287
years. 15288

(c) The school makes available to the department at least 15289
five years of records of internal testing conducted by the school 15290
that affords the department data required for accountability 15291
purposes, including growth in student achievement in reading or 15292
mathematics, or both, as measured by nationally norm-referenced 15293
assessments that have developed appropriate standards for 15294
students. 15295

Division (L)(4) of this section applies to any student 15296
attending such school regardless of whether the student receives 15297
special education or related services and regardless of whether 15298
the student is attending the school under a state scholarship 15299
program. 15300

(M)(1) The superintendent of the state school for the blind 15301
and the superintendent of the state school for the deaf shall 15302
administer the assessments described by sections 3301.0710 and 15303
3301.0712 of the Revised Code. Each superintendent shall 15304
administer the assessments in the same manner as district boards 15305
are required to do under this section and rules adopted by the 15306
department of education and in conformity with division (C)(1)(a) 15307
of this section. 15308

(2) The department of education shall furnish the assessments 15309
described by sections 3301.0710 and 3301.0712 of the Revised Code 15310
to each superintendent. 15311

(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(O)(1) In the manner specified in divisions (O)(3), (4), (6), and (7) of this section, the assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the thirty-first day of July following the school year that the assessments were administered.

(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty.

Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by

division (A) of section 3301.0710 of the Revised Code. 15343

(a) The first administration of each assessment, as specified 15344
in former section 3301.0712 of the Revised Code, shall be a public 15345
record. 15346

(b) For subsequent administrations of each assessment prior 15347
to the 2011-2012 school year, not less than forty per cent of the 15348
questions on the assessment that are used to compute a student's 15349
score shall be a public record. The department shall determine 15350
which questions will be needed for reuse on a future assessment 15351
and those questions shall not be public records and shall be 15352
redacted from the assessment prior to its release as a public 15353
record. However, for each redacted question, the department shall 15354
inform each city, local, and exempted village school district of 15355
the statewide academic standard adopted by the state board under 15356
section 3301.079 of the Revised Code and the corresponding 15357
benchmark to which the question relates. The preceding sentence 15358
does not apply to field test questions that are redacted under 15359
division (O)(3) of this section. 15360

(c) The administrations of each assessment in the 2011-2012, 15361
2012-2013, and 2013-2014 school years shall not be a public 15362
record. 15363

(5) Each assessment prescribed by division (B)(1) of section 15364
3301.0710 of the Revised Code shall not be a public record. 15365

(6)(a) Except as provided in division (O)(6)(b) of this 15366
section, for the administrations in the 2014-2015, 2015-2016, and 15367
2016-2017 school years, questions on the assessments prescribed 15368
under division (A) of section 3301.0710 and division (B)(2) of 15369
section 3301.0712 of the Revised Code and the corresponding 15370
preferred answers that are used to compute a student's score shall 15371
become a public record as follows: 15372

(i) Forty per cent of the questions and preferred answers on 15373

the assessments on the thirty-first day of July following the 15374
administration of the assessment; 15375

(ii) Twenty per cent of the questions and preferred answers 15376
on the assessment on the thirty-first day of July one year after 15377
the administration of the assessment; 15378

(iii) The remaining forty per cent of the questions and 15379
preferred answers on the assessment on the thirty-first day of 15380
July two years after the administration of the assessment. 15381

The entire content of an assessment shall become a public 15382
record within three years of its administration. 15383

The department shall make the questions that become a public 15384
record under this division readily accessible to the public on the 15385
department's web site. Questions on the spring administration of 15386
each assessment shall be released on an annual basis, in 15387
accordance with this division. 15388

(b) No questions and corresponding preferred answers shall 15389
become a public record under division (O)(6) of this section after 15390
July 31, 2017. 15391

(7) Division (O)(7) of this section applies to the 15392
assessments prescribed by division (A) of section 3301.0710 and 15393
division (B)(2) of section 3301.0712 of the Revised Code. 15394

Beginning with the assessments administered in the spring of 15395
the 2017-2018 school year, not less than forty per cent of the 15396
questions on each assessment that are used to compute a student's 15397
score shall be a public record. The department shall determine 15398
which questions will be needed for reuse on a future assessment 15399
and those questions shall not be public records and shall be 15400
redacted from the assessment prior to its release as a public 15401
record. However, for each redacted question, the department shall 15402
inform each city, local, and exempted village school district of 15403
the corresponding statewide academic standard adopted by the state 15404

board under section 3301.079 of the Revised Code and the 15405
corresponding benchmark to which the question relates. The 15406
department is not required to provide corresponding standards and 15407
benchmarks to field test questions that are redacted under 15408
division (O)(3) of this section. 15409

(P) As used in this section: 15410

(1) "Three-year average" means the average of the most recent 15411
consecutive three school years of data. 15412

(2) "Dropout" means a student who withdraws from school 15413
before completing course requirements for graduation and who is 15414
not enrolled in an education program approved by the state board 15415
of education or an education program outside the state. "Dropout" 15416
does not include a student who has departed the country. 15417

(3) "Graduation rate" means the ratio of students receiving a 15418
diploma to the number of students who entered ninth grade four 15419
years earlier. Students who transfer into the district are added 15420
to the calculation. Students who transfer out of the district for 15421
reasons other than dropout are subtracted from the calculation. If 15422
a student who was a dropout in any previous year returns to the 15423
same school district, that student shall be entered into the 15424
calculation as if the student had entered ninth grade four years 15425
before the graduation year of the graduating class that the 15426
student joins. 15427

(4) "State scholarship programs" means the educational choice 15428
scholarship pilot program established under sections 3310.01 to 15429
3310.17 of the Revised Code, the autism scholarship program 15430
established under section 3310.41 of the Revised Code, the Jon 15431
Peterson special needs scholarship program established under 15432
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 15433
project scholarship program established under sections 3313.974 to 15434
3313.979 of the Revised Code. 15435

(5) "Other public school" means a community school 15436
established under Chapter 3314., a STEM school established under 15437
Chapter 3326., or a college-preparatory boarding school 15438
established under Chapter 3328. of the Revised Code. 15439

Sec. 3301.0714. (A) The state board of education shall adopt 15440
rules for a statewide education management information system. The 15441
rules shall require the state board to establish guidelines for 15442
the establishment and maintenance of the system in accordance with 15443
this section and the rules adopted under this section. The 15444
guidelines shall include: 15445

(1) Standards identifying and defining the types of data in 15446
the system in accordance with divisions (B) and (C) of this 15447
section; 15448

(2) Procedures for annually collecting and reporting the data 15449
to the state board in accordance with division (D) of this 15450
section; 15451

(3) Procedures for annually compiling the data in accordance 15452
with division (G) of this section; 15453

(4) Procedures for annually reporting the data to the public 15454
in accordance with division (H) of this section; 15455

(5) Standards to provide strict safeguards to protect the 15456
confidentiality of personally identifiable student data. 15457

(B) The guidelines adopted under this section shall require 15458
the data maintained in the education management information system 15459
to include at least the following: 15460

(1) Student participation and performance data, for each 15461
grade in each school district as a whole and for each grade in 15462
each school building in each school district, that includes: 15463

(a) The numbers of students receiving each category of 15464
instructional service offered by the school district, such as 15465

regular education instruction, vocational education instruction, 15466
specialized instruction programs or enrichment instruction that is 15467
part of the educational curriculum, instruction for gifted 15468
students, instruction for students with disabilities, and remedial 15469
instruction. The guidelines shall require instructional services 15470
under this division to be divided into discrete categories if an 15471
instructional service is limited to a specific subject, a specific 15472
type of student, or both, such as regular instructional services 15473
in mathematics, remedial reading instructional services, 15474
instructional services specifically for students gifted in 15475
mathematics or some other subject area, or instructional services 15476
for students with a specific type of disability. The categories of 15477
instructional services required by the guidelines under this 15478
division shall be the same as the categories of instructional 15479
services used in determining cost units pursuant to division 15480
(C)(3) of this section. 15481

(b) The numbers of students receiving support or 15482
extracurricular services for each of the support services or 15483
extracurricular programs offered by the school district, such as 15484
counseling services, health services, and extracurricular sports 15485
and fine arts programs. The categories of services required by the 15486
guidelines under this division shall be the same as the categories 15487
of services used in determining cost units pursuant to division 15488
(C)(4)(a) of this section. 15489

(c) Average student grades in each subject in grades nine 15490
through twelve; 15491

(d) Academic achievement levels as assessed under sections 15492
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 15493

(e) The number of students designated as having a disabling 15494
condition pursuant to division (C)(1) of section 3301.0711 of the 15495
Revised Code; 15496

(f) The numbers of students reported to the state board 15497
pursuant to division (C)(2) of section 3301.0711 of the Revised 15498
Code; 15499

(g) Attendance rates and the average daily attendance for the 15500
year. For purposes of this division, a student shall be counted as 15501
present for any field trip that is approved by the school 15502
administration. 15503

(h) Expulsion rates; 15504

(i) Suspension rates; 15505

(j) Dropout rates; 15506

(k) Rates of retention in grade; 15507

(l) For pupils in grades nine through twelve, the average 15508
number of carnegie units, as calculated in accordance with state 15509
board of education rules; 15510

(m) Graduation rates, to be calculated in a manner specified 15511
by the department of education that reflects the rate at which 15512
students who were in the ninth grade three years prior to the 15513
current year complete school and that is consistent with 15514
nationally accepted reporting requirements; 15515

(n) Results of diagnostic assessments administered to 15516
kindergarten students as required under section 3301.0715 of the 15517
Revised Code to permit a comparison of the academic readiness of 15518
kindergarten students. However, no district shall be required to 15519
report to the department the results of any diagnostic assessment 15520
administered to a kindergarten student, except for the language 15521
and reading assessment described in division (A)(2) of section 15522
3301.0715 of the Revised Code, if the parent of that student 15523
requests the district not to report those results. 15524

(o) Beginning on the first day of July that next succeeds ~~the~~ 15525
~~effective date of this amendment~~ September 29, 2017, for each 15526

disciplinary action which is required to be reported under 15527
division (B)(4) of this section, districts and schools also shall 15528
include an identification of the person or persons, if any, at 15529
whom the student's violent behavior that resulted in discipline 15530
was directed. The person or persons shall be identified by the 15531
respective classification at the district or school, such as 15532
student, teacher, or nonteaching employee, but shall not be 15533
identified by name. 15534

Division (B)(1)(o) of this section does not apply after the 15535
date that is two years following the submission of the report 15536
required by Section 733.13 of H.B. 49 of the 132nd general 15537
assembly. 15538

(2) Personnel and classroom enrollment data for each school 15539
district, including: 15540

(a) The total numbers of licensed employees and nonlicensed 15541
employees and the numbers of full-time equivalent licensed 15542
employees and nonlicensed employees providing each category of 15543
instructional service, instructional support service, and 15544
administrative support service used pursuant to division (C)(3) of 15545
this section. The guidelines adopted under this section shall 15546
require these categories of data to be maintained for the school 15547
district as a whole and, wherever applicable, for each grade in 15548
the school district as a whole, for each school building as a 15549
whole, and for each grade in each school building. 15550

(b) The total number of employees and the number of full-time 15551
equivalent employees providing each category of service used 15552
pursuant to divisions (C)(4)(a) and (b) of this section, and the 15553
total numbers of licensed employees and nonlicensed employees and 15554
the numbers of full-time equivalent licensed employees and 15555
nonlicensed employees providing each category used pursuant to 15556
division (C)(4)(c) of this section. The guidelines adopted under 15557
this section shall require these categories of data to be 15558

maintained for the school district as a whole and, wherever 15559
applicable, for each grade in the school district as a whole, for 15560
each school building as a whole, and for each grade in each school 15561
building. 15562

(c) The total number of regular classroom teachers teaching 15563
classes of regular education and the average number of pupils 15564
enrolled in each such class, in each of grades kindergarten 15565
through five in the district as a whole and in each school 15566
building in the school district. 15567

(d) The number of lead teachers employed by each school 15568
district and each school building. 15569

(3)(a) Student demographic data for each school district, 15570
including information regarding the gender ratio of the school 15571
district's pupils, the racial make-up of the school district's 15572
pupils, the number of ~~limited English proficient students~~ learners 15573
in the district, and an appropriate measure of the number of the 15574
school district's pupils who reside in economically disadvantaged 15575
households. The demographic data shall be collected in a manner to 15576
allow correlation with data collected under division (B)(1) of 15577
this section. Categories for data collected pursuant to division 15578
(B)(3) of this section shall conform, where appropriate, to 15579
standard practices of agencies of the federal government. 15580

(b) With respect to each student entering kindergarten, 15581
whether the student previously participated in a public preschool 15582
program, a private preschool program, or a head start program, and 15583
the number of years the student participated in each of these 15584
programs. 15585

(4) Any data required to be collected pursuant to federal 15586
law. 15587

(C) The education management information system shall include 15588
cost accounting data for each district as a whole and for each 15589

school building in each school district. The guidelines adopted 15590
under this section shall require the cost data for each school 15591
district to be maintained in a system of mutually exclusive cost 15592
units and shall require all of the costs of each school district 15593
to be divided among the cost units. The guidelines shall require 15594
the system of mutually exclusive cost units to include at least 15595
the following: 15596

(1) Administrative costs for the school district as a whole. 15597
The guidelines shall require the cost units under this division 15598
(C)(1) to be designed so that each of them may be compiled and 15599
reported in terms of average expenditure per pupil in formula ADM 15600
in the school district, as determined pursuant to section 3317.03 15601
of the Revised Code. 15602

(2) Administrative costs for each school building in the 15603
school district. The guidelines shall require the cost units under 15604
this division (C)(2) to be designed so that each of them may be 15605
compiled and reported in terms of average expenditure per 15606
full-time equivalent pupil receiving instructional or support 15607
services in each building. 15608

(3) Instructional services costs for each category of 15609
instructional service provided directly to students and required 15610
by guidelines adopted pursuant to division (B)(1)(a) of this 15611
section. The guidelines shall require the cost units under 15612
division (C)(3) of this section to be designed so that each of 15613
them may be compiled and reported in terms of average expenditure 15614
per pupil receiving the service in the school district as a whole 15615
and average expenditure per pupil receiving the service in each 15616
building in the school district and in terms of a total cost for 15617
each category of service and, as a breakdown of the total cost, a 15618
cost for each of the following components: 15619

(a) The cost of each instructional services category required 15620
by guidelines adopted under division (B)(1)(a) of this section 15621

that is provided directly to students by a classroom teacher; 15622

(b) The cost of the instructional support services, such as 15623
services provided by a speech-language pathologist, classroom 15624
aide, multimedia aide, or librarian, provided directly to students 15625
in conjunction with each instructional services category; 15626

(c) The cost of the administrative support services related 15627
to each instructional services category, such as the cost of 15628
personnel that develop the curriculum for the instructional 15629
services category and the cost of personnel supervising or 15630
coordinating the delivery of the instructional services category. 15631

(4) Support or extracurricular services costs for each 15632
category of service directly provided to students and required by 15633
guidelines adopted pursuant to division (B)(1)(b) of this section. 15634
The guidelines shall require the cost units under division (C)(4) 15635
of this section to be designed so that each of them may be 15636
compiled and reported in terms of average expenditure per pupil 15637
receiving the service in the school district as a whole and 15638
average expenditure per pupil receiving the service in each 15639
building in the school district and in terms of a total cost for 15640
each category of service and, as a breakdown of the total cost, a 15641
cost for each of the following components: 15642

(a) The cost of each support or extracurricular services 15643
category required by guidelines adopted under division (B)(1)(b) 15644
of this section that is provided directly to students by a 15645
licensed employee, such as services provided by a guidance 15646
counselor or any services provided by a licensed employee under a 15647
supplemental contract; 15648

(b) The cost of each such services category provided directly 15649
to students by a nonlicensed employee, such as janitorial 15650
services, cafeteria services, or services of a sports trainer; 15651

(c) The cost of the administrative services related to each 15652

services category in division (C)(4)(a) or (b) of this section, 15653
such as the cost of any licensed or nonlicensed employees that 15654
develop, supervise, coordinate, or otherwise are involved in 15655
administering or aiding the delivery of each services category. 15656

(D)(1) The guidelines adopted under this section shall 15657
require school districts to collect information about individual 15658
students, staff members, or both in connection with any data 15659
required by division (B) or (C) of this section or other reporting 15660
requirements established in the Revised Code. The guidelines may 15661
also require school districts to report information about 15662
individual staff members in connection with any data required by 15663
division (B) or (C) of this section or other reporting 15664
requirements established in the Revised Code. The guidelines shall 15665
not authorize school districts to request social security numbers 15666
of individual students. The guidelines shall prohibit the 15667
reporting under this section of a student's name, address, and 15668
social security number to the state board of education or the 15669
department of education. The guidelines shall also prohibit the 15670
reporting under this section of any personally identifiable 15671
information about any student, except for the purpose of assigning 15672
the data verification code required by division (D)(2) of this 15673
section, to any other person unless such person is employed by the 15674
school district or the information technology center operated 15675
under section 3301.075 of the Revised Code and is authorized by 15676
the district or technology center to have access to such 15677
information or is employed by an entity with which the department 15678
contracts for the scoring or the development of state assessments. 15679
The guidelines may require school districts to provide the social 15680
security numbers of individual staff members and the county of 15681
residence for a student. Nothing in this section prohibits the 15682
state board of education or department of education from providing 15683
a student's county of residence to the department of taxation to 15684
facilitate the distribution of tax revenue. 15685

(2)(a) The guidelines shall provide for each school district 15686
or community school to assign a data verification code that is 15687
unique on a statewide basis over time to each student whose 15688
initial Ohio enrollment is in that district or school and to 15689
report all required individual student data for that student 15690
utilizing such code. The guidelines shall also provide for 15691
assigning data verification codes to all students enrolled in 15692
districts or community schools on the effective date of the 15693
guidelines established under this section. The assignment of data 15694
verification codes for other entities, as described in division 15695
(D)(2)(d) of this section, the use of those codes, and the 15696
reporting and use of associated individual student data shall be 15697
coordinated by the department in accordance with state and federal 15698
law. 15699

School districts shall report individual student data to the 15700
department through the information technology centers utilizing 15701
the code. The entities described in division (D)(2)(d) of this 15702
section shall report individual student data to the department in 15703
the manner prescribed by the department. 15704

(b)(i) Except as provided in sections 3301.941, 3310.11, 15705
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 15706
in division (D)(2)(b)(ii) of this section, at no time shall the 15707
state board or the department have access to information that 15708
would enable any data verification code to be matched to 15709
personally identifiable student data. 15710

(ii) For the purpose of making per-pupil payments to 15711
community schools under division (C) of section 3314.08 of the 15712
Revised Code, the department shall have access to information that 15713
would enable any data verification code to be matched to 15714
personally identifiable student data. 15715

(c) Each school district and community school shall ensure 15716
that the data verification code is included in the student's 15717

records reported to any subsequent school district, community 15718
school, or state institution of higher education, as defined in 15719
section 3345.011 of the Revised Code, in which the student 15720
enrolls. Any such subsequent district or school shall utilize the 15721
same identifier in its reporting of data under this section. 15722

(d) The director of any state agency that administers a 15723
publicly funded program providing services to children who are 15724
younger than compulsory school age, as defined in section 3321.01 15725
of the Revised Code, including the directors of health, job and 15726
family services, mental health and addiction services, and 15727
developmental disabilities, shall request and receive, pursuant to 15728
sections 3301.0723 and 5123.0423 of the Revised Code, a data 15729
verification code for a child who is receiving those services. 15730

(E) The guidelines adopted under this section may require 15731
school districts to collect and report data, information, or 15732
reports other than that described in divisions (A), (B), and (C) 15733
of this section for the purpose of complying with other reporting 15734
requirements established in the Revised Code. The other data, 15735
information, or reports may be maintained in the education 15736
management information system but are not required to be compiled 15737
as part of the profile formats required under division (G) of this 15738
section or the annual statewide report required under division (H) 15739
of this section. 15740

(F) Beginning with the school year that begins July 1, 1991, 15741
the board of education of each school district shall annually 15742
collect and report to the state board, in accordance with the 15743
guidelines established by the board, the data required pursuant to 15744
this section. A school district may collect and report these data 15745
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 15746

(G) The state board shall, in accordance with the procedures 15747
it adopts, annually compile the data reported by each school 15748
district pursuant to division (D) of this section. The state board 15749

shall design formats for profiling each school district as a whole 15750
and each school building within each district and shall compile 15751
the data in accordance with these formats. These profile formats 15752
shall: 15753

(1) Include all of the data gathered under this section in a 15754
manner that facilitates comparison among school districts and 15755
among school buildings within each school district; 15756

(2) Present the data on academic achievement levels as 15757
assessed by the testing of student achievement maintained pursuant 15758
to division (B)(1)(d) of this section. 15759

(H)(1) The state board shall, in accordance with the 15760
procedures it adopts, annually prepare a statewide report for all 15761
school districts and the general public that includes the profile 15762
of each of the school districts developed pursuant to division (G) 15763
of this section. Copies of the report shall be sent to each school 15764
district. 15765

(2) The state board shall, in accordance with the procedures 15766
it adopts, annually prepare an individual report for each school 15767
district and the general public that includes the profiles of each 15768
of the school buildings in that school district developed pursuant 15769
to division (G) of this section. Copies of the report shall be 15770
sent to the superintendent of the district and to each member of 15771
the district board of education. 15772

(3) Copies of the reports received from the state board under 15773
divisions (H)(1) and (2) of this section shall be made available 15774
to the general public at each school district's offices. Each 15775
district board of education shall make copies of each report 15776
available to any person upon request and payment of a reasonable 15777
fee for the cost of reproducing the report. The board shall 15778
annually publish in a newspaper of general circulation in the 15779
school district, at least twice during the two weeks prior to the 15780

week in which the reports will first be available, a notice 15781
containing the address where the reports are available and the 15782
date on which the reports will be available. 15783

(I) Any data that is collected or maintained pursuant to this 15784
section and that identifies an individual pupil is not a public 15785
record for the purposes of section 149.43 of the Revised Code. 15786

(J) As used in this section: 15787

(1) "School district" means any city, local, exempted 15788
village, or joint vocational school district and, in accordance 15789
with section 3314.17 of the Revised Code, any community school. As 15790
used in division (L) of this section, "school district" also 15791
includes any educational service center or other educational 15792
entity required to submit data using the system established under 15793
this section. 15794

(2) "Cost" means any expenditure for operating expenses made 15795
by a school district excluding any expenditures for debt 15796
retirement except for payments made to any commercial lending 15797
institution for any loan approved pursuant to section 3313.483 of 15798
the Revised Code. 15799

(K) Any person who removes data from the information system 15800
established under this section for the purpose of releasing it to 15801
any person not entitled under law to have access to such 15802
information is subject to section 2913.42 of the Revised Code 15803
prohibiting tampering with data. 15804

(L)(1) In accordance with division (L)(2) of this section and 15805
the rules adopted under division (L)(10) of this section, the 15806
department of education may sanction any school district that 15807
reports incomplete or inaccurate data, reports data that does not 15808
conform to data requirements and descriptions published by the 15809
department, fails to report data in a timely manner, or otherwise 15810
does not make a good faith effort to report data as required by 15811

this section. 15812

(2) If the department decides to sanction a school district 15813
under this division, the department shall take the following 15814
sequential actions: 15815

(a) Notify the district in writing that the department has 15816
determined that data has not been reported as required under this 15817
section and require the district to review its data submission and 15818
submit corrected data by a deadline established by the department. 15819
The department also may require the district to develop a 15820
corrective action plan, which shall include provisions for the 15821
district to provide mandatory staff training on data reporting 15822
procedures. 15823

(b) Withhold up to ten per cent of the total amount of state 15824
funds due to the district for the current fiscal year and, if not 15825
previously required under division (L)(2)(a) of this section, 15826
require the district to develop a corrective action plan in 15827
accordance with that division; 15828

(c) Withhold an additional amount of up to twenty per cent of 15829
the total amount of state funds due to the district for the 15830
current fiscal year; 15831

(d) Direct department staff or an outside entity to 15832
investigate the district's data reporting practices and make 15833
recommendations for subsequent actions. The recommendations may 15834
include one or more of the following actions: 15835

(i) Arrange for an audit of the district's data reporting 15836
practices by department staff or an outside entity; 15837

(ii) Conduct a site visit and evaluation of the district; 15838

(iii) Withhold an additional amount of up to thirty per cent 15839
of the total amount of state funds due to the district for the 15840
current fiscal year; 15841

(iv) Continue monitoring the district's data reporting; 15842

(v) Assign department staff to supervise the district's data 15843
management system; 15844

(vi) Conduct an investigation to determine whether to suspend 15845
or revoke the license of any district employee in accordance with 15846
division (N) of this section; 15847

(vii) If the district is issued a report card under section 15848
3302.03 of the Revised Code, indicate on the report card that the 15849
district has been sanctioned for failing to report data as 15850
required by this section; 15851

(viii) If the district is issued a report card under section 15852
3302.03 of the Revised Code and incomplete or inaccurate data 15853
submitted by the district likely caused the district to receive a 15854
higher performance rating than it deserved under that section, 15855
issue a revised report card for the district; 15856

(ix) Any other action designed to correct the district's data 15857
reporting problems. 15858

(3) Any time the department takes an action against a school 15859
district under division (L)(2) of this section, the department 15860
shall make a report of the circumstances that prompted the action. 15861
The department shall send a copy of the report to the district 15862
superintendent or chief administrator and maintain a copy of the 15863
report in its files. 15864

(4) If any action taken under division (L)(2) of this section 15865
resolves a school district's data reporting problems to the 15866
department's satisfaction, the department shall not take any 15867
further actions described by that division. If the department 15868
withheld funds from the district under that division, the 15869
department may release those funds to the district, except that if 15870
the department withheld funding under division (L)(2)(c) of this 15871
section, the department shall not release the funds withheld under 15872

division (L)(2)(b) of this section and, if the department withheld 15873
funding under division (L)(2)(d) of this section, the department 15874
shall not release the funds withheld under division (L)(2)(b) or 15875
(c) of this section. 15876

(5) Notwithstanding anything in this section to the contrary, 15877
the department may use its own staff or an outside entity to 15878
conduct an audit of a school district's data reporting practices 15879
any time the department has reason to believe the district has not 15880
made a good faith effort to report data as required by this 15881
section. If any audit conducted by an outside entity under 15882
division (L)(2)(d)(i) or (5) of this section confirms that a 15883
district has not made a good faith effort to report data as 15884
required by this section, the district shall reimburse the 15885
department for the full cost of the audit. The department may 15886
withhold state funds due to the district for this purpose. 15887

(6) Prior to issuing a revised report card for a school 15888
district under division (L)(2)(d)(viii) of this section, the 15889
department may hold a hearing to provide the district with an 15890
opportunity to demonstrate that it made a good faith effort to 15891
report data as required by this section. The hearing shall be 15892
conducted by a referee appointed by the department. Based on the 15893
information provided in the hearing, the referee shall recommend 15894
whether the department should issue a revised report card for the 15895
district. If the referee affirms the department's contention that 15896
the district did not make a good faith effort to report data as 15897
required by this section, the district shall bear the full cost of 15898
conducting the hearing and of issuing any revised report card. 15899

(7) If the department determines that any inaccurate data 15900
reported under this section caused a school district to receive 15901
excess state funds in any fiscal year, the district shall 15902
reimburse the department an amount equal to the excess funds, in 15903
accordance with a payment schedule determined by the department. 15904

The department may withhold state funds due to the district for 15905
this purpose. 15906

(8) Any school district that has funds withheld under 15907
division (L)(2) of this section may appeal the withholding in 15908
accordance with Chapter 119. of the Revised Code. 15909

(9) In all cases of a disagreement between the department and 15910
a school district regarding the appropriateness of an action taken 15911
under division (L)(2) of this section, the burden of proof shall 15912
be on the district to demonstrate that it made a good faith effort 15913
to report data as required by this section. 15914

(10) The state board of education shall adopt rules under 15915
Chapter 119. of the Revised Code to implement division (L) of this 15916
section. 15917

(M) No information technology center or school district shall 15918
acquire, change, or update its student administration software 15919
package to manage and report data required to be reported to the 15920
department unless it converts to a student software package that 15921
is certified by the department. 15922

(N) The state board of education, in accordance with sections 15923
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 15924
license as defined under division (A) of section 3319.31 of the 15925
Revised Code that has been issued to any school district employee 15926
found to have willfully reported erroneous, inaccurate, or 15927
incomplete data to the education management information system. 15928

(O) No person shall release or maintain any information about 15929
any student in violation of this section. Whoever violates this 15930
division is guilty of a misdemeanor of the fourth degree. 15931

(P) The department shall disaggregate the data collected 15932
under division (B)(1)(n) of this section according to the race and 15933
socioeconomic status of the students assessed. 15934

(Q) If the department cannot compile any of the information 15935
required by division (H) of section 3302.03 of the Revised Code 15936
based upon the data collected under this section, the department 15937
shall develop a plan and a reasonable timeline for the collection 15938
of any data necessary to comply with that division. 15939

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 15940
Revised Code: 15941

(A) "Preschool program" means either of the following: 15942

(1) A child care program for preschool children that is 15943
operated by a school district board of education or an eligible 15944
nonpublic school. 15945

(2) A child care program for preschool children age three or 15946
older that is operated by a county board of developmental 15947
disabilities or a community school. 15948

(B) "Preschool child" or "child" means a child who has not 15949
entered kindergarten and is not of compulsory school age. 15950

(C) "Parent, guardian, or custodian" means the person or 15951
government agency that is or will be responsible for a child's 15952
school attendance under section 3321.01 of the Revised Code. 15953

(D) "Superintendent" means the superintendent of a school 15954
district or the chief administrative officer of a community school 15955
or an eligible nonpublic school. 15956

(E) "Director" means the director, head teacher, elementary 15957
principal, or site administrator who is the individual on site and 15958
responsible for supervision of a preschool program. 15959

(F) "Preschool staff member" means a preschool employee whose 15960
primary responsibility is care, teaching, or supervision of 15961
preschool children. 15962

(G) "Nonteaching employee" means a preschool program or 15963

school child program employee whose primary responsibilities are 15964
duties other than care, teaching, and supervision of preschool 15965
children or school children. 15966

(H) "Eligible nonpublic school" means a nonpublic school 15967
chartered as described in division (B)~~(8)~~(7) of section 5104.02 of 15968
the Revised Code or chartered by the state board of education for 15969
any combination of grades one through twelve, regardless of 15970
whether it also offers kindergarten. 15971

(I) "School child program" means a child care program for 15972
only school children that is operated by a school district board 15973
of education, county board of developmental disabilities, 15974
community school, or eligible nonpublic school. 15975

(J) "School child" means a child who is enrolled in or is 15976
eligible to be enrolled in a grade of kindergarten or above but is 15977
less than fifteen years old. 15978

(K) "School child program staff member" means an employee 15979
whose primary responsibility is the care, teaching, or supervision 15980
of children in a school child program. 15981

(L) "Child care" means administering to the needs of infants, 15982
toddlers, preschool children, and school children outside of 15983
school hours by persons other than their parents or guardians, 15984
custodians, or relatives by blood, marriage, or adoption for any 15985
part of the twenty-four-hour day in a place or residence other 15986
than a child's own home. 15987

(M) "Child day-care center~~7~~" and "publicly funded child 15988
care~~7~~" and "~~school-age child care center~~" have the same meanings 15989
as in section 5104.01 of the Revised Code. 15990

(N) "Community school" means either of the following: 15991

(1) A community school established under Chapter 3314. of the 15992
Revised Code that is sponsored by an entity that is rated 15993

"exemplary" under section 3314.016 of the Revised Code. 15994

(2) A community school established under Chapter 3314. of the 15995
Revised Code that has received, on its most recent report card, 15996
either of the following: 15997

(a) If the school offers any of grade levels four through 15998
twelve, a grade of "C" or better for the overall value-added 15999
progress dimension under division (C)(1)(e) of section 3302.03 of 16000
the Revised Code ~~and~~ or for the performance index score under 16001
division (C)(1)(b) of section 3302.03 of the Revised Code; 16002

(b) If the school does not offer a grade level higher than 16003
three, a grade of "C" or better for making progress in improving 16004
literacy in grades kindergarten through three under division 16005
(C)(1)(g) of section 3302.03 of the Revised Code. 16006

Sec. 3301.53. (A) The state board of education, in 16007
consultation with the director of job and family services, shall 16008
formulate and prescribe by rule adopted under Chapter 119. of the 16009
Revised Code minimum standards to be applied to preschool programs 16010
operated by school district boards of education, county boards of 16011
developmental disabilities, community schools, or eligible 16012
nonpublic schools. The rules shall include the following: 16013

(1) Standards ensuring that the preschool program is located 16014
in a safe and convenient facility that accommodates the enrollment 16015
of the program, is of the quality to support the growth and 16016
development of the children according to the program objectives, 16017
and meets the requirements of section 3301.55 of the Revised Code; 16018

(2) Standards ensuring that supervision, discipline, and 16019
programs will be administered according to established objectives 16020
and procedures; 16021

(3) Standards ensuring that preschool staff members and 16022
nonteaching employees are recruited, employed, assigned, 16023

evaluated, and provided inservice education without discrimination 16024
on the basis of age, color, national origin, race, or sex; and 16025
that preschool staff members and nonteaching employees are 16026
assigned responsibilities in accordance with written position 16027
descriptions commensurate with their training and experience; 16028

(4) A requirement that boards of education intending to 16029
establish a preschool program demonstrate a need for a preschool 16030
program prior to establishing the program; 16031

(5) Requirements that children participating in preschool 16032
programs have been immunized to the extent considered appropriate 16033
by the state board to prevent the spread of communicable disease; 16034

(6) Requirements that the parents of preschool children 16035
complete the emergency medical authorization form specified in 16036
section 3313.712 of the Revised Code. 16037

(B) The state board of education in consultation with the 16038
director of job and family services shall ensure that the rules 16039
adopted by the state board under sections 3301.52 to 3301.58 of 16040
the Revised Code are consistent with and meet or exceed the 16041
requirements of Chapter 5104. of the Revised Code with regard to 16042
child day-care centers that serve preschool children. The state 16043
board and the director of job and family services shall review all 16044
such rules at least once every five years. 16045

(C) The state board of education, in consultation with the 16046
director of job and family services, shall adopt rules for school 16047
child programs that are consistent with and meet or exceed the 16048
requirements of the rules adopted for ~~school-age child-care~~ child 16049
day-care centers that serve school-age children under Chapter 16050
5104. of the Revised Code. 16051

Sec. 3302.01. As used in this chapter: 16052

(A) "Performance index score" means the average of the totals 16053

derived from calculations, for each subject area, of the weighted
proportion of untested students and students scoring at each level
of skill described in division (A)(2) of section 3301.0710 of the
Revised Code on the state achievement assessments, as follows:

(1) For the assessments prescribed by division (A)(1) of
section 3301.0710 of the Revised Code, the average for each of the
subject areas of English language arts, mathematics, and science.

(2) For the assessments prescribed by division (B)(1) of
section 3301.0710 and division (B)(2) of section 3301.0712 of the
Revised Code, the average for each of the subject areas of English
language arts and mathematics.

The department of education shall assign weights such that
students who do not take an assessment receive a weight of zero
and students who take an assessment receive progressively larger
weights dependent upon the level of skill attained on the
assessment. The department shall assign additional weights to
students who have been permitted to pass over a subject in
accordance with a student acceleration policy adopted under
section 3324.10 of the Revised Code. If such a student attains the
proficient score prescribed under division (A)(2)(c) of section
3301.0710 of the Revised Code or higher on an assessment, the
department shall assign the student the weight prescribed for the
next higher scoring level. If such a student attains the advanced
score, prescribed under division (A)(2)(a) of section 3301.0710 of
the Revised Code, on an assessment, the department shall assign to
the student an additional proportional weight, as approved by the
state board. For each school year that such a student's score is
included in the performance index score and the student attains
the proficient score on an assessment, that additional weight
shall be assigned to the student on a subject-by-subject basis.

Students shall be included in the "performance index score"
in accordance with division (K)(2) of section 3302.03 of the

Revised Code. 16086

(B) "Subgroup" means a subset of the entire student 16087
population of the state, a school district, or a school building 16088
and includes each of the following: 16089

(1) Major racial and ethnic groups; 16090

(2) Students with disabilities; 16091

(3) Economically disadvantaged students; 16092

(4) ~~Limited English proficient students~~ learners; 16093

(5) Students identified as gifted in superior cognitive 16094
ability and specific academic ability fields under Chapter 3324. 16095
of the Revised Code. For students who are gifted in specific 16096
academic ability fields, the department shall use data for those 16097
students with specific academic ability in math and reading. If 16098
any other academic field is assessed, the department shall also 16099
include data for students with specific academic ability in that 16100
field. 16101

(6) Students in the lowest quintile for achievement 16102
statewide, as determined by a method prescribed by the state board 16103
of education. 16104

(C) "No Child Left Behind Act of 2001" includes the statutes 16105
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 16106
both thereto, rules and regulations promulgated pursuant to those 16107
statutes, guidance documents, and any other policy directives 16108
regarding implementation of that act issued by the United States 16109
department of education. 16110

(D) "Adequate yearly progress" means a measure of annual 16111
academic performance as calculated in accordance with the "No 16112
Child Left Behind Act of 2001." 16113

(E) "Supplemental educational services" means additional 16114
academic assistance, such as tutoring, remediation, or other 16115

educational enrichment activities, that is conducted outside of 16116
the regular school day by a provider approved by the department in 16117
accordance with the "No Child Left Behind Act of 2001." 16118

(F) "Value-added progress dimension" means a measure of 16119
academic gain for a student or group of students over a specific 16120
period of time that is calculated by applying a statistical 16121
methodology to individual student achievement data derived from 16122
the achievement assessments prescribed by section 3301.0710 of the 16123
Revised Code. The "value-added progress dimension" shall be 16124
developed and implemented in accordance with section 3302.021 of 16125
the Revised Code. 16126

(G)(1) "Four-year adjusted cohort graduation rate" means the 16127
number of students who graduate in four years or less with a 16128
regular high school diploma divided by the number of students who 16129
form the adjusted cohort for the graduating class. 16130

(2) "Five-year adjusted cohort graduation rate" means the 16131
number of students who graduate in five years with a regular high 16132
school diploma divided by the number of students who form the 16133
adjusted cohort for the four-year graduation rate. 16134

(H) "State institution of higher education" has the same 16135
meaning as in section 3345.011 of the Revised Code. 16136

(I) "Annual measurable objectives" means a measure of student 16137
progress determined in accordance with an agreement between the 16138
department of education and the United States department of 16139
education. 16140

(J) "Community school" means a community school established 16141
under Chapter 3314. of the Revised Code. 16142

(K) "STEM school" means a science, technology, engineering, 16143
and mathematics school established under Chapter 3326. of the 16144
Revised Code. 16145

(L) "Entitled to attend school in the district" means 16146
entitled to attend school in a school district under section 16147
3313.64 or 3313.65 of the Revised Code. 16148

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 16149
later than July 1, 2007, the department of education shall 16150
implement a value-added progress dimension for school districts 16151
and buildings and shall incorporate the value-added progress 16152
dimension into the report cards and performance ratings issued for 16153
districts and buildings under section 3302.03 of the Revised Code. 16154

The state board of education shall adopt rules, pursuant to 16155
Chapter 119. of the Revised Code, for the implementation of the 16156
value-added progress dimension. The rules adopted under this 16157
division shall specify ~~both~~ all of the following: 16158

(1) A scale for describing the levels of academic progress in 16159
reading and mathematics relative to a standard year of academic 16160
growth in those subjects for each of grades three through eight; 16161

(2) That the department shall maintain the confidentiality of 16162
individual student test scores and individual student reports in 16163
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 16164
Revised Code and federal law. The department may require school 16165
districts to use a unique identifier for each student for this 16166
purpose. Individual student test scores and individual student 16167
reports shall be made available only to a student's classroom 16168
teacher and other appropriate educational personnel and to the 16169
student's parent or guardian. 16170

(3) That the department may use not more than one academic 16171
year of value-added growth data to calculate the measure. 16172

(B) The department shall use a system designed for collecting 16173
necessary data, calculating the value-added progress dimension, 16174
analyzing data, and generating reports, which system has been used 16175

previously by a nonprofit organization led by the Ohio business 16176
community for at least one year in the operation of a pilot 16177
program in cooperation with school districts to collect and report 16178
student achievement data via electronic means and to provide 16179
information to the districts regarding the academic performance of 16180
individual students, grade levels, school buildings, and the 16181
districts as a whole. 16182

(C) The department shall not pay more than two dollars per 16183
student for data analysis and reporting to implement the 16184
value-added progress dimension in the same manner and with the 16185
same services as under the pilot program described by division (B) 16186
of this section. However, nothing in this section shall preclude 16187
the department or any school district from entering into a 16188
contract for the provision of more services at a higher fee per 16189
student. Any data analysis conducted under this section by an 16190
entity under contract with the department shall be completed in 16191
accordance with timelines established by the superintendent of 16192
public instruction. 16193

(D) The department shall share any aggregate student data and 16194
any calculation, analysis, or report utilizing aggregate student 16195
data that is generated under this section with the chancellor of 16196
the Ohio board of regents. The department shall not share 16197
individual student test scores and individual student reports with 16198
the chancellor. 16199

Sec. 3302.03. ~~Annually,~~ Not later than the thirty-first day 16200
of July of each year, the department of education shall submit 16201
preliminary report card data for overall academic performance and 16202
for each separate performance measure for each school district, 16203
and each school building, in accordance with this section. 16204

Annually, not later than the fifteenth day of September or 16205
the preceding Friday when that day falls on a Saturday or Sunday, 16206

the department ~~of education~~ shall assign a letter grade for 16207
overall academic performance and for each separate performance 16208
measure for each school district, and each school building in a 16209
district, in accordance with this section. The state board shall 16210
adopt rules pursuant to Chapter 119. of the Revised Code to 16211
establish performance criteria for each letter grade and prescribe 16212
a method by which the department assigns each letter grade. For a 16213
school building to which any of the performance measures do not 16214
apply, due to grade levels served by the building, the state board 16215
shall designate the performance measures that are applicable to 16216
the building and that must be calculated separately and used to 16217
calculate the building's overall grade. The department shall issue 16218
annual report cards reflecting the performance of each school 16219
district, each building within each district, and for the state as 16220
a whole using the performance measures and letter grade system 16221
described in this section. The department shall include on the 16222
report card for each district and each building within each 16223
district the most recent two-year trend data in student 16224
achievement for each subject and each grade. 16225

If the department fails to assign letter grades by the date 16226
specified, a school district or building shall be assigned the 16227
same grade for each measure that it was assigned for the previous 16228
school year or a "B" for each measure, whichever is the higher per 16229
measure. 16230

(A)(1) For the 2012-2013 school year, the department shall 16231
issue grades as described in division (E) of this section for each 16232
of the following performance measures: 16233

(a) Annual measurable objectives; 16234

(b) Performance index score for a school district or 16235
building. Grades shall be awarded as a percentage of the total 16236
possible points on the performance index system as adopted by the 16237
state board. In adopting benchmarks for assigning letter grades 16238

under division (A)(1)(b) of this section, the state board of 16239
education shall designate ninety per cent or higher for an "A," at 16240
least seventy per cent but not more than eighty per cent for a 16241
"C," and less than fifty per cent for an "F." 16242

(c) The extent to which the school district or building meets 16243
each of the applicable performance indicators established by the 16244
state board under section 3302.02 of the Revised Code and the 16245
percentage of applicable performance indicators that have been 16246
achieved. In adopting benchmarks for assigning letter grades under 16247
division (A)(1)(c) of this section, the state board shall 16248
designate ninety per cent or higher for an "A." 16249

(d) The four- and five-year adjusted cohort graduation rates. 16250

In adopting benchmarks for assigning letter grades under 16251
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 16252
department shall designate a four-year adjusted cohort graduation 16253
rate of ninety-three per cent or higher for an "A" and a five-year 16254
cohort graduation rate of ninety-five per cent or higher for an 16255
"A." 16256

(e) The overall score under the value-added progress 16257
dimension of a school district or building, for which the 16258
department shall use up to three years of value-added data as 16259
available. The letter grade assigned for this growth measure shall 16260
be as follows: 16261

(i) A score that is at least two standard errors of measure 16262
above the mean score shall be designated as an "A." 16263

(ii) A score that is at least one standard error of measure 16264
but less than two standard errors of measure above the mean score 16265
shall be designated as a "B." 16266

(iii) A score that is less than one standard error of measure 16267
above the mean score but greater than or equal to one standard 16268
error of measure below the mean score shall be designated as a 16269

"C." 16270

(iv) A score that is not greater than one standard error of 16271
measure below the mean score but is greater than or equal to two 16272
standard errors of measure below the mean score shall be 16273
designated as a "D." 16274

(v) A score that is not greater than two standard errors of 16275
measure below the mean score shall be designated as an "F." 16276

Whenever the value-added progress dimension is used as a 16277
graded performance measure, whether as an overall measure or as a 16278
measure of separate subgroups, the grades for the measure shall be 16279
calculated in the same manner as prescribed in division (A)(1)(e) 16280
of this section. 16281

(f) The value-added progress dimension score for a school 16282
district or building disaggregated for each of the following 16283
subgroups: students identified as gifted, students with 16284
disabilities, and students whose performance places them in the 16285
lowest quintile for achievement on a statewide basis. Each 16286
subgroup shall be a separate graded measure. 16287

(2) Not later than April 30, 2013, the state board of 16288
education shall adopt a resolution describing the performance 16289
measures, benchmarks, and grading system for the 2012-2013 school 16290
year and, not later than June 30, 2013, shall adopt rules in 16291
accordance with Chapter 119. of the Revised Code that prescribe 16292
the methods by which the performance measures under division 16293
(A)(1) of this section shall be assessed and assigned a letter 16294
grade, including performance benchmarks for each letter grade. 16295

At least forty-five days prior to the state board's adoption 16296
of rules to prescribe the methods by which the performance 16297
measures under division (A)(1) of this section shall be assessed 16298
and assigned a letter grade, the department shall conduct a public 16299
presentation before the standing committees of the house of 16300

representatives and the senate that consider education legislation 16301
describing such methods, including performance benchmarks. 16302

(3) There shall not be an overall letter grade for a school 16303
district or building for the 2012-2013 school year. 16304

(B)(1) For the 2013-2014 and 2014-2015 school years, the 16305
department shall issue grades as described in division (E) of this 16306
section for each of the following performance measures: 16307

(a) Annual measurable objectives; 16308

(b) Performance index score for a school district or 16309
building. Grades shall be awarded as a percentage of the total 16310
possible points on the performance index system as created by the 16311
department. In adopting benchmarks for assigning letter grades 16312
under division (B)(1)(b) of this section, the state board shall 16313
designate ninety per cent or higher for an "A," at least seventy 16314
per cent but not more than eighty per cent for a "C," and less 16315
than fifty per cent for an "F." 16316

(c) The extent to which the school district or building meets 16317
each of the applicable performance indicators established by the 16318
state board under section 3302.03 of the Revised Code and the 16319
percentage of applicable performance indicators that have been 16320
achieved. In adopting benchmarks for assigning letter grades under 16321
division (B)(1)(c) of this section, the state board shall 16322
designate ninety per cent or higher for an "A." 16323

(d) The four- and five-year adjusted cohort graduation rates; 16324

(e) The overall score under the value-added progress 16325
dimension of a school district or building, for which the 16326
department shall use up to three years of value-added data as 16327
available. 16328

(f) The value-added progress dimension score for a school 16329
district or building disaggregated for each of the following 16330

subgroups: students identified as gifted in superior cognitive 16331
ability and specific academic ability fields under Chapter 3324. 16332
of the Revised Code, students with disabilities, and students 16333
whose performance places them in the lowest quintile for 16334
achievement on a statewide basis. Each subgroup shall be a 16335
separate graded measure. 16336

(g) Whether a school district or building is making progress 16337
in improving literacy in grades kindergarten through three, as 16338
determined using a method prescribed by the state board. The state 16339
board shall adopt rules to prescribe benchmarks and standards for 16340
assigning grades to districts and buildings for purposes of 16341
division (B)(1)(g) of this section. In adopting benchmarks for 16342
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 16343
this section, the state board shall determine progress made based 16344
on the reduction in the total percentage of students scoring below 16345
grade level, or below proficient, compared from year to year on 16346
the reading and writing diagnostic assessments administered under 16347
section 3301.0715 of the Revised Code and the third grade English 16348
language arts assessment under section 3301.0710 of the Revised 16349
Code, as applicable. The state board shall designate for a "C" 16350
grade a value that is not lower than the statewide average value 16351
for this measure. No grade shall be issued under divisions 16352
(B)(1)(g) and (C)(1)(g) of this section for a district or building 16353
in which less than five per cent of students have scored below 16354
grade level on the diagnostic assessment administered to students 16355
in kindergarten under division (B)(1) of section 3313.608 of the 16356
Revised Code. 16357

(h) For a high mobility school district or building, an 16358
additional value-added progress dimension score. For this measure, 16359
the department shall use value-added data from the most recent 16360
school year available and shall use assessment scores for only 16361
those students to whom the district or building has administered 16362

the assessments prescribed by section 3301.0710 of the Revised 16363
Code for each of the two most recent consecutive school years. 16364

As used in this division, "high mobility school district or 16365
building" means a school district or building where at least 16366
twenty-five per cent of its total enrollment is made up of 16367
students who have attended that school district or building for 16368
less than one year. 16369

(2) In addition to the graded measures in division (B)(1) of 16370
this section, the department shall include on a school district's 16371
or building's report card all of the following without an assigned 16372
letter grade: 16373

(a) The percentage of students enrolled in a district or 16374
building participating in advanced placement classes and the 16375
percentage of those students who received a score of three or 16376
better on advanced placement examinations; 16377

(b) The number of a district's or building's students who 16378
have earned at least three college credits through dual enrollment 16379
or advanced standing programs, such as the post-secondary 16380
enrollment options program under Chapter 3365. of the Revised Code 16381
and state-approved career-technical courses offered through dual 16382
enrollment or statewide articulation, that appear on a student's 16383
transcript or other official document, either of which is issued 16384
by the institution of higher education from which the student 16385
earned the college credit. The credits earned that are reported 16386
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 16387
include any that are remedial or developmental and shall include 16388
those that count toward the curriculum requirements established 16389
for completion of a degree. 16390

(c) The percentage of students enrolled in a district or 16391
building who have taken a national standardized test used for 16392
college admission determinations and the percentage of those 16393

students who are determined to be remediation-free in accordance 16394
with standards adopted under division (F) of section 3345.061 of 16395
the Revised Code; 16396

(d) The percentage of the district's or the building's 16397
students who receive industry-recognized credentials as approved 16398
under section 3313.6113 of the Revised Code. 16399

(e) The percentage of students enrolled in a district or 16400
building who are participating in an international baccalaureate 16401
program and the percentage of those students who receive a score 16402
of four or better on the international baccalaureate examinations. 16403

(f) The percentage of the district's or building's students 16404
who receive an honors diploma under division (B) of section 16405
3313.61 of the Revised Code. 16406

(3) Not later than December 31, 2013, the state board shall 16407
adopt rules in accordance with Chapter 119. of the Revised Code 16408
that prescribe the methods by which the performance measures under 16409
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 16410
and assigned a letter grade, including performance benchmarks for 16411
each grade. 16412

At least forty-five days prior to the state board's adoption 16413
of rules to prescribe the methods by which the performance 16414
measures under division (B)(1) of this section shall be assessed 16415
and assigned a letter grade, the department shall conduct a public 16416
presentation before the standing committees of the house of 16417
representatives and the senate that consider education legislation 16418
describing such methods, including performance benchmarks. 16419

(4) There shall not be an overall letter grade for a school 16420
district or building for the 2013-2014, 2014-2015, 2015-2016, and 16421
2016-2017 school years. 16422

(C)(1) For the 2014-2015 school year and each school year 16423
thereafter, the department shall issue grades as described in 16424

division (E) of this section for each of the performance measures 16425
prescribed in division (C)(1) of this section. The graded measures 16426
are as follows: 16427

(a) Annual measurable objectives. For the 2017-2018 school 16428
year, the department shall not include any subgroup data in the 16429
annual measurable objectives that includes data from fewer than 16430
twenty-five students. For the 2018-2019 school year, the 16431
department shall not include any subgroup data in the annual 16432
measurable objectives that includes data from fewer than twenty 16433
students. Beginning with the 2019-2020 school year, the department 16434
shall not include any subgroup data in the annual measurable 16435
objectives that includes data from fewer than fifteen students. 16436

(b) Performance index score for a school district or 16437
building. Grades shall be awarded as a percentage of the total 16438
possible points on the performance index system as created by the 16439
department. In adopting benchmarks for assigning letter grades 16440
under division (C)(1)(b) of this section, the state board shall 16441
designate ninety per cent or higher for an "A," at least seventy 16442
per cent but not more than eighty per cent for a "C," and less 16443
than fifty per cent for an "F." 16444

(c) The extent to which the school district or building meets 16445
each of the applicable performance indicators established by the 16446
state board under section 3302.03 of the Revised Code and the 16447
percentage of applicable performance indicators that have been 16448
achieved. In adopting benchmarks for assigning letter grades under 16449
division (C)(1)(c) of this section, the state board shall 16450
designate ninety per cent or higher for an "A." 16451

(d) The four- and five-year adjusted cohort graduation rates; 16452

(e) The overall score under the value-added progress 16453
dimension, or another measure of student academic progress if 16454
adopted by the state board, of a school district or building, for 16455

which the department shall use ~~up to three years~~ not more than one 16456
academic year of value-added growth data ~~as available~~. 16457

In adopting benchmarks for assigning letter grades for 16458
overall score on value-added progress dimension under division 16459
(C)(1)(e) of this section, the state board shall prohibit the 16460
assigning of a grade of "A" for that measure unless the district's 16461
or building's grade assigned for value-added progress dimension 16462
for all subgroups under division (C)(1)(f) of this section is a 16463
"B" or higher. 16464

For the metric prescribed by division (C)(1)(e) of this 16465
section, the state board may adopt a student academic progress 16466
measure to be used instead of the value-added progress dimension. 16467
If the state board adopts such a measure, it also shall prescribe 16468
a method for assigning letter grades for the new measure that is 16469
comparable to the method prescribed in division (A)(1)(e) of this 16470
section. 16471

(f) The value-added progress dimension score of a school 16472
district or building disaggregated for each of the following 16473
subgroups: students identified as gifted in superior cognitive 16474
ability and specific academic ability fields under Chapter 3324. 16475
of the Revised Code, students with disabilities, and students 16476
whose performance places them in the lowest quintile for 16477
achievement on a statewide basis, as determined by a method 16478
prescribed by the state board. Each subgroup shall be a separate 16479
graded measure. 16480

The state board may adopt student academic progress measures 16481
to be used instead of the value-added progress dimension. If the 16482
state board adopts such measures, it also shall prescribe a method 16483
for assigning letter grades for the new measures that is 16484
comparable to the method prescribed in division (A)(1)(e) of this 16485
section. 16486

(g) Whether a school district or building is making progress 16487
in improving literacy in grades kindergarten through three, as 16488
determined using a method prescribed by the state board. The state 16489
board shall adopt rules to prescribe benchmarks and standards for 16490
assigning grades to a district or building for purposes of 16491
division (C)(1)(g) of this section. The state board shall 16492
designate for a "C" grade a value that is not lower than the 16493
statewide average value for this measure. No grade shall be issued 16494
under division (C)(1)(g) of this section for a district or 16495
building in which less than five per cent of students have scored 16496
below grade level on the kindergarten diagnostic assessment under 16497
division (B)(1) of section 3313.608 of the Revised Code. 16498

(h) For a high mobility school district or building, an 16499
additional value-added progress dimension score. For this measure, 16500
the department shall use value-added data from the most recent 16501
school year available and shall use assessment scores for only 16502
those students to whom the district or building has administered 16503
the assessments prescribed by section 3301.0710 of the Revised 16504
Code for each of the two most recent consecutive school years. 16505

As used in this division, "high mobility school district or 16506
building" means a school district or building where at least 16507
twenty-five per cent of its total enrollment is made up of 16508
students who have attended that school district or building for 16509
less than one year. 16510

(2) In addition to the graded measures in division (C)(1) of 16511
this section, the department shall include on a school district's 16512
or building's report card all of the following without an assigned 16513
letter grade: 16514

(a) The percentage of students enrolled in a district or 16515
building who have taken a national standardized test used for 16516
college admission determinations and the percentage of those 16517
students who are determined to be remediation-free in accordance 16518

with the standards adopted under division (F) of section 3345.061 16519
of the Revised Code; 16520

(b) The percentage of students enrolled in a district or 16521
building participating in advanced placement classes and the 16522
percentage of those students who received a score of three or 16523
better on advanced placement examinations; 16524

(c) The percentage of a district's or building's students who 16525
have earned at least three college credits through advanced 16526
standing programs, such as the college credit plus program under 16527
Chapter 3365. of the Revised Code and state-approved 16528
career-technical courses offered through dual enrollment or 16529
statewide articulation, that appear on a student's college 16530
transcript issued by the institution of higher education from 16531
which the student earned the college credit. The credits earned 16532
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 16533
section shall not include any that are remedial or developmental 16534
and shall include those that count toward the curriculum 16535
requirements established for completion of a degree. 16536

(d) The percentage of the district's or building's students 16537
who receive an honor's diploma under division (B) of section 16538
3313.61 of the Revised Code; 16539

(e) The percentage of the district's or building's students 16540
who receive industry-recognized credentials as approved under 16541
section 3313.6113 of the Revised Code; 16542

(f) The percentage of students enrolled in a district or 16543
building who are participating in an international baccalaureate 16544
program and the percentage of those students who receive a score 16545
of four or better on the international baccalaureate examinations; 16546

(g) The results of the college and career-ready assessments 16547
administered under division (B)(1) of section 3301.0712 of the 16548
Revised Code; 16549

(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer.

(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:

(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;

(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;

(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;

(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;

(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When available, the state board may incorporate the performance measure under division (C)(2)(g) of this section into the component under division (C)(3)(f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this

section, no individual student shall be counted in more than one 16581
performance measure. However, if a student qualifies for more than 16582
one performance measure in the component, the state board may, in 16583
its method to determine a grade for the component, specify an 16584
additional weight for such a student that is not greater than or 16585
equal to 1.0. In determining the overall score under division 16586
(C)(3)(f) of this section, the state board shall ensure that the 16587
pool of students included in the performance measures aggregated 16588
under that division are all of the students included in the four- 16589
and five-year adjusted graduation cohort. 16590

In the rules adopted under division (C)(3) of this section, 16591
the state board shall adopt a method for determining a grade for 16592
each component in divisions (C)(3)(a) to (f) of this section. The 16593
state board also shall establish a method to assign an overall 16594
grade of "A," "B," "C," "D," or "F" using the grades assigned for 16595
each component. The method the state board adopts for assigning an 16596
overall grade shall ~~give equal weight to the components in~~ 16597
~~divisions (C)(3)(b) and (c) of this section~~ use either the 16598
performance index score measure under division (C)(1)(b) or the 16599
value-added progress dimension measure under division (C)(1)(e) of 16600
this section, whichever is higher, but not both measures. The 16601
rules adopted by the state board shall prohibit the calculation of 16602
the overall grade to include both the performance index score and 16603
value-added progress dimension measures and shall ensure that a 16604
district or building receives the highest overall grade possible 16605
using the appropriate measure. 16606

At least forty-five days prior to the state board's adoption 16607
of rules to prescribe the methods for calculating the overall 16608
grade for the report card, as required by this division, the 16609
department shall conduct a public presentation before the standing 16610
committees of the house of representatives and the senate that 16611
consider education legislation describing the format for the 16612

report card, weights that will be assigned to the components of 16613
the overall grade, and the method for calculating the overall 16614
grade. 16615

(D) On or after July 1, 2015, the state board may develop a 16616
measure of student academic progress for high school students 16617
using only data from assessments in English language arts and 16618
mathematics. If the state board develops this measure, each school 16619
district and applicable school building shall be assigned a 16620
separate letter grade for it not sooner than the 2017-2018 school 16621
year. The district's or building's grade for that measure shall 16622
not be included in determining the district's or building's 16623
overall letter grade. 16624

(E) The letter grades assigned to a school district or 16625
building under this section shall be as follows: 16626

(1) "A" for a district or school making excellent progress; 16627

(2) "B" for a district or school making above average 16628
progress; 16629

(3) "C" for a district or school making average progress; 16630

(4) "D" for a district or school making below average 16631
progress; 16632

(5) "F" for a district or school failing to meet minimum 16633
progress. 16634

(F) When reporting data on student achievement and progress, 16635
the department shall disaggregate that data according to the 16636
following categories: 16637

(1) Performance of students by grade-level; 16638

(2) Performance of students by race and ethnic group; 16639

(3) Performance of students by gender; 16640

(4) Performance of students grouped by those who have been 16641

enrolled in a district or school for three or more years;	16642
(5) Performance of students grouped by those who have been	16643
enrolled in a district or school for more than one year and less	16644
than three years;	16645
(6) Performance of students grouped by those who have been	16646
enrolled in a district or school for one year or less;	16647
(7) Performance of students grouped by those who are	16648
economically disadvantaged;	16649
(8) Performance of students grouped by those who are enrolled	16650
in a conversion community school established under Chapter 3314.	16651
of the Revised Code;	16652
(9) Performance of students grouped by those who are	16653
classified as limited English proficient <u>learners</u> ;	16654
(10) Performance of students grouped by those who have	16655
disabilities;	16656
(11) Performance of students grouped by those who are	16657
classified as migrants;	16658
(12) Performance of students grouped by those who are	16659
identified as gifted in superior cognitive ability and the	16660
specific academic ability fields of reading and math pursuant to	16661
Chapter 3324. of the Revised Code. In disaggregating specific	16662
academic ability fields for gifted students, the department shall	16663
use data for those students with specific academic ability in math	16664
and reading. If any other academic field is assessed, the	16665
department shall also include data for students with specific	16666
academic ability in that field as well.	16667
(13) Performance of students grouped by those who perform in	16668
the lowest quintile for achievement on a statewide basis, as	16669
determined by a method prescribed by the state board.	16670
The department may disaggregate data on student performance	16671

according to other categories that the department determines are 16672
appropriate. To the extent possible, the department shall 16673
disaggregate data on student performance according to any 16674
combinations of two or more of the categories listed in divisions 16675
(F)(1) to (13) of this section that it deems relevant. 16676

In reporting data pursuant to division (F) of this section, 16677
the department shall not include in the report cards any data 16678
statistical in nature that is statistically unreliable or that 16679
could result in the identification of individual students. For 16680
this purpose, the department shall not report student performance 16681
data for any group identified in division (F) of this section that 16682
contains less than ten students. If the department does not report 16683
student performance data for a group because it contains less than 16684
ten students, the department shall indicate on the report card 16685
that is why data was not reported. 16686

(G) The department may include with the report cards any 16687
additional education and fiscal performance data it deems 16688
valuable. 16689

(H) The department shall include on each report card a list 16690
of additional information collected by the department that is 16691
available regarding the district or building for which the report 16692
card is issued. When available, such additional information shall 16693
include student mobility data disaggregated by race and 16694
socioeconomic status, college enrollment data, and the reports 16695
prepared under section 3302.031 of the Revised Code. 16696

The department shall maintain a site on the world wide web. 16697
The report card shall include the address of the site and shall 16698
specify that such additional information is available to the 16699
public at that site. The department shall also provide a copy of 16700
each item on the list to the superintendent of each school 16701
district. The district superintendent shall provide a copy of any 16702
item on the list to anyone who requests it. 16703

(I)(1)(a) Except as provided in division (I)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if a majority of the students enrolled in the conversion community school are enrolled in a dropout prevention and recovery program that is operated by the school, as described in division (A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and performance measures that are required under section 3314.017 of the Revised Code for any community school to which division (I)(1)(b) of this section applies. This addendum shall include, at a minimum, the data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(3) Any municipal school district, as defined in section

3311.71 of the Revised Code, that sponsors a community school 16736
located within the district's territory, or that enters into an 16737
agreement with a community school located within the district's 16738
territory whereby the district and the community school endorse 16739
each other's programs, may exercise either or both of the 16740
following elections: 16741

(a) To have data regarding the academic performance of 16742
students enrolled in that community school combined with 16743
comparable data from the schools of the district for the purpose 16744
of determining the performance of the district as a whole on the 16745
district's report card; 16746

(b) To have the number of students attending that community 16747
school noted separately on the district's report card. 16748

The election authorized under division (I)(3)(a) of this 16749
section is subject to approval by the governing authority of the 16750
community school. 16751

Any municipal school district that exercises an election to 16752
combine or include data under division (I)(3) of this section, by 16753
the first day of October of each year, shall file with the 16754
department documentation indicating eligibility for that election, 16755
as required by the department. 16756

(J) The department shall include on each report card the 16757
percentage of teachers in the district or building who are 16758
properly certified or licensed teachers, as defined in section 16759
3319.074 of the Revised Code, and a comparison of that percentage 16760
with the percentages of such teachers in similar districts and 16761
buildings. 16762

(K)(1) In calculating English language arts, mathematics, or 16763
science assessment passage rates used to determine school district 16764
or building performance under this section, the department shall 16765
include all students taking an assessment with accommodation or to 16766

whom an alternate assessment is administered pursuant to division 16767
(C)(1) or (3) of section 3301.0711 of the Revised Code. 16768

(2) In calculating performance index scores, rates of 16769
achievement on the performance indicators established by the state 16770
board under section 3302.02 of the Revised Code, and annual 16771
measurable objectives for determining adequate yearly progress for 16772
school districts and buildings under this section, the department 16773
shall do all of the following: 16774

(a) Include for each district or building only those students 16775
who are included in the ADM certified for the first full school 16776
week of October and are continuously enrolled in the district or 16777
building through the time of the spring administration of any 16778
assessment prescribed by division (A)(1) or (B)(1) of section 16779
3301.0710 or division (B) of section 3301.0712 of the Revised Code 16780
that is administered to the student's grade level; 16781

(b) Include cumulative totals from both the fall and spring 16782
administrations of the third grade English language arts 16783
achievement assessment; 16784

(c) Except as required by the No Child Left Behind Act of 16785
2001, exclude for each district or building any ~~limited~~ English 16786
~~proficient student learner~~ who has been enrolled in United States 16787
schools for less than one full school year. 16788

(L) Beginning with the 2015-2016 school year and at least 16789
once every three years thereafter, the state board of education 16790
shall review and may adjust the benchmarks for assigning letter 16791
grades to the performance measures and components prescribed under 16792
divisions (C)(3) and (D) of this section. 16793

Sec. 3302.037. (A) If any change is made to the calculation 16794
or determination of grades, or to the graded measures, on the 16795
report card issued under section 3302.03 of the Revised Code, the 16796

report card ratings issued for the school year in which the change 16797
takes effect shall not be considered in determining whether a 16798
school district or a school is subject to sanctions or penalties. 16799
Furthermore, the report card ratings of any previous years shall 16800
not be considered in determining whether a school district or 16801
building is subject to sanctions or penalties. Accordingly, the 16802
change in report card shall create a new starting point for 16803
determinations that are based on ratings over multiple years. 16804

(B) The provisions for which a district or school's rating 16805
are reset under division (A) of this section include the 16806
following: 16807

(1) Any restructuring provisions established under this 16808
chapter, except as required under federal law; 16809

(2) Provisions for the Columbus city school pilot project 16810
under section 3302.042 of the Revised Code; 16811

(3) Provisions for academic distress commissions under 16812
section 3302.10 of the Revised Code; 16813

(4) Provisions prescribing new buildings where students are 16814
eligible for the educational choice scholarships under section 16815
3310.03 of the Revised Code; 16816

(5) Provisions defining "challenged school districts" in 16817
which new start-up community schools may be located, as prescribed 16818
in section 3314.02 of the Revised Code; 16819

(6) Provisions prescribing community school closure 16820
requirements under section 3314.35 or 3314.351 of the Revised 16821
Code. 16822

Sec. 3302.038. Notwithstanding anything in the Revised Code 16823
to the contrary, when a school district's or school's grade for 16824
the value-added progress dimension or the performance index score 16825
calculated under section 3302.03 of the Revised Code is considered 16826

in determining whether a school district or a school is subject to 16827
sanctions or penalties on or after the effective date of this 16828
section, the department of education shall apply the higher grade 16829
of the two measures, regardless of which measure is specified. At 16830
no time shall both grades be used to determine any sanctions or 16831
penalties. 16832

Sec. 3302.039. If the department of education fails to assign 16833
report card ratings by the date required under section 3302.03 of 16834
the Revised Code or sponsor ratings by the date required under 16835
section 3314.016 of the Revised Code, the report card ratings or 16836
sponsor ratings issued for the school year in which the department 16837
misses the deadline shall not be considered in determining whether 16838
a school district or building is subject to sanctions or 16839
penalties. Furthermore, the report card ratings or sponsor ratings 16840
of any previous years shall not be considered in determining 16841
whether a school district, building, or sponsor is subject to 16842
sanctions or penalties. Accordingly, the missed deadline shall 16843
create a new starting point for determinations that are based on 16844
ratings over multiple years. 16845

Sec. 3302.042. (A) This section shall operate as a pilot 16846
project that applies to any school that has been ranked according 16847
to performance index score under section 3302.21 of the Revised 16848
Code in the lowest five per cent of all public school buildings 16849
statewide for three or more consecutive school years and is 16850
operated by the Columbus city school district. This section does 16851
not apply to a school building that is ranked according to the 16852
value-added progress dimension under section 3302.03 of the 16853
Revised Code above the lowest five per cent of all public school 16854
buildings statewide for three or more consecutive years. The pilot 16855
project shall commence once the department of education 16856
establishes implementation guidelines for the pilot project in 16857

consultation with the Columbus city school district. 16858

(B) Except as provided in division (D), (E), or (F) of this 16859
section, if the parents or guardians of at least fifty per cent of 16860
the students enrolled in a school to which this section applies, 16861
or if the parents or guardians of at least fifty per cent of the 16862
total number of students enrolled in that school and the schools 16863
of lower grade levels whose students typically matriculate into 16864
that school, by the thirty-first day of December of any school 16865
year in which the school is subject to this section, sign and file 16866
with the school district treasurer a petition requesting the 16867
district board of education to implement one of the following 16868
reforms in the school, and if the validity and sufficiency of the 16869
petition is certified in accordance with division (C) of this 16870
section, the board shall implement the requested reform in the 16871
next school year: 16872

(1) Reopen the school as a community school under Chapter 16873
3314. of the Revised Code; 16874

(2) Replace at least seventy per cent of the school's 16875
personnel who are related to the school's poor academic 16876
performance or, at the request of the petitioners, retain not more 16877
than thirty per cent of the personnel; 16878

(3) Contract with another school district or a nonprofit or 16879
for-profit entity with a demonstrated record of effectiveness to 16880
operate the school; 16881

(4) Turn operation of the school over to the department; 16882

(5) Any other major restructuring of the school that makes 16883
fundamental reforms in the school's staffing or governance. 16884

(C) Not later than thirty days after receipt of a petition 16885
under division (B) of this section, the district treasurer shall 16886
verify the validity and sufficiency of the signatures on the 16887

petition and certify to the district board whether the petition 16888
contains the necessary number of valid signatures to require the 16889
board to implement the reform requested by the petitioners. If the 16890
treasurer certifies to the district board that the petition does 16891
not contain the necessary number of valid signatures, any person 16892
who signed the petition may file an appeal with the county auditor 16893
within ten days after the certification. Not later than thirty 16894
days after the filing of an appeal, the county auditor shall 16895
conduct an independent verification of the validity and 16896
sufficiency of the signatures on the petition and certify to the 16897
district board whether the petition contains the necessary number 16898
of valid signatures to require the board to implement the 16899
requested reform. If the treasurer or county auditor certifies 16900
that the petition contains the necessary number of valid 16901
signatures, the district board shall notify the superintendent of 16902
public instruction and the state board of education of the 16903
certification. 16904

(D) The district board shall not implement the reform 16905
requested by the petitioners in any of the following 16906
circumstances: 16907

(1) The district board has determined that the request is for 16908
reasons other than improving student academic achievement or 16909
student safety. 16910

(2) The state superintendent has determined that 16911
implementation of the requested reform would not comply with the 16912
model of differentiated accountability described in section 16913
3302.041 of the Revised Code. 16914

(3) The petitioners have requested the district board to 16915
implement the reform described in division (B)(4) of this section 16916
and the department has not agreed to take over the school's 16917
operation. 16918

(4) When all of the following have occurred: 16919

(a) After a public hearing on the matter, the district board 16920
issued a written statement explaining the reasons that it is 16921
unable to implement the requested reform and agreeing to implement 16922
one of the other reforms described in division (B) of this 16923
section. 16924

(b) The district board submitted its written statement to the 16925
state superintendent and the state board along with evidence 16926
showing how the alternative reform the district board has agreed 16927
to implement will enable the school to improve its academic 16928
performance. 16929

(c) Both the state superintendent and the state board have 16930
approved implementation of the alternative reform. 16931

(E) If the provisions of this section conflict in any way 16932
with the requirements of federal law, federal law shall prevail 16933
over the provisions of this section. 16934

(F) If a school is restructured under this section, section 16935
3302.10 or 3302.12 of the Revised Code, or federal law, the school 16936
shall not be required to restructure again under state law for 16937
three consecutive years after the implementation of that prior 16938
restructuring. 16939

(G) Beginning not later than six months after the first 16940
petition under this section has been resolved, the department of 16941
education shall annually evaluate the pilot program and submit a 16942
report to the general assembly under section 101.68 of the Revised 16943
Code. Such reports shall contain its recommendations to the 16944
general assembly with respect to the continuation of the pilot 16945
program, its expansion to other school districts, or the enactment 16946
of further legislation establishing the program statewide under 16947
permanent law. 16948

Sec. 3302.061. (A) A school district board of education shall 16949
review each application received under section 3302.06 of the 16950
Revised Code and, within sixty days after receipt of the 16951
application, shall approve or disapprove the application. In 16952
reviewing applications, the board shall give preference to 16953
applications that propose innovations in one or more of the 16954
following areas: 16955

(1) Curriculum; 16956

(2) Student assessments, other than the assessments 16957
prescribed by sections 3301.0710 and 3301.0712 of the Revised 16958
Code; 16959

(3) Class scheduling; 16960

(4) Accountability measures, including innovations that 16961
expand the number and variety of measures used in order to collect 16962
more complete data about student academic performance. For this 16963
purpose, schools may consider use of measures such as 16964
end-of-course examinations, portfolios of student work, nationally 16965
or internationally normed assessments, the percentage of students 16966
enrolling in post-secondary education, or the percentage of 16967
students simultaneously obtaining a high school diploma and an 16968
associate's degree or certification to work in an industry or 16969
career field. 16970

(5) Provision of student services, including services for 16971
students who are disabled, identified as gifted under Chapter 16972
3324. of the Revised Code, ~~limited English proficient learners~~, at 16973
risk of academic failure or dropping out, or at risk of suspension 16974
or expulsion; 16975

(6) Provision of health, counseling, or other social services 16976
to students; 16977

(7) Preparation of students for transition to higher 16978

education or the workforce;	16979
(8) Teacher recruitment, employment, and evaluation;	16980
(9) Compensation for school personnel;	16981
(10) Professional development;	16982
(11) School governance and the roles and responsibilities of principals;	16983 16984
(12) Use of financial or other resources.	16985
(B)(1) If the board approves an application seeking designation as an innovation school, it shall so designate the school that submitted the application. If the board approves an application seeking designation as an innovation school zone, it shall so designate the participating schools that submitted the application.	16986 16987 16988 16989 16990 16991
(2) If the board disapproves an application, it shall provide a written explanation of the basis for its decision to the school or schools that submitted the application. The school or schools may reapply for designation as an innovation school or innovation school zone at any time.	16992 16993 16994 16995 16996
(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section 3311.78, 3317.14, or 3317.141 of the Revised Code. The board may approve an application that allows an innovation school or a school participating in an innovation school zone to remove board employees from the school, but no employee shall be terminated except as provided in section 3311.82, 3319.081, or 3319.16 of the	16997 16998 16999 17000 17001 17002 17003 17004 17005 17006 17007 17008

Revised Code. 17009

(D) The board may do either of the following at any time: 17010

(1) Designate a school as an innovation school by creating an 17011
innovation plan for that school and offering the school an 17012
opportunity to participate in the plan's creation; 17013

(2) Designate as an innovation school zone two or more 17014
schools that share common interests based on factors such as 17015
geographical proximity or similar educational programs or that 17016
serve the same classes of students as they advance to higher grade 17017
levels, by creating an innovation plan for those schools and 17018
offering the schools an opportunity to participate in the plan's 17019
creation. 17020

Sec. 3302.12. (A)(1) Except as provided in divisions (C) and 17021
(D) of this section, this section applies to a school building 17022
that is ranked according to performance index score under section 17023
3302.21 of the Revised Code in the lowest five per cent of public 17024
school buildings statewide for three consecutive years and ~~that~~ 17025
~~meets any combination of the following for three consecutive~~ 17026
~~years:~~ 17027

~~(a) The school building is declared to be under an academic 17028
watch or in a state of academic emergency under section 3302.03 of~~ 17029
~~the Revised Code;~~ 17030

~~(b) The school building that has received a grade of "F" for 17031
the value added progress dimension under division (A)(1)(e),~~ 17032
~~(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code;~~ 17033

~~(c) The school building that has received an overall grade of 17034
"F" under section 3302.03 of the Revised Code. This section does 17035
not apply to a school building that is ranked according to the 17036
value-added progress dimension under section 3302.03 of the 17037
Revised Code above the lowest five per cent of all public school 17038~~

buildings statewide for three or more consecutive years. 17039

(2) In the case of a building to which this section applies, 17040
the district board of education in control of that building shall 17041
do one of the following at the conclusion of the school year in 17042
which the building first becomes subject to this section: 17043

(a) Close the school and direct the district superintendent 17044
to reassign the students enrolled in the school to other school 17045
buildings that demonstrate higher academic achievement; 17046

(b) Contract with another school district or a nonprofit or 17047
for-profit entity with a demonstrated record of effectiveness to 17048
operate the school; 17049

(c) Replace the principal and all teaching staff of the 17050
school and, upon request from the new principal, exempt the school 17051
from all requested policies and regulations of the board regarding 17052
curriculum and instruction. The board also shall distribute 17053
funding to the school in an amount that is at least equal to the 17054
product of the per pupil amount of state and local revenues 17055
received by the district multiplied by the student population of 17056
the school. 17057

(d) Reopen the school as a conversion community school under 17058
Chapter 3314. of the Revised Code. 17059

(B) If an action taken by the board under division (A)(2) of 17060
this section causes the district to no longer maintain all grades 17061
kindergarten through twelve, as required by section 3311.29 of the 17062
Revised Code, the board shall enter into a contract with another 17063
school district pursuant to section 3327.04 of the Revised Code 17064
for enrollment of students in the schools of that other district 17065
to the extent necessary to comply with the requirement of section 17066
3311.29 of the Revised Code. Notwithstanding any provision of the 17067
Revised Code to the contrary, if the board enters into and 17068
maintains a contract under section 3327.04 of the Revised Code, 17069

the district shall not be considered to have failed to comply with 17070
the requirement of section 3311.29 of the Revised Code. If, 17071
however, the district board fails to or is unable to enter into or 17072
maintain such a contract, the state board of education shall take 17073
all necessary actions to dissolve the district as provided in 17074
division (A) of section 3311.29 of the Revised Code. 17075

(C) If a particular school is required to restructure under 17076
this section and a petition with respect to that same school has 17077
been filed and verified under divisions (B) and (C) of section 17078
3302.042 of the Revised Code, the provisions of that section and 17079
the petition filed and verified under it shall prevail over the 17080
provisions of this section and the school shall be restructured 17081
under that section. However, if division (D)(1), (2), or (3) of 17082
section 3302.042 of the Revised Code also applies to the school, 17083
the school shall be subject to restructuring under this section 17084
and not section 3302.042 of the Revised Code. 17085

If the provisions of this section conflict in any way with 17086
the requirements of federal law, federal law shall prevail over 17087
the provisions of this section. 17088

(D) If a school is restructured under this section, section 17089
3302.042 or 3302.10 of the Revised Code, or federal law, the 17090
school shall not be required to restructure again under state law 17091
for three consecutive years after the implementation of that prior 17092
restructuring. 17093

Sec. 3302.18. (A)(1) If a community learning center process 17094
is initiated under section 3302.17 of the Revised Code for any 17095
school building operated by a city, exempted village, or local 17096
school district or a community school established under Chapter 17097
3314. of the Revised Code, the district board of education or 17098
community school governing authority shall create a school action 17099
team for the school building. The team shall consist of twelve 17100

members, as follows: 17101

(a) Seven individuals, consisting of parents or guardians of 17102
students enrolled in the school and members of the community who 17103
are not teachers or nonteaching employees, as elected by their 17104
peers; 17105

(b) Five teachers and nonteaching employees who are assigned 17106
to the school building and are not parents or guardians of 17107
students enrolled in the school, as elected by their peers. 17108

(2) To assist a school action team initiated under section 17109
3302.17 of the Revised Code, the district board, community school 17110
governing authority, or community partner shall select an 17111
individual who is employed by the district, school, or community 17112
partner to serve as the resource coordinator for the community 17113
learning center. The school action team shall make recommendations 17114
to the board, governing authority, or community partner on 17115
potential candidates. The resource coordinator shall not be 17116
considered a member of a school action team. The resource 17117
coordinator shall assist in the development and coordination of 17118
programs and services for the community learning center. 17119

(B) All members of a school action team shall serve as voting 17120
members. Terms of office shall be for three years, and vacancies 17121
shall be filled in the same manner as the original appointment. 17122

Members shall serve without compensation. 17123

(C) In addition to the responsibilities listed in section 17124
3302.17 of the Revised Code, the school action team shall do all 17125
of the following: 17126

(1) Monitor and assist in the implementation of the school 17127
improvement plan, if adopted; 17128

(2) Meet with candidates for principal and other 17129
administrative positions and make recommendations to the 17130

superintendent and board of education of the district or governing	17131
authority of the community school;	17132
(3) Advise on school budgets;	17133
(4) Establish ongoing mechanisms that engage students,	17134
parents, and community members in the school;	17135
(5) Continue to collect feedback and information from parents	17136
using an annual survey;	17137
(6) Develop and approve a written parent involvement policy	17138
that outlines the role of parents and guardians in the school;	17139
(7) Monitor school progress on data related to academic	17140
achievement; attendance, suspensions, and expulsions; graduation	17141
rates; and reclassifications disaggregated by major racial and	17142
ethnic groups, limited English proficient students <u>learners</u> ,	17143
economically disadvantaged students, and students with	17144
disabilities;	17145
(8) Receive regular updates from the principal on policy	17146
matters affecting the school and provide advice on such matters;	17147
(9) Meet regularly with parents and community members to	17148
discuss policy matters affecting the school.	17149
 Sec. 3310.03. A student is an "eligible student" for purposes	17150
of the educational choice scholarship pilot program if the	17151
student's resident district is not a school district in which the	17152
pilot project scholarship program is operating under sections	17153
3313.974 to 3313.979 of the Revised Code and the student satisfies	17154
one of the conditions in division (A), (B), (C), (D), or (E) of	17155
this section:	17156
(A)(1) The student is enrolled in a school building operated	17157
by the student's resident district that, on the report card issued	17158
under section 3302.03 of the Revised Code published prior to the	17159
first day of July of the school year for which a scholarship is	17160

sought, did not receive a rating as described in division ~~(H)~~(I) 17161
of this section, and to which any or a combination of any of the 17162
following, pursuant to section 3302.038 of the Revised Code, apply 17163
for two of the three most recent report cards published prior to 17164
the first day of July of the school year for which a scholarship 17165
is sought: 17166

(a) The building was declared to be in a state of academic 17167
emergency or academic watch under section 3302.03 of the Revised 17168
Code as that section existed prior to March 22, 2013. 17169

(b) The building, pursuant to section 3302.038 of the Revised 17170
Code, received a grade of "D" or "F" for the performance index 17171
score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of 17172
the Revised Code ~~and~~ or for the value-added progress dimension 17173
under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the 17174
Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 17175
school year; or if the building serves only grades ten through 17176
twelve, the building received a grade of "D" or "F" for either the 17177
performance index score under division (A)(1)(b) or (B)(1)(b) of 17178
section 3302.03 of the Revised Code or for the value-added 17179
progress dimension measure under division (A)(1)(e) or (B)(1)(e) 17180
of that section and had a four-year adjusted cohort graduation 17181
rate of less than seventy-five per cent. 17182

(c) The building received an overall grade of "D" or "F" 17183
under division (C)(3) of section 3302.03 of the Revised Code for 17184
the 2016-2017 school year or any school year thereafter or ~~a grade~~ 17185
~~of "F" for the~~, for the 2016-2017 school year or any school year 17186
thereafter, a grade of "F" on either of the following measures 17187
pursuant to section 3302.038 of the Revised Code: 17188

(i) The performance index score under division (C)(1)(b) of 17189
section 3302.03 of the Revised Code; 17190

(ii) The value-added progress dimension under division 17191

(C)(1)(e) of section 3302.03 of the Revised Code ~~for the 2016-2017~~ 17192
~~school year or any school year thereafter.~~ 17193

(2) The student will be enrolling in any of grades 17194
kindergarten through twelve in this state for the first time in 17195
the school year for which a scholarship is sought, will be at 17196
least five years of age by the first day of January of the school 17197
year for which a scholarship is sought, and otherwise would be 17198
assigned under section 3319.01 of the Revised Code in the school 17199
year for which a scholarship is sought, to a school building 17200
described in division (A)(1) of this section. 17201

(3) The student is enrolled in a community school established 17202
under Chapter 3314. of the Revised Code but otherwise would be 17203
assigned under section 3319.01 of the Revised Code to a building 17204
described in division (A)(1) of this section. 17205

(4) The student is enrolled in a school building operated by 17206
the student's resident district or in a community school 17207
established under Chapter 3314. of the Revised Code and otherwise 17208
would be assigned under section 3319.01 of the Revised Code to a 17209
school building described in division (A)(1) of this section in 17210
the school year for which the scholarship is sought. 17211

(5) The student will be both enrolling in any of grades 17212
kindergarten through twelve in this state for the first time and 17213
at least five years of age by the first day of January of the 17214
school year for which a scholarship is sought, or is enrolled in a 17215
community school established under Chapter 3314. of the Revised 17216
Code, and all of the following apply to the student's resident 17217
district: 17218

(a) The district has in force an intradistrict open 17219
enrollment policy under which no student in the student's grade 17220
level is automatically assigned to a particular school building; 17221

(b) In the most recent rating published prior to the first 17222

day of July of the school year for which scholarship is sought, 17223
the district did not receive a rating described in division ~~(H)~~(I) 17224
of this section, and in at least two of the three most recent 17225
report cards published prior to the first day of July of that 17226
school year, any or a combination of the following, pursuant to 17227
section 3302.038 of the Revised Code, apply to the district: 17228

(i) The district was declared to be in a state of academic 17229
emergency under section 3302.03 of the Revised Code as it existed 17230
prior to March 22, 2013. 17231

(ii) The district, pursuant to section 3302.038 of the 17232
Revised Code, received a grade of "D" or "F" for the performance 17233
index score under division (A)(1)(b) or (B)(1)(b) of section 17234
3302.03 of the Revised Code ~~and~~ or for the value-added progress 17235
dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 17236
of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 17237
2015-2016 school year. 17238

(c) The district received an overall grade of "D" or "F" 17239
under division (C)(3) of section 3302.03 of the Revised Code for 17240
the 2016-2017 school year or any school year thereafter ~~or a grade~~ 17241
~~of "F" for the~~, for the 2016-2017 school year or any school year 17242
thereafter, a grade of "F" on either of the following measures 17243
pursuant to section 3302.038 of the Revised Code: 17244

(i) The performance index score under division (C)(1)(b) of 17245
section 3302.03 of the Revised Code; 17246

(ii) The value-added progress dimension under division 17247
(C)(1)(e) of section 3302.03 of the Revised Code ~~for the 2016-2017~~ 17248
~~school year or any school year thereafter.~~ 17249

(6) Beginning in the 2016-2017 school year, the student is 17250
enrolled in or will be enrolling in a building in the school year 17251
for which the scholarship is sought that serves any of grades nine 17252
through twelve and that received a grade of "D" or "F" for the 17253

four-year adjusted cohort graduation rate under division 17254
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 17255
Revised Code in two of the three most recent report cards 17256
published prior to the first day of July of the school year for 17257
which a scholarship is sought. 17258

(B)(1) The student is enrolled in a school building operated 17259
by the student's resident district and to which both of the 17260
following apply: 17261

(a) The building was ranked, for at least two of the three 17262
most recent rankings prior to the first day of July of the school 17263
year for which a scholarship is sought, in the lowest ten per cent 17264
of all buildings operated by city, local, and exempted village 17265
school districts according to performance index score as 17266
determined by the department of education. This section does not 17267
apply to a school building that is ranked according to the 17268
value-added progress dimension under section 3302.03 of the 17269
Revised Code above the lowest ten per cent of all public school 17270
buildings statewide for at least two out of the three most recent 17271
rankings prior to the first day of July of the school year for 17272
which a scholarship is sought. 17273

(b) The building was not declared to be excellent or 17274
effective, or the equivalent of such ratings as determined by the 17275
department, under section 3302.03 of the Revised Code in the most 17276
recent rating published prior to the first day of July of the 17277
school year for which a scholarship is sought. 17278

(2) The student will be enrolling in any of grades 17279
kindergarten through twelve in this state for the first time in 17280
the school year for which a scholarship is sought, will be at 17281
least five years of age, as defined in section 3321.01 of the 17282
Revised Code, by the first day of January of the school year for 17283
which a scholarship is sought, and otherwise would be assigned 17284
under section 3319.01 of the Revised Code in the school year for 17285

which a scholarship is sought, to a school building described in 17286
division (B)(1) of this section. 17287

(3) The student is enrolled in a community school established 17288
under Chapter 3314. of the Revised Code but otherwise would be 17289
assigned under section 3319.01 of the Revised Code to a building 17290
described in division (B)(1) of this section. 17291

(4) The student is enrolled in a school building operated by 17292
the student's resident district or in a community school 17293
established under Chapter 3314. of the Revised Code and otherwise 17294
would be assigned under section 3319.01 of the Revised Code to a 17295
school building described in division (B)(1) of this section in 17296
the school year for which the scholarship is sought. 17297

(C) The student is enrolled in a nonpublic school at the time 17298
the school is granted a charter by the state board of education 17299
under section 3301.16 of the Revised Code and the student meets 17300
the standards of division (B) of section 3310.031 of the Revised 17301
Code. 17302

(D) For the 2016-2017 school year and each school year 17303
thereafter, the student is in any of grades kindergarten through 17304
three, is enrolled in a school building that is operated by the 17305
student's resident district or will be enrolling in any of grades 17306
kindergarten through twelve in this state for the first time in 17307
the school year for which a scholarship is sought, and to which 17308
both of the following apply: 17309

(1) The building, in at least two of the three most recent 17310
ratings of school buildings published prior to the first day of 17311
July of the school year for which a scholarship is sought, 17312
received a grade of "D" or "F" for making progress in improving 17313
literacy in grades kindergarten through three under division 17314
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 17315

(2) The building did not receive a grade of "A" for making 17316

progress in improving literacy in grades kindergarten through 17317
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 17318
the Revised Code in the most recent rating published prior to the 17319
first day of July of the school year for which a scholarship is 17320
sought. 17321

(E) The student's resident district is subject to section 17322
3302.10 of the Revised Code and the student either: 17323

(1) Is enrolled in a school building operated by the resident 17324
district or in a community school established under Chapter 3314. 17325
of the Revised Code; 17326

(2) Will be both enrolling in any of grades kindergarten 17327
through twelve in this state for the first time and at least five 17328
years of age by the first day of January of the school year for 17329
which a scholarship is sought. 17330

(F) A student who receives a scholarship under the 17331
educational choice scholarship pilot program remains an eligible 17332
student and may continue to receive scholarships in subsequent 17333
school years until the student completes grade twelve, so long as 17334
all of the following apply: 17335

(1) The student's resident district remains the same, or the 17336
student transfers to a new resident district and otherwise would 17337
be assigned in the new resident district to a school building 17338
described in division (A)(1), (B)(1), (D), or (E) of this section. 17339

(2) Except as provided in divisions (K)(1) and (L) of section 17340
3301.0711 of the Revised Code, the student takes each assessment 17341
prescribed for the student's grade level under section 3301.0710 17342
or 3301.0712 of the Revised Code while enrolled in a chartered 17343
nonpublic school. 17344

(3) In each school year that the student is enrolled in a 17345
chartered nonpublic school, the student is absent from school for 17346
not more than twenty days that the school is open for instruction, 17347

not including excused absences. 17348

(G)(1) The department shall cease awarding first-time 17349
scholarships pursuant to divisions (A)(1) to (4) of this section 17350
with respect to a school building that, in the most recent ratings 17351
of school buildings published under section 3302.03 of the Revised 17352
Code prior to the first day of July of the school year, ceases to 17353
meet the criteria in division (A)(1) of this section. The 17354
department shall cease awarding first-time scholarships pursuant 17355
to division (A)(5) of this section with respect to a school 17356
district that, in the most recent ratings of school districts 17357
published under section 3302.03 of the Revised Code prior to the 17358
first day of July of the school year, ceases to meet the criteria 17359
in division (A)(5) of this section. 17360

(2) The department shall cease awarding first-time 17361
scholarships pursuant to divisions (B)(1) to (4) of this section 17362
with respect to a school building that, in the most recent ratings 17363
of school buildings under section 3302.03 of the Revised Code 17364
prior to the first day of July of the school year, ceases to meet 17365
the criteria in division (B)(1) of this section. 17366

(3) The department shall cease awarding first-time 17367
scholarships pursuant to division (D) of this section with respect 17368
to a school building that, in the most recent ratings of school 17369
buildings under section 3302.03 of the Revised Code prior to the 17370
first day of July of the school year, ceases to meet the criteria 17371
in division (D) of this section. 17372

(4) The department shall cease awarding first-time 17373
scholarships pursuant to division (E) of this section with respect 17374
to a school district subject to section 3302.10 of the Revised 17375
Code when the academic distress commission established for the 17376
district ceases to exist. 17377

(5) However, students who have received scholarships in the 17378

prior school year remain eligible students pursuant to division 17379
(F) of this section. 17380

(H) The state board of education shall adopt rules defining 17381
excused absences for purposes of division (F)(3) of this section. 17382

(I)(1) A student who satisfies only the conditions prescribed 17383
in divisions (A)(1) to (4) of this section shall not be eligible 17384
for a scholarship if the student's resident building meets any of 17385
the following in the most recent rating under section 3302.03 of 17386
the Revised Code published prior to the first day of July of the 17387
school year for which a scholarship is sought: 17388

(a) The building has an overall designation of excellent or 17389
effective under section 3302.03 of the Revised Code as it existed 17390
prior to March 22, 2013. 17391

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 17392
school year, the building has a grade of "A" or "B" for the 17393
performance index score under division (A)(1)(b) or (B)(1)(b) of 17394
section 3302.03 of the Revised Code ~~and~~ or for the value-added 17395
progress dimension under division (A)(1)(e) or (B)(1)(e) of 17396
section 3302.03 of the Revised Code; or if the building serves 17397
only grades ten through twelve, the building received a grade of 17398
"A" or "B" for the performance index score under division 17399
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 17400
had a four-year adjusted cohort graduation rate of greater than or 17401
equal to seventy-five per cent. 17402

(c) For the 2016-2017 school year or any school year 17403
thereafter, the building has a grade of "A" or "B" under division 17404
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 17405
for the performance index score under division (C)(1)(b) or 17406
the value-added progress dimension under division (C)(1)(e) of 17407
section 3302.03 of the Revised Code; or if the building serves 17408
only grades ten through twelve, the building received a grade of 17409

"A" or "B" for the performance index score under division 17410
(C)(1)(b) or for the value-added progress dimension under division 17411
(C)(1)(e) of section 3302.03 of the Revised Code and had a 17412
four-year adjusted cohort graduation rate of greater than or equal 17413
to seventy-five per cent. 17414

(2) A student who satisfies only the conditions prescribed in 17415
division (A)(5) of this section shall not be eligible for a 17416
scholarship if the student's resident district meets any of the 17417
following in the most recent rating under section 3302.03 of the 17418
Revised Code published prior to the first day of July of the 17419
school year for which a scholarship is sought: 17420

(a) The district has an overall designation of excellent or 17421
effective under section 3302.03 of the Revised Code as it existed 17422
prior to March 22, 2013. 17423

(b) The district has a grade of "A" or "B" for the 17424
performance index score under division (A)(1)(b) or (B)(1)(b) of 17425
section 3302.03 of the Revised Code ~~and~~ or for the value-added 17426
progress dimension under division (A)(1)(e) or (B)(1)(e) of 17427
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 17428
2014-2015, and 2015-2016 school years. 17429

(c) The district has an overall grade of "A" or "B" under 17430
division (C)(3) of section 3302.03 of the Revised Code and a grade 17431
of "A" for the performance index score under division (C)(1)(b) or 17432
for the value-added progress dimension under division (C)(1)(e) of 17433
section 3302.03 of the Revised Code for the 2016-2017 school year 17434
or any school year thereafter. 17435

Sec. 3311.242. (A) As used in this section: 17436

(1) "Eligible township" means a township that contains the 17437
territory of two or more school districts. 17438

(2) "Qualified electors" means electors residing within the 17439

territory proposed to be transferred. 17440

(B) The board of education of a school district with 17441
territory in an eligible township shall promptly do both of the 17442
following regarding a proposal to transfer territory from the 17443
district to another school district to which the territory is 17444
adjoining if a petition that is certified under division (C) of 17445
this section requests such a transfer: 17446

(1) File the proposal, together with a map showing the 17447
boundaries of the territory to be transferred, with the state 17448
board of education; 17449

(2) Certify the proposal to the board of elections of the 17450
county in which the eligible township is located for the purposes 17451
of having the proposal placed on the ballot at the next general or 17452
primary election which occurs not less than ninety days after the 17453
date of the certification or at a special election, the date of 17454
which shall be specified in the certification, which date shall 17455
not be less than ninety days after the date of the certification. 17456

(C) Upon receiving a petition of transfer signed by at least 17457
ten per cent of qualified electors voting at the last general 17458
election, the board of education shall cause the board of 17459
elections to check the sufficiency of signatures on the petition. 17460
If the board of elections determines the petition has been signed 17461
by at least ten per cent of qualified electors voting at the last 17462
general election, the board of elections shall certify the 17463
petition to the board of education for the purposes of division 17464
(B) of this section. 17465

(D) Upon certification of a proposal under division (B)(2) of 17466
this section, the board of elections shall make the necessary 17467
arrangements for the submission of the question whether to approve 17468
the transfer to the qualified electors to vote thereon, and the 17469
election shall be conducted and canvassed and the results shall be 17470

certified in the same manner as in regular elections for the 17471
election of members of a district board of education. 17472

(E) If the proposal submitted to qualified electors under 17473
division (D) of this section is approved by at least a majority of 17474
the electors voting on the proposal, both of the following shall 17475
apply: 17476

(1) The board of education of the district from which the 17477
territory is being transferred shall notify the state board of 17478
education of the results of the vote. 17479

(2) The board of trustees of the eligible township shall 17480
enter into negotiations with the board of education of the 17481
district to which the territory is being transferred regarding the 17482
terms of the proposal to transfer the territory. 17483

(F) If the board of trustees of the eligible township and the 17484
board of education to which the territory is being transferred 17485
enter into a formal agreement based on negotiations under division 17486
(E)(2) of this section, the board of education shall file the 17487
proposal and a copy of the formal agreement with the state board. 17488
However, the district board of education shall not be required to 17489
enter into a formal agreement. 17490

(G) The state board shall approve any proposal submitted 17491
under division (F) of this section and thereafter provide written 17492
notification of the approval to the board of education of the 17493
district from which the territory is being transferred and the 17494
board of education to which the territory is being transferred. 17495

(H) Upon receipt of the written notification from the state 17496
board under division (G) of this section, the board of education 17497
of the district to which the territory is being transferred shall 17498
file a map showing the boundaries of the territory transferred 17499
with the county auditor of the county in which the eligible 17500
township is located. In addition, the two district boards and the 17501

township board of trustees shall execute an equitable division of 17502
the funds and indebtedness between the districts. Thereafter, the 17503
transfer shall be complete and the legal title of the school 17504
property in the territory transferred shall be vested in the board 17505
of education of the district to which the territory is 17506
transferred. 17507

Sec. 3312.01. (A) The educational regional service system is 17508
hereby established. The system shall support state and regional 17509
education initiatives and efforts to improve school effectiveness 17510
and student achievement. Services, including special education and 17511
related services, shall be provided under the system to school 17512
districts, community schools established under Chapter 3314. of 17513
the Revised Code, and chartered nonpublic schools. 17514

It is the intent of the general assembly that the educational 17515
regional service system reduce the unnecessary duplication of 17516
programs and services and provide for a more streamlined and 17517
efficient delivery of educational services without reducing the 17518
availability of the services needed by school districts and 17519
schools. 17520

(B) The educational regional service system shall consist of 17521
the following: 17522

(1) The advisory councils and subcommittees established under 17523
sections 3312.03 and 3312.05 of the Revised Code; 17524

(2) A fiscal agent for each of the regions as configured 17525
under section 3312.02 of the Revised Code; 17526

(3) Educational service centers, information technology 17527
centers established under section 3301.075 of the Revised Code, 17528
and other regional education service providers. 17529

(C) Educational service centers shall provide the services 17530
that they are specifically required to provide by the Revised Code 17531

and may enter into agreements pursuant to section 3313.843, 17532
3313.844, or 3313.845 of the Revised Code for the provision of 17533
other services, which may include any of the following: 17534

(1) Assistance in improving student performance; 17535

(2) Services to enable a school district or school to operate 17536
more efficiently or economically; 17537

(3) Professional development for teachers or administrators; 17538

(4) Assistance in the recruitment and retention of teachers 17539
and administrators; 17540

(5) Applying for any state or federal grant on behalf of a 17541
school district; 17542

(6) Any other educational, administrative, or operational 17543
services. 17544

In addition to implementing state and regional education 17545
initiatives and school improvement efforts under the educational 17546
regional service system, educational service centers shall 17547
implement state or federally funded initiatives assigned to the 17548
service centers by the general assembly or the department of 17549
education. 17550

Any educational service center selected to be a fiscal agent 17551
for its region pursuant to section 3312.07 of the Revised Code 17552
shall continue to operate as an educational service center for the 17553
part of the region that comprises its territory. 17554

(D) An educational service center shall be considered a 17555
school district for the purposes of eligibility in applying for 17556
any state or federal grant. 17557

(E) Information technology centers may enter into agreements 17558
for the provision of services pursuant to section 3312.10 of the 17559
Revised Code. 17560

~~(E)~~(F) No school district, community school, or chartered 17561

nonpublic school shall be required to purchase services from an 17562
educational service center or information technology center in the 17563
region in which the district or school is located, except that a 17564
local school district shall receive any services required by the 17565
Revised Code to be provided by an educational service center to 17566
the local school districts in its territory from the educational 17567
service center in whose territory the district is located. 17568

Sec. 3313.411. (A) As used in this section: 17569

(1) "College-preparatory boarding school" means a 17570
college-preparatory boarding school established under Chapter 17571
3328. of the Revised Code. 17572

(2) "Community school" means a community school established 17573
under Chapter 3314. of the Revised Code. 17574

(3) "High-performing community school" has the same meaning 17575
as in section 3313.413 of the Revised Code. 17576

(4) "STEM school" means a science, technology, engineering, 17577
and mathematics school established under Chapter 3326. of the 17578
Revised Code. 17579

(5) "Unused school facilities" means any real property that 17580
has been used by a school district for school operations, 17581
including, but not limited to, academic instruction or 17582
administration, since July 1, 1998, but has not been used in that 17583
capacity for ~~two years~~ one year. 17584

(B)(1) Except as provided in section 3313.412 of the Revised 17585
Code, on and after June 30, 2011, any school district board of 17586
education shall offer any unused school facilities it owns in its 17587
corporate capacity for lease or sale to the governing authorities 17588
of community schools, the boards of trustees of any 17589
college-preparatory boarding schools, and the governing bodies of 17590
any STEM schools, that are located within the territory of the 17591

district. Not later than sixty days after the district board makes 17592
the offer, interested governing authorities, boards of trustees, 17593
and governing bodies shall notify the district treasurer in 17594
writing of the intention to lease or purchase the property. 17595

The district board shall give priority to the governing 17596
authorities of high-performing community schools that are located 17597
within the territory of the district. 17598

(2) At the same time that a district board makes the offer 17599
required under division (B)(1) of this section, the board also 17600
may, but shall not be required to, offer that property for sale or 17601
lease to the governing authorities of community schools with 17602
plans, stipulated in their contracts entered into under section 17603
3314.03 of the Revised Code, either to relocate their operations 17604
to the territory of the district or to add facilities, as 17605
authorized by division (B)(3) or (4) of section 3314.05 of the 17606
Revised Code, to be located within the territory of the district. 17607

(C)(1) If, not later than sixty days after the district board 17608
makes the offer, only one governing authority of a high-performing 17609
community school offered the property under division (B) of this 17610
section notifies the district treasurer in writing of the 17611
intention to purchase the property pursuant to that division, the 17612
district board shall sell the property to that party for the 17613
appraised fair market value of the property as determined in an 17614
appraisal of the property that is not more than one year old. 17615

If, not later than sixty days after the district board makes 17616
the offer, more than one governing authority of a high-performing 17617
community school offered the property under division (B) of this 17618
section notifies the district treasurer in writing of the 17619
intention to purchase the property pursuant to that division, the 17620
board shall conduct a public auction in the manner required for 17621
auctions of district property under division (A) of section 17622
3313.41 of the Revised Code. Only the governing authorities of 17623

high-performing community schools that notified the district 17624
treasurer of the intention to purchase the property pursuant to 17625
division (B) of this section are eligible to bid at the auction. 17626
The district board is not obligated to accept any bid for the 17627
property that is lower than the appraised fair market value of the 17628
property as determined in an appraisal that is not more than one 17629
year old. 17630

(2) If, not later than sixty days after the district board 17631
makes the offer, no governing authority of a high-performing 17632
community school notifies the district treasurer of its intention 17633
to purchase the property pursuant to division (B) of this section, 17634
the board shall then proceed with the offers from all other 17635
start-up community schools, college-preparatory boarding schools, 17636
and STEM schools made pursuant to that division. 17637

If more than one such entity notifies the district treasurer 17638
of its intention to purchase the property pursuant to division (B) 17639
of this section, the board shall conduct a public auction in the 17640
manner required for auctions of district property under division 17641
(A) of section 3313.41 of the Revised Code. Only the entities that 17642
notified the district treasurer pursuant to division (B) of this 17643
section are eligible to bid at the auction. 17644

(3) If more than one governing authority of a high-performing 17645
community school notifies the district treasurer in writing of the 17646
intention to lease the property pursuant to division (B) of this 17647
section, the district board shall conduct a lottery to select from 17648
among those governing authorities the one qualified governing 17649
authority to which the district board shall lease the property. 17650

If no such governing authority of a high-performing community 17651
school notifies the district treasurer of its intention to lease 17652
the property pursuant to division (B) of this section, the board 17653
shall then proceed with the offers from all other start-up 17654
community schools, college-preparatory boarding schools, and STEM 17655

schools made pursuant to that division. If more than one other 17656
start-up community school, college-preparatory boarding school, or 17657
STEM school notified the district treasurer of its intention to 17658
lease the property pursuant to division (B) of this section, the 17659
district board shall conduct a lottery to select from among those 17660
parties the one qualified party to which the district board shall 17661
lease the property. 17662

(4) The lease price offered by a district board to a 17663
community school, college-preparatory boarding school, or STEM 17664
school under this section shall not be higher than the fair market 17665
value for such a leasehold as determined in an appraisal that is 17666
not more than one year old. 17667

(5) If no qualified party offered the property under division 17668
(B) of this section accepts the offer to lease or buy the property 17669
within sixty days after the offer is made, the district board may 17670
offer the property to any other entity in accordance with 17671
divisions (A) to (F) of section 3313.41 of the Revised Code. 17672

(D) Notwithstanding division (B) of this section, a school 17673
district board may renew any agreement it originally entered into 17674
prior to June 30, 2011, to lease real property to an entity other 17675
than a community school, college-preparatory boarding school, or 17676
STEM school. Nothing in this section shall affect the leasehold 17677
arrangements between the district board and that other entity. 17678

(E)(1) Except as provided in division (E)(2) of this section, 17679
the governing authority of a community school, board of trustees 17680
of a college-preparatory boarding school, or governing body of a 17681
STEM school shall not sell any property purchased under division 17682
(B) of this section within five years of purchasing that property. 17683

(2) The governing authority, board of trustees, or governing 17684
body may sell a property purchased under division (B) of this 17685
section within five years of the purchase, only if the governing 17686

authority, board of trustees, or governing body sells or transfers 17687
that property to another entity described in that division. 17688

Sec. 3313.413. (A) As used in this section, "high-performing 17689
community school" means either of the following: 17690

(1) A community school established under Chapter 3314. of the 17691
Revised Code that meets the following conditions: 17692

(a) Except as provided in division (A)(1)(b) or (c) of this 17693
section, the school both: 17694

(i) Has received a grade of "A," "B," or "C" for the 17695
performance index score under division (C)(1)(b) of section 17696
3302.03 of the Revised Code or has increased its performance index 17697
score under division (C)(1)(b) of section 3302.03 of the Revised 17698
Code in each of the previous three years of operation; and 17699

(ii) Has received a grade of "A" or "B" for the value-added 17700
progress dimension under division (C)(1)(e) of section 3302.03 of 17701
the Revised Code on its most recent report card rating issued 17702
under that section. 17703

(b) If the school serves only grades kindergarten through 17704
three, the school received a grade of "A" or "B" for making 17705
progress in improving literacy in grades kindergarten through 17706
three under division (C)(1)(g) of section 3302.03 of the Revised 17707
Code on its most recent report card issued under that section. 17708

(c) If the school primarily serves students enrolled in a 17709
dropout prevention and recovery program as described in division 17710
(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code, the school 17711
received a rating of "exceeds standards" on its most recent report 17712
card issued under section 3314.017 of the Revised Code. 17713

(2) A newly established community school that is implementing 17714
a community school model that has a track record of high-quality 17715
academic performance, as determined by the department of 17716

education. 17717

(B) When a school district board of education decides to 17718
dispose of real property it owns in its corporate capacity under 17719
section 3313.41 of the Revised Code, the board shall first offer 17720
that property to the governing authorities of all start-up 17721
community schools, the boards of trustees of any 17722
college-preparatory boarding schools, and the governing bodies of 17723
any STEM schools that are located within the territory of the 17724
district. Not later than sixty days after the district board makes 17725
the offer, interested governing authorities, boards of trustees, 17726
and governing bodies shall notify the district treasurer in 17727
writing of the intention to purchase the property. 17728

The district board shall give priority to the governing 17729
authorities of high-performing community schools that are located 17730
within the territory of the district. 17731

(1) If more than one governing authority of a high-performing 17732
community school notifies the district treasurer of its intention 17733
to purchase the property pursuant to division (B) of this section, 17734
the board shall conduct a public auction in the manner required 17735
for auctions of district property under division (A) of section 17736
3313.41 of the Revised Code. Only the governing authorities of 17737
high-performing community schools that notified the district 17738
treasurer pursuant to division (B) of this section are eligible to 17739
bid at the auction. 17740

(2) If no governing authority of a high-performing community 17741
school notifies the district treasurer of its intention to 17742
purchase the property pursuant to division (B) of this section, 17743
the board shall then proceed with the offers from all other 17744
start-up community schools, college-preparatory boarding schools, 17745
and STEM schools made pursuant to that division. If more than one 17746
such entity notifies the district treasurer of its intention to 17747
purchase the property pursuant to division (B) of this section, 17748

the board shall conduct a public auction in the manner required 17749
for auctions of district property under division (A) of section 17750
3313.41 of the Revised Code. Only the entities that notified the 17751
district treasurer pursuant to division (B) of this section are 17752
eligible to bid at the auction. 17753

(3) If no governing authority, board of trustees, or 17754
governing body notifies the district treasurer of its intention to 17755
purchase the property pursuant to division (B) of this section, 17756
the district may then offer the property for sale in the manner 17757
prescribed under divisions (A) to (F) of section 3313.41 of the 17758
Revised Code. 17759

(C) Notwithstanding anything to the contrary in sections 17760
3313.41 and 3313.411 of the Revised Code, the purchase price of 17761
any real property sold to any of the entities in accordance with 17762
division (B) of this section shall not be more than the appraised 17763
fair market value of that property as determined in an appraisal 17764
of the property that is not more than one year old. 17765

(D) Not later than the first day of October of each year, the 17766
department of education shall post in a prominent location on its 17767
web site a list of schools that qualify as high-performing 17768
community schools for purposes of this section and section 17769
3313.411 of the Revised Code. 17770

Sec. 3313.5315. Any student from a country or province 17771
outside the United States, who attends an elementary or secondary 17772
school in this state ~~that began operating a dormitory on its~~ 17773
~~campus prior to 2014,~~ shall be permitted to participate in 17774
interscholastic athletics at that school on the same basis as 17775
students who are residents of this state, so long as the student 17776
holds an F-1 visa issued by the United States department of state. 17777
Such a student shall not be denied the opportunity to participate 17778
in interscholastic athletics solely because the student's parents 17779

do not reside in this state. 17780

No school district, school, interscholastic conference, or 17781
organization that regulates interscholastic conferences or events 17782
shall have a rule, bylaw, or other regulation that conflicts with 17783
this section. 17784

Sec. 3313.603. (A) As used in this section: 17785

(1) "One unit" means a minimum of one hundred twenty hours of 17786
course instruction, except that for a laboratory course, "one 17787
unit" means a minimum of one hundred fifty hours of course 17788
instruction. 17789

(2) "One-half unit" means a minimum of sixty hours of course 17790
instruction, except that for physical education courses, "one-half 17791
unit" means a minimum of one hundred twenty hours of course 17792
instruction. 17793

(B) Beginning September 15, 2001, except as required in 17794
division (C) of this section and division (C) of section 3313.614 17795
of the Revised Code, the requirements for graduation from every 17796
high school shall include twenty units earned in grades nine 17797
through twelve and shall be distributed as follows: 17798

(1) English language arts, four units; 17799

(2) Health, one-half unit; 17800

(3) Mathematics, three units; 17801

(4) Physical education, one-half unit; 17802

(5) Science, two units until September 15, 2003, and three 17803
units thereafter, which at all times shall include both of the 17804
following: 17805

(a) Biological sciences, one unit; 17806

(b) Physical sciences, one unit. 17807

(6) History and government, one unit, which shall comply with 17808
division (M) of this section and shall include both of the 17809
following: 17810

(a) American history, one-half unit; 17811

(b) American government, one-half unit. 17812

(7) Social studies, two units. 17813

Beginning with students who enter ninth grade for the first 17814
time on or after July 1, 2017, the two units of instruction 17815
prescribed by division (B)(7) of this section shall include at 17816
least one-half unit of instruction in the study of world history 17817
and civilizations. 17818

(8) Elective units, seven units until September 15, 2003, and 17819
six units thereafter. 17820

Each student's electives shall include at least one unit, or 17821
two half units, chosen from among the areas of 17822
business/technology, fine arts, and/or foreign language. 17823

(C) Beginning with students who enter ninth grade for the 17824
first time on or after July 1, 2010, except as provided in 17825
divisions (D) to (F) of this section, the requirements for 17826
graduation from every public and chartered nonpublic high school 17827
shall include twenty units that are designed to prepare students 17828
for the workforce and college. The units shall be distributed as 17829
follows: 17830

(1) English language arts, four units; 17831

(2) Health, one-half unit, which shall include instruction in 17832
nutrition and the benefits of nutritious foods and physical 17833
activity for overall health; 17834

(3) Mathematics, four units, which shall include one unit of 17835
algebra II or the equivalent of algebra II, or one unit of 17836
advanced computer science as described in the standards adopted 17837

pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.

For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.

(4) Physical education, one-half unit;

(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:

(a) Physical sciences, one unit;

(b) Life sciences, one unit;

(c) Advanced study in one or more of the following sciences, one unit:

(i) Chemistry, physics, or other physical science;

(ii) Advanced biology or other life science;

(iii) Astronomy, physical geology, or other earth or space science;

(iv) Computer science.

No student shall substitute a computer science course for a 17868
life sciences or biology course under division (C)(5) of this 17869
section. 17870

(6) History and government, one unit, which shall comply with 17871
division (M) of this section and shall include both of the 17872
following: 17873

(a) American history, one-half unit; 17874

(b) American government, one-half unit. 17875

(7) Social studies, two units. 17876

Each school shall integrate the study of economics and 17877
financial literacy, as expressed in the social studies academic 17878
content standards adopted by the state board of education under 17879
division (A)(1) of section 3301.079 of the Revised Code and the 17880
academic content standards for financial literacy and 17881
entrepreneurship adopted under division (A)(2) of that section, 17882
into one or more existing social studies credits required under 17883
division (C)(7) of this section, or into the content of another 17884
class, so that every high school student receives instruction in 17885
those concepts. In developing the curriculum required by this 17886
paragraph, schools shall use available public-private partnerships 17887
and resources and materials that exist in business, industry, and 17888
through the centers for economics education at institutions of 17889
higher education in the state. 17890

Beginning with students who enter ninth grade for the first 17891
time on or after July 1, 2017, the two units of instruction 17892
prescribed by division (C)(7) of this section shall include at 17893
least one-half unit of instruction in the study of world history 17894
and civilizations. 17895

(8) Five units consisting of one or any combination of 17896
foreign language, fine arts, business, career-technical education, 17897
family and consumer sciences, technology which may include 17898

computer science, agricultural education, a junior reserve officer 17899
training corps (JROTC) program approved by the congress of the 17900
United States under title 10 of the United States Code, or English 17901
language arts, mathematics, science, or social studies courses not 17902
otherwise required under division (C) of this section. 17903

Ohioans must be prepared to apply increased knowledge and 17904
skills in the workplace and to adapt their knowledge and skills 17905
quickly to meet the rapidly changing conditions of the 17906
twenty-first century. National studies indicate that all high 17907
school graduates need the same academic foundation, regardless of 17908
the opportunities they pursue after graduation. The goal of Ohio's 17909
system of elementary and secondary education is to prepare all 17910
students for and seamlessly connect all students to success in 17911
life beyond high school graduation, regardless of whether the next 17912
step is entering the workforce, beginning an apprenticeship, 17913
engaging in post-secondary training, serving in the military, or 17914
pursuing a college degree. 17915

The requirements for graduation prescribed in division (C) of 17916
this section are the standard expectation for all students 17917
entering ninth grade for the first time at a public or chartered 17918
nonpublic high school on or after July 1, 2010. A student may 17919
satisfy this expectation through a variety of methods, including, 17920
but not limited to, integrated, applied, career-technical, and 17921
traditional coursework. 17922

Stronger coordination between high schools and institutions 17923
of higher education is necessary to prepare students for more 17924
challenging academic endeavors and to lessen the need for academic 17925
remediation in college, thereby reducing the costs of higher 17926
education for Ohio's students, families, and the state. The state 17927
board and the chancellor of higher education shall develop 17928
policies to ensure that only in rare instances will students who 17929
complete the requirements for graduation prescribed in division 17930

(C) of this section require academic remediation after high 17931
school. 17932

School districts, community schools, and chartered nonpublic 17933
schools shall integrate technology into learning experiences 17934
across the curriculum in order to maximize efficiency, enhance 17935
learning, and prepare students for success in the 17936
technology-driven twenty-first century. Districts and schools 17937
shall use distance and web-based course delivery as a method of 17938
providing or augmenting all instruction required under this 17939
division, including laboratory experience in science. Districts 17940
and schools shall utilize technology access and electronic 17941
learning opportunities provided by the broadcast educational media 17942
commission, chancellor, the Ohio learning network, education 17943
technology centers, public television stations, and other public 17944
and private providers. 17945

(D) Except as provided in division (E) of this section, a 17946
student who enters ninth grade on or after July 1, 2010, and 17947
before July 1, 2016, may qualify for graduation from a public or 17948
chartered nonpublic high school even though the student has not 17949
completed the requirements for graduation prescribed in division 17950
(C) of this section if all of the following conditions are 17951
satisfied: 17952

(1) During the student's third year of attending high school, 17953
as determined by the school, the student and the student's parent, 17954
guardian, or custodian sign and file with the school a written 17955
statement asserting the parent's, guardian's, or custodian's 17956
consent to the student's graduating without completing the 17957
requirements for graduation prescribed in division (C) of this 17958
section and acknowledging that one consequence of not completing 17959
those requirements is ineligibility to enroll in most state 17960
universities in Ohio without further coursework. 17961

(2) The student and parent, guardian, or custodian fulfill 17962

any procedural requirements the school stipulates to ensure the 17963
student's and parent's, guardian's, or custodian's informed 17964
consent and to facilitate orderly filing of statements under 17965
division (D)(1) of this section. Annually, each district or school 17966
shall notify the department of the number of students who choose 17967
to qualify for graduation under division (D) of this section and 17968
the number of students who complete the student's success plan and 17969
graduate from high school. 17970

(3) The student and the student's parent, guardian, or 17971
custodian and a representative of the student's high school 17972
jointly develop a student success plan for the student in the 17973
manner described in division (C)(1) of section 3313.6020 of the 17974
Revised Code that specifies the student matriculating to a 17975
two-year degree program, acquiring a business and 17976
industry-recognized credential, or entering an apprenticeship. 17977

(4) The student's high school provides counseling and support 17978
for the student related to the plan developed under division 17979
(D)(3) of this section during the remainder of the student's high 17980
school experience. 17981

(5)(a) Except as provided in division (D)(5)(b) of this 17982
section, the student successfully completes, at a minimum, the 17983
curriculum prescribed in division (B) of this section. 17984

(b) Beginning with students who enter ninth grade for the 17985
first time on or after July 1, 2014, a student shall be required 17986
to complete successfully, at the minimum, the curriculum 17987
prescribed in division (B) of this section, except as follows: 17988

(i) Mathematics, four units, one unit which shall be one of 17989
the following: 17990

(I) Probability and statistics; 17991

(II) Computer science; 17992

(III) Applied mathematics or quantitative reasoning;	17993
(IV) Any other course approved by the department using	17994
standards established by the superintendent not later than October	17995
1, 2014.	17996
(ii) Elective units, five units;	17997
(iii) Science, three units as prescribed by division (B) of	17998
this section which shall include inquiry-based laboratory	17999
experience that engages students in asking valid scientific	18000
questions and gathering and analyzing information.	18001
The department, in collaboration with the chancellor, shall	18002
analyze student performance data to determine if there are	18003
mitigating factors that warrant extending the exception permitted	18004
by division (D) of this section to high school classes beyond	18005
those entering ninth grade before July 1, 2016. The department	18006
shall submit its findings and any recommendations not later than	18007
December 1, 2015, to the speaker and minority leader of the house	18008
of representatives, the president and minority leader of the	18009
senate, the chairpersons and ranking minority members of the	18010
standing committees of the house of representatives and the senate	18011
that consider education legislation, the state board of education,	18012
and the superintendent of public instruction.	18013
(E) Each school district and chartered nonpublic school	18014
retains the authority to require an even more challenging minimum	18015
curriculum for high school graduation than specified in division	18016
(B) or (C) of this section. A school district board of education,	18017
through the adoption of a resolution, or the governing authority	18018
of a chartered nonpublic school may stipulate any of the	18019
following:	18020
(1) A minimum high school curriculum that requires more than	18021
twenty units of academic credit to graduate;	18022
(2) An exception to the district's or school's minimum high	18023

school curriculum that is comparable to the exception provided in 18024
division (D) of this section but with additional requirements, 18025
which may include a requirement that the student successfully 18026
complete more than the minimum curriculum prescribed in division 18027
(B) of this section; 18028

(3) That no exception comparable to that provided in division 18029
(D) of this section is available. 18030

If a school district or chartered nonpublic school requires a 18031
foreign language as an additional graduation requirement under 18032
division (E) of this section, a student may apply one unit of 18033
instruction in computer coding to satisfy one unit of foreign 18034
language. If a student applies more than one computer coding 18035
course to satisfy the foreign language requirement, the courses 18036
shall be sequential and progressively more difficult. 18037

(F) A student enrolled in a dropout prevention and recovery 18038
program, which program has received a waiver from the department, 18039
may qualify for graduation from high school by successfully 18040
completing a competency-based instructional program administered 18041
by the dropout prevention and recovery program in lieu of 18042
completing the requirements for graduation prescribed in division 18043
(C) of this section. The department shall grant a waiver to a 18044
dropout prevention and recovery program, within sixty days after 18045
the program applies for the waiver, if the program meets all of 18046
the following conditions: 18047

(1) The program serves only students not younger than sixteen 18048
years of age and not older than twenty-one years of age. 18049

(2) The program enrolls students who, at the time of their 18050
initial enrollment, either, or both, are at least one grade level 18051
behind their cohort age groups or experience crises that 18052
significantly interfere with their academic progress such that 18053
they are prevented from continuing their traditional programs. 18054

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D)(5) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student's matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

(8) Prior to receiving the waiver, the program has submitted to the department a policy on career advising that satisfies the requirements of section 3313.6020 of the Revised Code, with an

emphasis on how every student will receive career advising. 18086

(9) Prior to receiving the waiver, the program has submitted 18087
to the department a written agreement outlining the future 18088
cooperation between the program and any combination of local job 18089
training, postsecondary education, nonprofit, and health and 18090
social service organizations to provide services for students in 18091
the program and their families. 18092

Divisions (F)(8) and (9) of this section apply only to 18093
waivers granted on or after July 1, 2015. 18094

If the department does not act either to grant the waiver or 18095
to reject the program application for the waiver within sixty days 18096
as required under this section, the waiver shall be considered to 18097
be granted. 18098

(G) Every high school may permit students below the ninth 18099
grade to take advanced work. If a high school so permits, it shall 18100
award high school credit for successful completion of the advanced 18101
work and shall count such advanced work toward the graduation 18102
requirements of division (B) or (C) of this section if the 18103
advanced work was both: 18104

(1) Taught by a person who possesses a license or certificate 18105
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 18106
Code that is valid for teaching high school; 18107

(2) Designated by the board of education of the city, local, 18108
or exempted village school district, the board of the cooperative 18109
education school district, or the governing authority of the 18110
chartered nonpublic school as meeting the high school curriculum 18111
requirements. 18112

Each high school shall record on the student's high school 18113
transcript all high school credit awarded under division (G) of 18114
this section. In addition, if the student completed a seventh- or 18115
eighth-grade fine arts course described in division (K) of this 18116

section and the course qualified for high school credit under that 18117
division, the high school shall record that course on the 18118
student's high school transcript. 18119

(H) The department shall make its individual academic career 18120
plan available through its Ohio career information system web site 18121
for districts and schools to use as a tool for communicating with 18122
and providing guidance to students and families in selecting high 18123
school courses. 18124

(I) A school district or chartered nonpublic school may 18125
integrate academic content in a subject area for which the state 18126
board has adopted standards under section 3301.079 of the Revised 18127
Code into a course in a different subject area, including a 18128
career-technical education course, in accordance with guidance for 18129
integrated coursework developed by the department. Upon successful 18130
completion of an integrated course, a student may receive credit 18131
for both subject areas that were integrated into the course. Units 18132
earned for subject area content delivered through integrated 18133
academic and career-technical instruction are eligible to meet the 18134
graduation requirements of division (B) or (C) of this section. 18135

For purposes of meeting graduation requirements, if an 18136
end-of-course examination has been prescribed under section 18137
3301.0712 of the Revised Code for the subject area delivered 18138
through integrated instruction, the school district or school may 18139
administer the related subject area examinations upon the 18140
student's completion of the integrated course. 18141

Nothing in division (I) of this section shall be construed to 18142
excuse any school district, chartered nonpublic school, or student 18143
from any requirement in the Revised Code related to curriculum, 18144
assessments, or the awarding of a high school diploma. 18145

(J)(1) The state board, in consultation with the chancellor, 18146
shall adopt a statewide plan implementing methods for students to 18147

earn units of high school credit based on a demonstration of 18148
subject area competency, instead of or in combination with 18149
completing hours of classroom instruction. The state board shall 18150
adopt the plan not later than March 31, 2009, and commence phasing 18151
in the plan during the 2009-2010 school year. The plan shall 18152
include a standard method for recording demonstrated proficiency 18153
on high school transcripts. Each school district and community 18154
school shall comply with the state board's plan adopted under this 18155
division and award units of high school credit in accordance with 18156
the plan. The state board may adopt existing methods for earning 18157
high school credit based on a demonstration of subject area 18158
competency as necessary prior to the 2009-2010 school year. 18159

(2) Not later than December 31, 2015, the state board shall 18160
update the statewide plan adopted pursuant to division (J)(1) of 18161
this section to also include methods for students enrolled in 18162
seventh and eighth grade to meet curriculum requirements based on 18163
a demonstration of subject area competency, instead of or in 18164
combination with completing hours of classroom instruction. 18165
Beginning with the 2017-2018 school year, each school district and 18166
community school also shall comply with the updated plan adopted 18167
pursuant to this division and permit students enrolled in seventh 18168
and eighth grade to meet curriculum requirements based on subject 18169
area competency in accordance with the plan. 18170

(3) Not later than December 31, 2017, the department shall 18171
develop a framework for school districts and community schools to 18172
use in granting units of high school credit to students who 18173
demonstrate subject area competency through work-based learning 18174
experiences, internships, or cooperative education. Beginning with 18175
the 2018-2019 school year, each district and community school 18176
shall comply with the framework. Each district and community 18177
school also shall review any policy it has adopted regarding the 18178
demonstration of subject area competency to identify ways to 18179

incorporate work-based learning experiences, internships, and 18180
cooperative education into the policy in order to increase student 18181
engagement and opportunities to earn units of high school credit. 18182

(K) This division does not apply to students who qualify for 18183
graduation from high school under division (D) or (F) of this 18184
section, or to students pursuing a career-technical instructional 18185
track as determined by the school district board of education or 18186
the chartered nonpublic school's governing authority. 18187
Nevertheless, the general assembly encourages such students to 18188
consider enrolling in a fine arts course as an elective. 18189

Beginning with students who enter ninth grade for the first 18190
time on or after July 1, 2010, each student enrolled in a public 18191
or chartered nonpublic high school shall complete two semesters or 18192
the equivalent of fine arts to graduate from high school. The 18193
coursework may be completed in any of grades seven to twelve. Each 18194
student who completes a fine arts course in grade seven or eight 18195
may elect to count that course toward the five units of electives 18196
required for graduation under division (C)(8) of this section, if 18197
the course satisfied the requirements of division (G) of this 18198
section. In that case, the high school shall award the student 18199
high school credit for the course and count the course toward the 18200
five units required under division (C)(8) of this section. If the 18201
course in grade seven or eight did not satisfy the requirements of 18202
division (G) of this section, the high school shall not award the 18203
student high school credit for the course but shall count the 18204
course toward the two semesters or the equivalent of fine arts 18205
required by this division. 18206

(L) Notwithstanding anything to the contrary in this section, 18207
the board of education of each school district and the governing 18208
authority of each chartered nonpublic school may adopt a policy to 18209
excuse from the high school physical education requirement each 18210
student who, during high school, has participated in 18211

interscholastic athletics, marching band, show choir, or 18212
cheerleading for at least two full seasons or in the junior 18213
reserve officer training corps for at least two full school years. 18214
If the board or authority adopts such a policy, the board or 18215
authority shall not require the student to complete any physical 18216
education course as a condition to graduate. However, the student 18217
shall be required to complete one-half unit, consisting of at 18218
least sixty hours of instruction, in another course of study. In 18219
the case of a student who has participated in the junior reserve 18220
officer training corps for at least two full school years, credit 18221
received for that participation may be used to satisfy the 18222
requirement to complete one-half unit in another course of study. 18223

(M) It is important that high school students learn and 18224
understand United States history and the governments of both the 18225
United States and the state of Ohio. Therefore, beginning with 18226
students who enter ninth grade for the first time on or after July 18227
1, 2012, the study of American history and American government 18228
required by divisions (B)(6) and (C)(6) of this section shall 18229
include the study of all of the following documents: 18230

(1) The Declaration of Independence; 18231

(2) The Northwest Ordinance; 18232

(3) The Constitution of the United States with emphasis on 18233
the Bill of Rights; 18234

(4) The Ohio Constitution. 18235

The study of each of the documents prescribed in divisions 18236
(M)(1) to (4) of this section shall include study of that document 18237
in its original context. 18238

The study of American history and government required by 18239
divisions (B)(6) and (C)(6) of this section shall include the 18240
historical evidence of the role of documents such as the 18241
Federalist Papers and the Anti-Federalist Papers to firmly 18242

establish the historical background leading to the establishment 18243
of the provisions of the Constitution and Bill of Rights. 18244

(N) A student may apply one unit of instruction in computer 18245
science to satisfy one unit of mathematics or one unit of science 18246
under division (C) of this section as the student chooses, 18247
regardless of the field of certification of the teacher who 18248
teaches the course, so long as that teacher meets the licensure 18249
requirements prescribed by section 3319.236 of the Revised Code 18250
and, prior to teaching the course, completes a professional 18251
development program determined to be appropriate by the district 18252
board. 18253

If a student applies more than one computer science course to 18254
satisfy curriculum requirements under that division, the courses 18255
shall be sequential and progressively more difficult or cover 18256
different subject areas within computer science. 18257

Sec. 3313.608. (A)(1) Beginning with students who enter third 18258
grade in the school year that starts July 1, 2009, and until June 18259
30, 2013, unless the student is excused under division (C) of 18260
section 3301.0711 of the Revised Code from taking the assessment 18261
described in this section, for any student who does not attain at 18262
least the equivalent level of achievement designated under 18263
division (A)(3) of section 3301.0710 of the Revised Code on the 18264
assessment prescribed under that section to measure skill in 18265
English language arts expected at the end of third grade, each 18266
school district, in accordance with the policy adopted under 18267
section 3313.609 of the Revised Code, shall do one of the 18268
following: 18269

(a) Promote the student to fourth grade if the student's 18270
principal and reading teacher agree that other evaluations of the 18271
student's skill in reading demonstrate that the student is 18272
academically prepared to be promoted to fourth grade; 18273

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade; (c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is ~~a limited~~ an English ~~proficient student~~ learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of

the Revised Code. 18304

(iii) The student's individualized education program or plan 18305
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 18306
355, 29 U.S.C. 794, as amended, shows that the student has 18307
received intensive remediation in reading for two school years but 18308
still demonstrates a deficiency in reading. 18309

(iv) The student previously was retained in any of grades 18310
kindergarten to three. 18311

(e)(i) The student received intensive remediation for reading 18312
for two school years but still demonstrates a deficiency in 18313
reading and was previously retained in any of grades kindergarten 18314
to three. 18315

(ii) A student who is promoted under division (A)(2)(e)(i) of 18316
this section shall continue to receive intensive reading 18317
instruction in grade four. The instruction shall include an 18318
altered instructional day that includes specialized diagnostic 18319
information and specific research-based reading strategies for the 18320
student that have been successful in improving reading among 18321
low-performing readers. 18322

(B)(1) Beginning in the 2012-2013 school year, to assist 18323
students in meeting the third grade guarantee established by this 18324
section, each school district board of education shall adopt 18325
policies and procedures with which it annually shall assess the 18326
reading skills of each student, except those students with 18327
significant cognitive disabilities or other disabilities as 18328
authorized by the department on a case-by-case basis, enrolled in 18329
kindergarten to third grade and shall identify students who are 18330
reading below their grade level. The reading skills assessment 18331
shall be completed by the thirtieth day of September for students 18332
in grades one to three, and by the first day of November for 18333
students in kindergarten. Each district shall use the diagnostic 18334

assessment to measure reading ability for the appropriate grade 18335
level adopted under section 3301.079 of the Revised Code, or a 18336
comparable tool approved by the department of education, to 18337
identify such students. The policies and procedures shall require 18338
the students' classroom teachers to be involved in the assessment 18339
and the identification of students reading below grade level. The 18340
assessment may be administered electronically using live, two-way 18341
video and audio connections whereby the teacher administering the 18342
assessment may be in a separate location from the student. 18343

(2) For each student identified by the diagnostic assessment 18344
prescribed under this section as having reading skills below grade 18345
level, the district shall do both of the following: 18346

(a) Provide to the student's parent or guardian, in writing, 18347
all of the following: 18348

(i) Notification that the student has been identified as 18349
having a substantial deficiency in reading; 18350

(ii) A description of the current services that are provided 18351
to the student; 18352

(iii) A description of the proposed supplemental 18353
instructional services and supports that will be provided to the 18354
student that are designed to remediate the identified areas of 18355
reading deficiency; 18356

(iv) Notification that if the student attains a score in the 18357
range designated under division (A)(3) of section 3301.0710 of the 18358
Revised Code on the assessment prescribed under that section to 18359
measure skill in English language arts expected at the end of 18360
third grade, the student shall be retained unless the student is 18361
exempt under division (A) of this section. The notification shall 18362
specify that the assessment under section 3301.0710 of the Revised 18363
Code is not the sole determinant of promotion and that additional 18364
evaluations and assessments are available to the student to assist 18365

parents and the district in knowing when a student is reading at 18366
or above grade level and ready for promotion. 18367

(b) Provide intensive reading instruction services and 18368
regular diagnostic assessments to the student immediately 18369
following identification of a reading deficiency until the 18370
development of the reading improvement and monitoring plan 18371
required by division (C) of this section. These intervention 18372
services shall include research-based reading strategies that have 18373
been shown to be successful in improving reading among 18374
low-performing readers and instruction targeted at the student's 18375
identified reading deficiencies. 18376

(3) For each student retained under division (A) of this 18377
section, the district shall do all of the following: 18378

(a) Provide intense remediation services until the student is 18379
able to read at grade level. The remediation services shall 18380
include intensive interventions in reading that address the areas 18381
of deficiencies identified under this section including, but not 18382
limited to, not less than ninety minutes of reading instruction 18383
per day, and may include any of the following: 18384

(i) Small group instruction; 18385

(ii) Reduced teacher-student ratios; 18386

(iii) More frequent progress monitoring; 18387

(iv) Tutoring or mentoring; 18388

(v) Transition classes containing third and fourth grade 18389
students; 18390

(vi) Extended school day, week, or year; 18391

(vii) Summer reading camps. 18392

(b) Establish a policy for the mid-year promotion of a 18393
student retained under division (A) of this section who 18394
demonstrates that the student is reading at or above grade level; 18395

(c) Provide each student with a teacher who satisfies one or 18396
more of the criteria set forth in division (H) of this section. 18397

The district shall offer the option for students to receive 18398
applicable services from one or more providers other than the 18399
district. Providers shall be screened and approved by the district 18400
or the department of education. If the student participates in the 18401
remediation services and demonstrates reading proficiency in 18402
accordance with standards adopted by the department prior to the 18403
start of fourth grade, the district shall promote the student to 18404
that grade. 18405

(4) For each student retained under division (A) of this 18406
section who has demonstrated proficiency in a specific academic 18407
ability field, each district shall provide instruction 18408
commensurate with student achievement levels in that specific 18409
academic ability field. 18410

As used in this division, "specific academic ability field" 18411
has the same meaning as in section 3324.01 of the Revised Code. 18412

(C) For each student required to be provided intervention 18413
services under this section, the district shall develop a reading 18414
improvement and monitoring plan within sixty days after receiving 18415
the student's results on the diagnostic assessment or comparable 18416
tool administered under division (B)(1) of this section. The 18417
district shall involve the student's parent or guardian and 18418
classroom teacher in developing the plan. The plan shall include 18419
all of the following: 18420

(1) Identification of the student's specific reading 18421
deficiencies; 18422

(2) A description of the additional instructional services 18423
and support that will be provided to the student to remediate the 18424
identified reading deficiencies; 18425

(3) Opportunities for the student's parent or guardian to be 18426

involved in the instructional services and support described in 18427
division (C)(2) of this section; 18428

(4) A process for monitoring the extent to which the student 18429
receives the instructional services and support described in 18430
division (C)(2) of this section; 18431

(5) A reading curriculum during regular school hours that 18432
does all of the following: 18433

(a) Assists students to read at grade level; 18434

(b) Provides scientifically based and reliable assessment; 18435

(c) Provides initial and ongoing analysis of each student's 18436
reading progress. 18437

(6) A statement that if the student does not attain at least 18438
the equivalent level of achievement designated under division 18439
(A)(3) of section 3301.0710 of the Revised Code on the assessment 18440
prescribed under that section to measure skill in English language 18441
arts expected by the end of third grade, the student may be 18442
retained in third grade. 18443

Each student with a reading improvement and monitoring plan 18444
under this division who enters third grade after July 1, 2013, 18445
shall be assigned to a teacher who satisfies one or more of the 18446
criteria set forth in division (H) of this section. 18447

The district shall report any information requested by the 18448
department about the reading improvement monitoring plans 18449
developed under this division in the manner required by the 18450
department. 18451

(D) Each school district shall report annually to the 18452
department on its implementation and compliance with this section 18453
using guidelines prescribed by the superintendent of public 18454
instruction. The superintendent of public instruction annually 18455
shall report to the governor and general assembly the number and 18456

percentage of students in grades kindergarten through four reading 18457
below grade level based on the diagnostic assessments administered 18458
under division (B) of this section and the achievement assessments 18459
administered under divisions (A)(1)(a) and (b) of section 18460
3301.0710 of the Revised Code in English language arts, aggregated 18461
by school district and building; the types of intervention 18462
services provided to students; and, if available, an evaluation of 18463
the efficacy of the intervention services provided. 18464

(E) Any summer remediation services funded in whole or in 18465
part by the state and offered by school districts to students 18466
under this section shall meet the following conditions: 18467

(1) The remediation methods are based on reliable educational 18468
research. 18469

(2) The school districts conduct assessment before and after 18470
students participate in the program to facilitate monitoring 18471
results of the remediation services. 18472

(3) The parents of participating students are involved in 18473
programming decisions. 18474

(F) Any intervention or remediation services required by this 18475
section shall include intensive, explicit, and systematic 18476
instruction. 18477

(G) This section does not create a new cause of action or a 18478
substantive legal right for any person. 18479

(H)(1) Except as provided under divisions (H)(2), (3), and 18480
(4) of this section, each student described in division (B)(3) or 18481
(C) of this section who enters third grade for the first time on 18482
or after July 1, 2013, shall be assigned a teacher who has at 18483
least one year of teaching experience and who satisfies one or 18484
more of the following criteria: 18485

(a) The teacher holds a reading endorsement on the teacher's 18486

license and has attained a passing score on the corresponding 18487
assessment for that endorsement, as applicable. 18488

(b) The teacher has completed a master's degree program with 18489
a major in reading. 18490

(c) The teacher was rated "most effective" for reading 18491
instruction consecutively for the most recent two years based on 18492
assessments of student growth measures developed by a vendor and 18493
that is on the list of student assessments approved by the state 18494
board under division (B)(2) of section 3319.112 of the Revised 18495
Code. 18496

(d) The teacher was rated "above expected value added," in 18497
reading instruction, as determined by criteria established by the 18498
department, for the most recent, consecutive two years. 18499

(e) The teacher has earned a passing score on a rigorous test 18500
of principles of scientifically research-based reading instruction 18501
as approved by the state board. 18502

(f) The teacher holds an educator license for teaching grades 18503
pre-kindergarten through three or four through nine issued on or 18504
after July 1, 2017. 18505

(2) Notwithstanding division (H)(1) of this section, a 18506
student described in division (B)(3) or (C) of this section who 18507
enters third grade for the first time on or after July 1, 2013, 18508
may be assigned to a teacher with less than one year of teaching 18509
experience provided that the teacher meets one or more of the 18510
criteria described in divisions (H)(1)(a) to (f) of this section 18511
and that teacher is assigned a teacher mentor who meets the 18512
qualifications of division (H)(1) of this section. 18513

(3) Notwithstanding division (H)(1) of this section, a 18514
student described in division (B)(3) or (C) of this section who 18515
enters third grade for the first time on or after July 1, 2013, 18516
but prior to July 1, 2016, may be assigned to a teacher who holds 18517

an alternative credential approved by the department or who has 18518
successfully completed training that is based on principles of 18519
scientifically research-based reading instruction that has been 18520
approved by the department. Beginning on July 1, 2014, the 18521
alternative credentials and training described in division (H)(3) 18522
of this section shall be aligned with the reading competencies 18523
adopted by the state board of education under section 3301.077 of 18524
the Revised Code. 18525

(4) Notwithstanding division (H)(1) of this section, a 18526
student described in division (B)(3) or (C) of this section who 18527
enters third grade for the first time on or after July 1, 2013, 18528
may receive reading intervention or remediation services under 18529
this section from an individual employed as a speech-language 18530
pathologist who holds a license issued by the state speech and 18531
hearing professionals board under Chapter 4753. of the Revised 18532
Code and a professional pupil services license as a school 18533
speech-language pathologist issued by the state board of 18534
education. 18535

(5) A teacher, other than a student's teacher of record, may 18536
provide any services required under this section, so long as that 18537
other teacher meets the requirements of division (H) of this 18538
section and the teacher of record and the school principal agree 18539
to the assignment. Any such assignment shall be documented in the 18540
student's reading improvement and monitoring plan. 18541

As used in this division, "teacher of record" means the 18542
classroom teacher to whom a student is assigned. 18543

(I) Notwithstanding division (H) of this section, a teacher 18544
may teach reading to any student who is an English language 18545
learner, and has been in the United States for three years or 18546
less, or to a student who has an individualized education program 18547
developed under Chapter 3323. of the Revised Code if that teacher 18548
holds an alternative credential approved by the department or has 18549

successfully completed training that is based on principles of 18550
scientifically research-based reading instruction that has been 18551
approved by the department. Beginning on July 1, 2014, the 18552
alternative credentials and training described in this division 18553
shall be aligned with the reading competencies adopted by the 18554
state board of education under section 3301.077 of the Revised 18555
Code. 18556

(J) If, on or after June 4, 2013, a school district or 18557
community school cannot furnish the number of teachers needed who 18558
satisfy one or more of the criteria set forth in division (H) of 18559
this section for the 2013-2014 school year, the school district or 18560
community school shall develop and submit a staffing plan by June 18561
30, 2013. The staffing plan shall include criteria that will be 18562
used to assign a student described in division (B)(3) or (C) of 18563
this section to a teacher, credentials or training held by 18564
teachers currently teaching at the school, and how the school 18565
district or community school will meet the requirements of this 18566
section. The school district or community school shall post the 18567
staffing plan on its web site for the applicable school year. 18568

Not later than March 1, 2014, and on the first day of March 18569
in each year thereafter, a school district or community school 18570
that has submitted a plan under this division shall submit to the 18571
department a detailed report of the progress the district or 18572
school has made in meeting the requirements under this section. 18573

A school district or community school may request an 18574
extension of a staffing plan beyond the 2013-2014 school year. 18575
Extension requests must be submitted to the department not later 18576
than the thirtieth day of April prior to the start of the 18577
applicable school year. The department may grant extensions valid 18578
through the 2015-2016 school year. 18579

Until June 30, 2015, the department annually shall review all 18580
staffing plans and report to the state board not later than the 18581

thirtieth day of June of each year the progress of school 18582
districts and community schools in meeting the requirements of 18583
this section. 18584

(K) The department of education shall designate one or more 18585
staff members to provide guidance and assistance to school 18586
districts and community schools in implementing the third grade 18587
guarantee established by this section, including any standards or 18588
requirements adopted to implement the guarantee and to provide 18589
information and support for reading instruction and achievement. 18590

Sec. 3313.6024. (A) Annually, beginning in the 2019-2020 18591
school year, each school district shall report to the department 18592
of education, in the manner prescribed by the department, the 18593
types of prevention-focused programs, services, and supports used 18594
to assist students in developing the knowledge and skills to 18595
engage in healthy behaviors and decision-making and to increase 18596
their awareness of the dangers and consequences of risky 18597
behaviors, including substance abuse, suicide, bullying, and other 18598
harmful behaviors. The district shall report the following 18599
information regarding such programs, services, and supports for 18600
each building operated by the district and for each of grades 18601
kindergarten through twelve served by the building: 18602

(1) Curriculum and instruction provided during the school 18603
day; 18604

(2) Programs and supports provided outside of the classroom 18605
or outside of the school day; 18606

(3) Professional development for teachers, administrators, 18607
and other staff; 18608

(4) Partnerships with community coalitions and organizations 18609
to provide prevention services and resources to students and their 18610
families; 18611

(5) School efforts to engage parents and the community; 18612

(6) Activities designed to communicate with and learn from 18613
other schools or professionals with expertise in prevention 18614
education. 18615

(B) The department may use information reported under this 18616
section, and any other information collected by the department 18617
pursuant to law, as a factor in the distribution of any funding 18618
available for prevention-focused programs, services, and supports. 18619

Sec. 3313.61. (A) A diploma shall be granted by the board of 18620
education of any city, exempted village, or local school district 18621
that operates a high school to any person to whom all of the 18622
following apply: 18623

(1) The person has successfully completed the curriculum in 18624
any high school or the individualized education program developed 18625
for the person by any high school pursuant to section 3323.08 of 18626
the Revised Code, or has qualified under division (D) or (F) of 18627
section 3313.603 of the Revised Code, provided that no school 18628
district shall require a student to remain in school for any 18629
specific number of semesters or other terms if the student 18630
completes the required curriculum early; 18631

(2) Subject to section 3313.614 of the Revised Code, the 18632
person has met the assessment requirements of division (A)(2)(a) 18633
or (b) of this section, as applicable. 18634

(a) If the person entered the ninth grade prior to July 1, 18635
2014, the person either: 18636

(i) Has attained at least the applicable scores designated 18637
under division (B)(1) of section 3301.0710 of the Revised Code on 18638
all the assessments required by that division unless the person 18639
was excused from taking any such assessment pursuant to section 18640
3313.532 of the Revised Code or unless division (H) or (L) of this 18641

section applies to the person; 18642

(ii) Has satisfied the alternative conditions prescribed in 18643
section 3313.615 of the Revised Code. 18644

(b) If the person entered the ninth grade on or after July 1, 18645
2014, the person has met the requirement prescribed by section 18646
3313.618 of the Revised Code, except to the extent that the person 18647
is excused from an assessment prescribed by that section pursuant 18648
to section 3313.532 of the Revised Code or division (H) or (L) of 18649
this section. 18650

(3) The person is not eligible to receive an honors diploma 18651
granted pursuant to division (B) of this section. 18652

Except as provided in divisions (C), (E), (J), and (L) of 18653
this section, no diploma shall be granted under this division to 18654
anyone except as provided under this division. 18655

(B) In lieu of a diploma granted under division (A) of this 18656
section, an honors diploma shall be granted, in accordance with 18657
rules of the state board, by any such district board to anyone who 18658
accomplishes all of the following: 18659

(1) Successfully completes the curriculum in any high school 18660
or the individualized education program developed for the person 18661
by any high school pursuant to section 3323.08 of the Revised 18662
Code; 18663

(2) Subject to section 3313.614 of the Revised Code, has met 18664
the assessment requirements of division (B)(2)(a) or (b) of this 18665
section, as applicable. 18666

(a) If the person entered the ninth grade prior to July 1, 18667
2014, the person either: 18668

(i) Has attained at least the applicable scores designated 18669
under division (B)(1) of section 3301.0710 of the Revised Code on 18670
all the assessments required by that division; 18671

(ii) Has satisfied the alternative conditions prescribed in 18672
section 3313.615 of the Revised Code. 18673

(b) If the person entered the ninth grade on or after July 1, 18674
2014, the person has met the requirement prescribed under section 18675
3313.618 of the Revised Code. 18676

(3) Has met additional criteria established by the state 18677
board for the granting of such a diploma. 18678

An honors diploma shall not be granted to a student who is 18679
subject to the requirements prescribed in division (C) of section 18680
3313.603 of the Revised Code but elects the option of division (D) 18681
or (F) of that section. Except as provided in divisions (C), (E), 18682
and (J) of this section, no honors diploma shall be granted to 18683
anyone failing to comply with this division and no more than one 18684
honors diploma shall be granted to any student under this 18685
division. 18686

The state board shall adopt rules prescribing the granting of 18687
honors diplomas under this division. These rules may prescribe the 18688
granting of honors diplomas that recognize a student's achievement 18689
as a whole or that recognize a student's achievement in one or 18690
more specific subjects or both. The rules may prescribe the 18691
granting of an honors diploma recognizing technical expertise for 18692
a career-technical student. In any case, the rules shall designate 18693
two or more criteria for the granting of each type of honors 18694
diploma the board establishes under this division and the number 18695
of such criteria that must be met for the granting of that type of 18696
diploma. The number of such criteria for any type of honors 18697
diploma shall be at least one less than the total number of 18698
criteria designated for that type and no one or more particular 18699
criteria shall be required of all persons who are to be granted 18700
that type of diploma. 18701

(C) Any district board administering any of the assessments 18702

required by section 3301.0710 of the Revised Code to any person 18703
requesting to take such assessment pursuant to division (B)(8)(b) 18704
of section 3301.0711 of the Revised Code shall award a diploma to 18705
such person if the person attains at least the applicable scores 18706
designated under division (B)(1) of section 3301.0710 of the 18707
Revised Code on all the assessments administered and if the person 18708
has previously attained the applicable scores on all the other 18709
assessments required by division (B)(1) of that section or has 18710
been exempted or excused from attaining the applicable score on 18711
any such assessment pursuant to division (H) or (L) of this 18712
section or from taking any such assessment pursuant to section 18713
3313.532 of the Revised Code. 18714

(D) Each diploma awarded under this section shall be signed 18715
by the president and treasurer of the issuing board, the 18716
superintendent of schools, and the principal of the high school. 18717
Each diploma shall bear the date of its issue, be in such form as 18718
the district board prescribes, and be paid for out of the 18719
district's general fund. 18720

(E) A person who is a resident of Ohio and is eligible under 18721
state board of education minimum standards to receive a high 18722
school diploma based in whole or in part on credits earned while 18723
an inmate of a correctional institution operated by the state or 18724
any political subdivision thereof, shall be granted such diploma 18725
by the correctional institution operating the programs in which 18726
such credits were earned, and by the board of education of the 18727
school district in which the inmate resided immediately prior to 18728
the inmate's placement in the institution. The diploma granted by 18729
the correctional institution shall be signed by the director of 18730
the institution, and by the person serving as principal of the 18731
institution's high school and shall bear the date of issue. 18732

(F) Persons who are not residents of Ohio but who are inmates 18733
of correctional institutions operated by the state or any 18734

political subdivision thereof, and who are eligible under state 18735
board of education minimum standards to receive a high school 18736
diploma based in whole or in part on credits earned while an 18737
inmate of the correctional institution, shall be granted a diploma 18738
by the correctional institution offering the program in which the 18739
credits were earned. The diploma granted by the correctional 18740
institution shall be signed by the director of the institution and 18741
by the person serving as principal of the institution's high 18742
school and shall bear the date of issue. 18743

(G) The state board of education shall provide by rule for 18744
the administration of the assessments required by sections 18745
3301.0710 and 3301.0712 of the Revised Code to inmates of 18746
correctional institutions. 18747

(H) Any person to whom all of the following apply shall be 18748
exempted from attaining the applicable score on the assessment in 18749
social studies designated under division (B)(1) of section 18750
3301.0710 of the Revised Code, any American history end-of-course 18751
examination and any American government end-of-course examination 18752
required under division (B) of section 3301.0712 of the Revised 18753
Code if such an exemption is prescribed by rule of the state board 18754
under division (D)(3) of section 3301.0712 of the Revised Code, or 18755
the test in citizenship designated under former division (B) of 18756
section 3301.0710 of the Revised Code as it existed prior to 18757
September 11, 2001: 18758

(1) The person is not a citizen of the United States; 18759

(2) The person is not a permanent resident of the United 18760
States; 18761

(3) The person indicates no intention to reside in the United 18762
States after the completion of high school. 18763

(I) Notwithstanding division (D) of section 3311.19 and 18764
division (D) of section 3311.52 of the Revised Code, this section 18765

and section 3313.611 of the Revised Code do not apply to the board 18766
of education of any joint vocational school district or any 18767
cooperative education school district established pursuant to 18768
divisions (A) to (C) of section 3311.52 of the Revised Code. 18769

(J) Upon receipt of a notice under division (D) of section 18770
3325.08 or division (D) of section 3328.25 of the Revised Code 18771
that a student has received a diploma under either section, the 18772
board of education receiving the notice may grant a high school 18773
diploma under this section to the student, except that such board 18774
shall grant the student a diploma if the student meets the 18775
graduation requirements that the student would otherwise have had 18776
to meet to receive a diploma from the district. The diploma 18777
granted under this section shall be of the same type the notice 18778
indicates the student received under section 3325.08 or 3328.25 of 18779
the Revised Code. 18780

(K) As used in this division, "~~limited English proficient~~ 18781
~~student~~ learner" has the same meaning as in division (C)(3) of 18782
section 3301.0711 of the Revised Code. 18783

Notwithstanding division (C)(3) of section 3301.0711 of the 18784
Revised Code, no ~~limited English proficient student~~ learner who 18785
has not either attained the applicable scores designated under 18786
division (B)(1) of section 3301.0710 of the Revised Code on all 18787
the assessments required by that division, or met the requirement 18788
prescribed by section 3313.618 of the Revised Code, shall be 18789
awarded a diploma under this section. 18790

(L) Any student described by division (A)(1) of this section 18791
may be awarded a diploma without meeting the requirement 18792
prescribed by section 3313.618 of the Revised Code provided an 18793
individualized education program specifically exempts the student 18794
from meeting such requirement. This division does not negate the 18795
requirement for a student to take the assessments prescribed by 18796
section 3301.0710 or under division (B) of section 3301.0712 of 18797

the Revised Code, or alternate assessments required by division 18798
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 18799
of assessing student progress as required by federal law. 18800

Sec. 3313.611. (A) The state board of education shall adopt, 18801
by rule, standards for awarding high school credit equivalent to 18802
credit for completion of high school academic and vocational 18803
education courses to applicants for diplomas under this section. 18804
The standards may permit high school credit to be granted to an 18805
applicant for any of the following: 18806

(1) Work experiences or experiences as a volunteer; 18807

(2) Completion of academic, vocational, or self-improvement 18808
courses offered to persons over the age of twenty-one by a 18809
chartered public or nonpublic school; 18810

(3) Completion of academic, vocational, or self-improvement 18811
courses offered by an organization, individual, or educational 18812
institution other than a chartered public or nonpublic school; 18813

(4) Other life experiences considered by the board to provide 18814
knowledge and learning experiences comparable to that gained in a 18815
classroom setting. 18816

(B) The board of education of any city, exempted village, or 18817
local school district that operates a high school shall grant a 18818
diploma of adult education to any applicant if all of the 18819
following apply: 18820

(1) The applicant is a resident of the district; 18821

(2) The applicant is over the age of twenty-one and has not 18822
been issued a diploma as provided in section 3313.61 of the 18823
Revised Code; 18824

(3) Subject to section 3313.614 of the Revised Code, the 18825
applicant has met the assessment requirements of division 18826
(B)(3)(a) or (b) of this section, as applicable. 18827

(a) Prior to July 1, 2014, the applicant either: 18828

(i) Has attained the applicable scores designated under 18829
division (B)(1) of section 3301.0710 of the Revised Code on all of 18830
the assessments required by that division or was excused or 18831
exempted from any such assessment pursuant to section 3313.532 or 18832
was exempted from attaining the applicable score on any such 18833
assessment pursuant to division (H) or (L) of section 3313.61 of 18834
the Revised Code; 18835

(ii) Has satisfied the alternative conditions prescribed in 18836
section 3313.615 of the Revised Code. 18837

(b) On or after July 1, 2014, has met the requirement 18838
prescribed by section 3313.618 of the Revised Code, except and 18839
only to the extent that the applicant is excused from some portion 18840
of that section pursuant to section 3313.532 of the Revised Code 18841
or division (H) or (L) of section 3313.61 of the Revised Code. 18842

(4) The district board determines, in accordance with the 18843
standards adopted under division (A) of this section, that the 18844
applicant has attained sufficient high school credits, including 18845
equivalent credits awarded under such standards, to qualify as 18846
having successfully completed the curriculum required by the 18847
district for graduation. 18848

(C) If a district board determines that an applicant is not 18849
eligible for a diploma under division (B) of this section, it 18850
shall inform the applicant of the reason the applicant is 18851
ineligible and shall provide a list of any courses required for 18852
the diploma for which the applicant has not received credit. An 18853
applicant may reapply for a diploma under this section at any 18854
time. 18855

(D) If a district board awards an adult education diploma 18856
under this section, the president and treasurer of the board and 18857
the superintendent of schools shall sign it. Each diploma shall 18858

bear the date of its issuance, be in such form as the district
board prescribes, and be paid for from the district's general
fund, except that the state board may by rule prescribe standard
language to be included on each diploma.

(E) As used in this division, "~~limited English proficient~~
~~student~~ learner" has the same meaning as in division (C)(3) of
section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the
Revised Code, no ~~limited English proficient student~~ learner who
has not either attained the applicable scores designated under
division (B)(1) of section 3301.0710 of the Revised Code on all
the assessments required by that division, or has not met the
requirement prescribed by section 3313.618 of the Revised Code,
shall be awarded a diploma under this section.

Sec. 3313.612. (A) No nonpublic school chartered by the state
board of education shall grant a high school diploma to any person
unless, subject to section 3313.614 of the Revised Code, the
person has met the assessment requirements of division (A)(1) or
(2) of this section, as applicable.

(1) If the person entered the ninth grade prior to July 1,
2014, the person has attained at least the applicable scores
designated under division (B)(1) of section 3301.0710 of the
Revised Code on all the assessments required by that division, or
has satisfied the alternative conditions prescribed in section
3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1,
2014, the person has met the requirement prescribed by section
3313.618 or 3313.619 of the Revised Code.

(B) This section does not apply to any of the following:

(1) Any person with regard to any assessment from which the

person was excused pursuant to division (C)(1)(c) of section 18889
3301.0711 of the Revised Code; 18890

(2) Except as provided in division (B)(4) of this section, 18891
any person who attends a nonpublic school accredited through the 18892
independent schools association of the central states, except for 18893
a student attending the school under a state scholarship program 18894
as defined in section 3301.0711 of the Revised Code; 18895

(3) Any person with regard to the social studies assessment 18896
under division (B)(1) of section 3301.0710 of the Revised Code, 18897
any American history end-of-course examination and any American 18898
government end-of-course examination required under division (B) 18899
of section 3301.0712 of the Revised Code if such an exemption is 18900
prescribed by rule of the state board of education under division 18901
(D)(3) of section 3301.0712 of the Revised Code, or the 18902
citizenship test under former division (B) of section 3301.0710 of 18903
the Revised Code as it existed prior to September 11, 2001, if all 18904
of the following apply: 18905

(a) The person is not a citizen of the United States; 18906

(b) The person is not a permanent resident of the United 18907
States; 18908

(c) The person indicates no intention to reside in the United 18909
States after completion of high school. 18910

(4) Any person who attends a chartered nonpublic school that 18911
satisfies the requirements of division (L)(4) of section 3301.0711 18912
of the Revised Code. In the case of such a student, the student's 18913
chartered nonpublic school shall determine the student's 18914
eligibility for graduation based on the standards of the school's 18915
accrediting body. 18916

(C) As used in this division, "~~limited English proficient~~ 18917
~~student learner~~" has the same meaning as in division (C)(3) of 18918
section 3301.0711 of the Revised Code. 18919

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no ~~limited English proficient student~~ learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section.

(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section.

(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code.

Sec. 3313.618. (A) In addition to the applicable curriculum requirements, each student entering ninth grade for the first time on or after July 1, 2014, shall satisfy at least one of the following conditions in order to qualify for a high school diploma:

(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading;

(2) Attain a score specified under division (B)(5)(c) of section 3301.0712 of the Revised Code on the end-of-course examinations prescribed under division (B) of section 3301.0712 of the Revised Code.

(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills assessment selected by the state board of education under division (G) of section 3301.0712 of the Revised Code and obtain either an

industry-recognized credential, ~~as described under division~~ 18950
~~(B)(2)(d) of section 3302.03 of the Revised Code,~~ or a license 18951
issued by a state agency or board for practice in a vocation that 18952
requires an examination for issuance of that license. 18953

The Subject to section 3313.912 of the Revised Code, the 18954
industry-recognized credentials and licenses shall be as approved 18955
under section 3313.6113 of the Revised Code. 18956

A student may choose to qualify for a high school diploma by 18957
satisfying any of the separate requirements prescribed by 18958
divisions (A)(1) to (3) of this section. If the student's school 18959
district or school does not administer the examination prescribed 18960
by one of those divisions that the student chooses to take to 18961
satisfy the requirements of this section, the school district or 18962
school may require that student to arrange for the applicable 18963
scores to be sent directly to the district or school by the 18964
company or organization that administers the examination. 18965

(B) The state board of education shall not create or require 18966
any additional assessment for the granting of any type of high 18967
school diploma other than as prescribed by this section. Except as 18968
provided in sections 3313.6111 and 3313.6112 of the Revised Code, 18969
the state board or the superintendent of public instruction shall 18970
not create any endorsement or designation that may be affiliated 18971
with a high school diploma. 18972

Sec. 3313.813. (A) As used in this section: 18973

(1) "Outdoor education center" means a public or nonprofit 18974
private entity that provides to pupils enrolled in any public or 18975
chartered nonpublic elementary or secondary school an outdoor 18976
educational curriculum that the school considers to be part of its 18977
educational program. 18978

(2) "Outside-school-hours care center" has the meaning 18979

established in 7 C.F.R. 226.2. 18980

(B) The state board of education shall establish standards 18981
for a school lunch program, school breakfast program, child and 18982
adult care food program, special food service program for 18983
children, summer food service program for children, special milk 18984
program for children, food service equipment assistance program, 18985
and commodity distribution program established under the "National 18986
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 18987
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 18988
U.S.C. 1771, as amended. Any board of education of a school 18989
district, nonprofit private school, outdoor education center, 18990
child care institution, outside-school-hours care center, or 18991
summer camp desiring to participate in such a program or required 18992
to participate under this section shall, if eligible to 18993
participate under the "National School Lunch Act," as amended, or 18994
the "Child Nutrition Act of 1966," as amended, make application to 18995
the state board of education for assistance. The board shall 18996
administer the allocation and distribution of all state and 18997
federal funds for these programs. 18998

(C) The state board of education shall require the board of 18999
education of each school district to establish and maintain a 19000
school breakfast, lunch, and summer food service program pursuant 19001
to the "National School Lunch Act" and the "Child Nutrition Act of 19002
1966," as described in divisions (C)(1) to (4) of this section. 19003

(1) The state board shall require the board of education in 19004
each school district to establish a breakfast program in every 19005
school where at least one-fifth of the pupils in the school are 19006
eligible under federal requirements for free breakfasts and to 19007
establish a lunch program in every school where at least one-fifth 19008
of the pupils are eligible for free lunches. The board of 19009
education required to establish a breakfast program under this 19010
division may make a charge in accordance with federal requirements 19011

for each reduced price breakfast or paid breakfast to cover the 19012
cost incurred in providing that meal. 19013

(2) The state board shall require the board of education in 19014
each school district to establish a breakfast program in every 19015
school in which the parents of at least one-half of the children 19016
enrolled in the school have requested that the breakfast program 19017
be established. The board of education required to establish a 19018
program under this division may make a charge in accordance with 19019
federal requirements for each meal to cover all or part of the 19020
costs incurred in establishing such a program. 19021

A breakfast program established under division (C)(1) or (2) 19022
of this section shall be operated in accordance with section 19023
3313.818 of the Revised Code in any school meeting the conditions 19024
prescribed by that section. 19025

(3) The state board shall require the board of education in 19026
each school district to establish one of the following for summer 19027
intervention services described in division (D) of section 19028
3301.0711 or provided under section 3313.608 of the Revised Code, 19029
and any other summer intervention program required by law: 19030

(a) An extension of the school breakfast program pursuant to 19031
the "National School Lunch Act" and the "Child Nutrition Act of 19032
1966"; 19033

(b) An extension of the school lunch program pursuant to 19034
those acts; 19035

(c) A summer food service program pursuant to those acts. 19036

(4)(a) If the board of education of a school district 19037
determines that, for financial reasons, it cannot comply with 19038
division (C)(1) or (3) of this section, the district board may 19039
choose not to comply with either or both divisions, except as 19040
provided in divisions (C)(4)(b) and (c) of this section. The 19041
district board publicly shall communicate to the residents of the 19042

district, in the manner it determines appropriate, its decision 19043
not to comply. 19044

(b) If a district board chooses not to comply with division 19045
(C)(1) of this section, the state board nevertheless shall require 19046
the district board to establish a breakfast program in every 19047
school where at least one-third of the pupils in the school are 19048
eligible under federal requirements for free breakfasts and to 19049
establish a lunch program in every school where at least one-third 19050
of the pupils are eligible for free lunches. The district board 19051
may make a charge in accordance with federal requirements for each 19052
reduced price breakfast or paid breakfast to cover the cost 19053
incurred in providing that meal. 19054

(c) If the board of education of a school district chooses 19055
not to comply with division (C)(3) of this section, the state 19056
board nevertheless shall require the district board to permit an 19057
approved summer food service program sponsor to use school 19058
facilities located in a school building attendance area where at 19059
least one-half of the pupils are eligible for free lunches. 19060

The department of education shall post in a prominent 19061
location on the department's web site a list of approved summer 19062
food service program sponsors that may use school facilities under 19063
this division. 19064

Subject to the provisions of sections 3313.75 and 3313.77 of 19065
the Revised Code, a school district may charge the summer food 19066
service program sponsor a reasonable fee for the use of school 19067
facilities that may include the actual cost of custodial services, 19068
charges for the use of school equipment, and a prorated share of 19069
the utility costs as determined by the district board. A school 19070
district shall require the summer food service program sponsor to 19071
indemnify and hold harmless the district from any potential 19072
liability resulting from the operation of the summer food service 19073
program under this division. For this purpose, the district shall 19074

either add the summer food service program sponsor, as an 19075
additional insured party, to the district's existing liability 19076
insurance policy or require the summer food service program 19077
sponsor to submit evidence of a separate liability insurance 19078
policy, for an amount approved by the district board. The summer 19079
food service program sponsor shall be responsible for any costs 19080
incurred in obtaining coverage under either option. 19081

(d) If a school district cannot for good cause comply with 19082
the requirements of division (C)(2) or (4)(b) or (c) of this 19083
section at the time the state board determines that a district is 19084
subject to these requirements, the state board shall grant a 19085
reasonable extension of time. Good cause for an extension of time 19086
shall include, but need not be limited to, economic impossibility 19087
of compliance with the requirements at the time the state board 19088
determines that a district is subject to them. 19089

(D)(1) The state board shall accept the application of any 19090
outdoor education center in the state making application for 19091
participation in a program pursuant to division (B) of this 19092
section. 19093

(2) For purposes of participation in any program pursuant to 19094
this section, the board shall certify any outdoor education center 19095
making application as an educational unit that is part of the 19096
educational system of the state, if the center: 19097

(a) Meets the definition of an outdoor education center; 19098

(b) Provides its outdoor education curriculum to pupils on an 19099
overnight basis so that pupils are in residence at the center for 19100
more than twenty-four consecutive hours; 19101

(c) Operates under public or nonprofit private ownership in a 19102
single building or complex of buildings. 19103

(3) The board shall approve any outdoor education center 19104
certified under this division for participation in the program for 19105

which the center is making application on the same basis as any 19106
other applicant for that program. 19107

(E) Any school district board of education or chartered 19108
nonpublic school that participates in a breakfast program pursuant 19109
to this section may offer breakfast to pupils in their classrooms 19110
during the school day. However, any school that is subject to 19111
section 3313.818 of the Revised Code shall offer breakfast to 19112
pupils in accordance with that section. 19113

(F) Notwithstanding anything in this section to the contrary, 19114
in each fiscal year in which the general assembly appropriates 19115
funds for purposes of this division, the board of education of 19116
each school district and each chartered nonpublic school that 19117
participates in a breakfast program pursuant to this section shall 19118
provide a breakfast free of charge to each pupil who is eligible 19119
under federal requirements for a reduced price breakfast. 19120

Sec. 3313.818. (A)(1) The department of education shall 19121
establish a program under which public schools that meet the 19122
conditions prescribed in this section shall offer breakfast to all 19123
students during the school day. Each of the following shall apply: 19124

(a) In the first school year after the effective date of this 19125
section, the program shall apply to any public school in which 19126
seventy per cent or more of the students enrolled in the school 19127
during the previous school year were eligible under federal 19128
requirements for free or reduced-price breakfasts or lunches. 19129

(b) In the second school year after the effective date of 19130
this section, the program shall apply to any public school in 19131
which sixty per cent or more of the students enrolled in the 19132
school during the previous school year were eligible under federal 19133
requirements for free or reduced-price breakfasts or lunches. 19134

(c) In the third school year after the enactment date of this 19135

section and every school year thereafter, the program shall apply 19136
to any public school in which fifty per cent or more of the 19137
students enrolled in the school during the previous school year 19138
were eligible under federal requirements for free or reduced-price 19139
breakfasts or lunches. 19140

(2) In each school that meets the standards prescribed in 19141
division (A)(1) of this section, efforts shall be made to increase 19142
student participation in that school's breakfast program to at 19143
least seventy per cent of the school's free or reduced-price lunch 19144
participation rate. 19145

(3) The district superintendent or building principal, in 19146
consultation with the building staff, shall determine the model 19147
for serving breakfast under the program. Each breakfast served 19148
under the program shall comply with federal meal patterns and 19149
nutritional standards and with section 3313.814 of the Revised 19150
Code. A school district board of education may make a charge in 19151
accordance with federal requirements for each meal to cover all or 19152
part of the costs incurred in operating the program. 19153

(B) The department shall publish a list of public schools 19154
that meet the conditions of division (A) of this section. The 19155
department shall offer technical assistance to school districts 19156
and schools regarding the implementation of a school breakfast 19157
program that complies with this section and the submission of 19158
claims for reimbursement under the federal school breakfast 19159
program. 19160

(C)(1) The department shall monitor each school participating 19161
in the program and ensure that each participating school complies 19162
with the requirements of this section. If the department 19163
determines that a school participating in the program either has 19164
not increased the participation by all students in the program by 19165
at least ten percentage points, or less than seventy per cent of 19166
the school's students eligible for free or reduced-price lunch are 19167

not participating in the program, the department shall provide 19168
written notice of its findings to the school by the thirty-first 19169
day of May of that school year. 19170

(2) A school that receives notice from the department under 19171
division (C)(1) of this section shall, within thirty days after 19172
the start of the next school year, submit to the department a plan 19173
for increasing participation in the program. 19174

(D) Not later than the thirty-first day of December of each 19175
school year, the department shall provide statistical reports on 19176
its web site that specify the number and percentage of students 19177
participating in school breakfast programs disaggregated by school 19178
district and individual schools, including community schools, 19179
established under Chapter 3314. of the Revised Code, and STEM 19180
schools, established under Chapter 3326. of the Revised Code. 19181

(E) Not later than the thirty-first day of December of each 19182
school year, the department shall prepare a report on the 19183
implementation and effectiveness of the program established under 19184
this section and submit the report to the general assembly, in 19185
accordance with section 101.68 of the Revised Code, and to the 19186
governor. The report shall include: 19187

(1) The number of students and participation rates in the 19188
free and reduced-price breakfast programs under this section for 19189
each school building; 19190

(2) The type of breakfast model used by each school building 19191
participating in the breakfast program; 19192

(3) The number of students and participation rates in free or 19193
reduced-price lunch for each school building. 19194

Sec. 3313.912. (A) As used in this section, "career-technical 19195
planning district" and "lead district" have the same meanings as 19196
in section 3317.023 of the Revised Code. 19197

(B) The business advisory committee of each career-technical planning district shall determine an appropriate point value for each industry-recognized credential approved under section 3313.6113 of the Revised Code that is offered by the career-technical planning district. The point value shall be for the purposes of attaining the number of credential points necessary to qualify for a high school diploma under division (A)(3) of section 3313.618 of the Revised Code. The business advisory committee shall submit each credential point value determined by the committee to the board of education of the lead district for approval.

(C) The district board of the lead district shall vote on each credential point value submitted by the career-technical planning district's business advisory committee. The district board may approve each credential point value by a majority vote of its members. The district board shall submit to the department of education, through either regular mail or electronic mail, a notice of an approved credential point value and a copy of the minutes of the board meeting at which the board approved the credential point value. Except as provided in division (D) of this section, an approval under this division shall take effect thirty calendar days after either the postage stamp date of the regular mail notice or the date of the electronic mail notice.

(D) The state board of education may, by a two-thirds vote of its membership, override a credential point value approval under division (C) of this section. An override shall take immediate effect if the state board vote occurs prior to the effective date of the approval prescribed under division (C) of this section. However, if the state board vote occurs after that effective date, the override shall take effect at the beginning of the following school year.

(E) Both of the following shall apply to any credential point

value approved under division (C) of this section: 19230

(1) The approved credential point value shall only be valid 19231
in the career-technical planning district of the lead district 19232
board of education that issued the approval. 19233

(2) The district board may revoke any approved credential 19234
point value. 19235

(F) Subject to divisions (D) and (E) of this section, each 19236
student in a career-technical planning district may use a 19237
credential point value approved under division (C) of this section 19238
for the purposes of attaining the necessary number of 19239
industry-recognized credential points to qualify for a high school 19240
diploma under division (A)(3) of section 3313.613 of the Revised 19241
Code. 19242

Sec. 3313.978. (A) Annually by the first day of November, the 19243
superintendent of public instruction shall notify the pilot 19244
project school district of the number of initial scholarships that 19245
the state superintendent will be awarding in each of grades 19246
kindergarten through twelve. 19247

The state superintendent shall provide information about the 19248
scholarship program to all students residing in the district, 19249
shall accept applications from any such students ~~until such date~~ 19250
~~as shall be established by the state superintendent as a deadline~~ 19251
~~for applications~~ during the application periods established under 19252
division (H) of this section, and shall establish criteria for the 19253
selection of students to receive scholarships from among all those 19254
applying prior to the deadline, which criteria shall give 19255
preference to students from low-income families. The state 19256
superintendent shall notify students of their selection prior to 19257
~~the fifteenth day of January~~ a date established by the state 19258
superintendent. 19259

(1) A student receiving a pilot project scholarship may 19260
utilize it at an alternative public school by notifying the 19261
district superintendent, at any time before the beginning of the 19262
school year, of the name of the public school in an adjacent 19263
school district to which the student has been accepted pursuant to 19264
section 3327.06 of the Revised Code. 19265

(2) A student may decide to utilize a pilot project 19266
scholarship at a registered private school in the district if all 19267
of the following conditions are met: 19268

(a) By the fifteenth day of February of the preceding school 19269
year, or at any time prior to the start of the school year, the 19270
parent makes an application on behalf of the student to a 19271
registered private school. 19272

(b) The registered private school notifies the parent and the 19273
state superintendent as follows that the student has been 19274
admitted: 19275

(i) By the fifteenth day of March of the preceding school 19276
year if the student filed an application by the fifteenth day of 19277
February and was admitted by the school pursuant to division (A) 19278
of section 3313.977 of the Revised Code; 19279

(ii) Within one week of the decision to admit the student if 19280
the student is admitted pursuant to division (C) of section 19281
3313.977 of the Revised Code. 19282

(c) The student actually enrolls in the registered private 19283
school to which the student was first admitted or in another 19284
registered private school in the district or in a public school in 19285
an adjacent school district. 19286

(B) The state superintendent shall also award in any school 19287
year tutorial assistance grants to a number of students equal to 19288
the number of students who receive scholarships under division (A) 19289
of this section. Tutorial assistance grants shall be awarded 19290

solely to students who are enrolled in the public schools of the 19291
district in a grade level covered by the pilot project. Tutorial 19292
assistance grants may be used solely to obtain tutorial assistance 19293
from a provider approved pursuant to division (D) of section 19294
3313.976 of the Revised Code. 19295

All students wishing to obtain tutorial assistance grants 19296
shall make application to the state superintendent by the first 19297
day of the school year in which the assistance will be used. The 19298
state superintendent shall award assistance grants in accordance 19299
with criteria the superintendent shall establish. 19300

(C)(1) In the case of basic scholarships for students in 19301
grades kindergarten through eight, the scholarship amount shall 19302
not exceed the lesser of the net tuition charges of the 19303
alternative school the scholarship recipient attends or four 19304
thousand six hundred fifty dollars. 19305

In the case of basic scholarships for students in grades nine 19306
through twelve, the scholarship amount shall not exceed the lesser 19307
of the net tuition charges of the alternative school the 19308
scholarship recipient attends or six thousand dollars. 19309

The net tuition and fees charged to a student shall be the 19310
tuition amount specified by the alternative school minus all other 19311
financial aid, discounts, and adjustments received for the 19312
student. In cases where discounts are offered for multiple 19313
students from the same family, and not all students in the same 19314
family are scholarship recipients, the net tuition amount 19315
attributable to the scholarship recipient shall be the lowest net 19316
tuition to which the family is entitled. 19317

(2) The state superintendent shall provide for an increase in 19318
the basic scholarship amount in the case of any student who is a 19319
mainstreamed student with a disability and shall further increase 19320
such amount in the case of any separately educated student with a 19321

disability. Such increases shall take into account the 19322
instruction, related services, and transportation costs of 19323
educating such students. 19324

(3) In the case of tutorial assistance grants, the grant 19325
amount shall not exceed the lesser of the provider's actual 19326
charges for such assistance or: 19327

(a) Before fiscal year 2007, a percentage established by the 19328
state superintendent, not to exceed twenty per cent, of the amount 19329
of the pilot project school district's average basic scholarship 19330
amount; 19331

(b) In fiscal year 2007 and thereafter, four hundred dollars. 19332

(D)(1) Annually by the first day of November, the state 19333
superintendent shall estimate the maximum per-pupil scholarship 19334
amounts for the ensuing school year. The state superintendent 19335
shall make this estimate available to the general public at the 19336
offices of the district board of education together with the forms 19337
required by division (D)(2) of this section. 19338

(2) Annually by the fifteenth day of January, the chief 19339
administrator of each registered private school located in the 19340
pilot project district and the principal of each public school in 19341
such district shall complete a parental information form and 19342
forward it to the president of the board of education. The 19343
parental information form shall be prescribed by the department of 19344
education and shall provide information about the grade levels 19345
offered, the numbers of students, tuition amounts, achievement 19346
test results, and any sectarian or other organizational 19347
affiliations. 19348

(E)(1) Only for the purpose of administering the pilot 19349
project scholarship program, the department may request from any 19350
of the following entities the data verification code assigned 19351
under division (D)(2) of section 3301.0714 of the Revised Code to 19352

any student who is seeking a scholarship under the program: 19353

(a) The school district in which the student is entitled to 19354
attend school under section 3313.64 or 3313.65 of the Revised 19355
Code; 19356

(b) If applicable, the community school in which the student 19357
is enrolled; 19358

(c) The independent contractor engaged to create and maintain 19359
data verification codes. 19360

(2) Upon a request by the department under division (E)(1) of 19361
this section for the data verification code of a student seeking a 19362
scholarship or a request by the student's parent for that code, 19363
the school district or community school shall submit that code to 19364
the department or parent in the manner specified by the 19365
department. If the student has not been assigned a code, because 19366
the student will be entering kindergarten during the school year 19367
for which the scholarship is sought, the district shall assign a 19368
code to that student and submit the code to the department or 19369
parent by a date specified by the department. If the district does 19370
not assign a code to the student by the specified date, the 19371
department shall assign a code to the student. 19372

The department annually shall submit to each school district 19373
the name and data verification code of each student residing in 19374
the district who is entering kindergarten, who has been awarded a 19375
scholarship under the program, and for whom the department has 19376
assigned a code under this division. 19377

(3) The department shall not release any data verification 19378
code that it receives under division (E) of this section to any 19379
person except as provided by law. 19380

(F) Any document relative to the pilot project scholarship 19381
program that the department holds in its files that contains both 19382
a student's name or other personally identifiable information and 19383

the student's data verification code shall not be a public record 19384
under section 149.43 of the Revised Code. 19385

(G)(1) The department annually shall compile the scores 19386
attained by scholarship students enrolled in registered private 19387
schools on the assessments administered to the students pursuant 19388
to division (A)(11) of section 3313.976 of the Revised Code. The 19389
scores shall be aggregated as follows: 19390

(a) By school district, which shall include all scholarship 19391
students residing in the pilot project school district who are 19392
enrolled in a registered private school and were required to take 19393
an assessment pursuant to division (A)(11) of section 3313.976 of 19394
the Revised Code; 19395

(b) By registered private school, which shall include all 19396
scholarship students enrolled in that school who were required to 19397
take an assessment pursuant to division (A)(11) of section 19398
3313.976 of the Revised Code. 19399

(2) The department shall disaggregate the student performance 19400
data described in division (G)(1) of this section according to the 19401
following categories: 19402

(a) Grade level; 19403

(b) Race and ethnicity; 19404

(c) Gender; 19405

(d) Students who have participated in the scholarship program 19406
for three or more years; 19407

(e) Students who have participated in the scholarship program 19408
for more than one year and less than three years; 19409

(f) Students who have participated in the scholarship program 19410
for one year or less; 19411

(g) Economically disadvantaged students. 19412

(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.

(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.

(H)(1) Except as provided in division (H)(2) of this section, for scholarships awarded the 2020-2021 school year and for each school year thereafter, the department shall conduct two application periods each year for the pilot project scholarship program, as follows:

(a) The first application period shall open not sooner than the first day of February prior to the first day of July of the school year for which a scholarship is sought and run not less than seventy-five days.

(b) The second application period shall open not sooner than the first day of July of the school year for which the scholarship is sought and run not less than thirty days.

(2) If the pilot scholarships awarded in the first 19445
application period for any school year use the entirety of the 19446
amount appropriated by the general assembly for such scholarships 19447
for that school year, the department need not conduct a second 19448
application period for scholarships. If, after the first 19449
application period, there are funds remaining to award, the 19450
department shall conduct a second application period in accordance 19451
with division (H)(1)(b) of this section. 19452

(3) Not later than the thirty-first day of May of each school 19453
year, the department shall determine whether funds remain 19454
available for pilot project scholarship program after the first 19455
application period. 19456

(4) For scholarships awarded for any school year prior to the 19457
2020-2021 school year, the state superintendent shall establish a 19458
deadline for a single application period. 19459

Sec. 3314.016. This section applies to any entity that 19460
sponsors a community school, regardless of whether section 19461
3314.021 or 3314.027 of the Revised Code exempts the entity from 19462
the requirement to be approved for sponsorship under divisions 19463
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 19464
office of Ohio school sponsorship established under section 19465
3314.029 of the Revised Code shall be rated under division (B) of 19466
this section, but divisions (A) and (C) of this section do not 19467
apply to the office. 19468

(A) An entity that sponsors a community school shall be 19469
permitted to enter into contracts under section 3314.03 of the 19470
Revised Code to sponsor additional community schools only if the 19471
entity meets all of the following criteria: 19472

(1) The entity is in compliance with all provisions of this 19473
chapter requiring sponsors of community schools to report data or 19474
information to the department of education. 19475

(2) The entity is not rated as "ineffective" under division 19476
(B)(6) of this section. 19477

(3) Except as set forth in sections 3314.021 and 3314.027 of 19478
the Revised Code, the entity has received approval from and 19479
entered into an agreement with the department of education 19480
pursuant to section 3314.015 of the Revised Code. 19481

(B)(1) The department shall develop and implement an 19482
evaluation system that annually rates and assigns an overall 19483
rating to each entity that sponsors a community school. The 19484
department, not later than the first day of February of each year, 19485
shall post on the department's web site the framework for the 19486
evaluation system, including technical documentation that the 19487
department intends to use to rate sponsors for the next school 19488
year. The department shall solicit public comment on the 19489
evaluation system for thirty consecutive days. Not later than the 19490
first day of April of each year, the department shall compile and 19491
post on the department's web site all public comments that were 19492
received during the public comment period. The evaluation system 19493
shall be posted on the department's web site by the fifteenth day 19494
of July of each school year. Any changes to the evaluation system 19495
after that date shall take effect the following year. The 19496
evaluation system shall be based on the following components: 19497

(a) Academic performance of students enrolled in community 19498
schools sponsored by the same entity. The academic performance 19499
component shall be derived from the performance measures 19500
prescribed for the state report cards under section 3302.03 or 19501
3314.017 of the Revised Code, and shall be based on the 19502
performance of the schools for the school year for which the 19503
evaluation is conducted. In addition to the academic performance 19504
for a specific school year, the academic performance component 19505
shall also include year-to-year changes in the overall sponsor 19506
portfolio. For a community school for which no graded performance 19507

measures are applicable or available, the department shall use 19508
nonreport card performance measures specified in the contract 19509
between the community school and the sponsor under division (A)(4) 19510
of section 3314.03 of the Revised Code. 19511

(b) Adherence by a sponsor to the quality practices 19512
prescribed by the department under division (B)(3) of this 19513
section. For a sponsor that was rated "effective" or "exemplary" 19514
on its most recent rating, the department may evaluate that 19515
sponsor's adherence to quality practices once over a period of 19516
three years. If the department elects to evaluate a sponsor once 19517
over a period of three years, the most recent rating for a 19518
sponsor's adherence to quality practices shall be used when 19519
determining an annual overall rating conducted under this section. 19520

(c) Compliance with all applicable laws and administrative 19521
rules by an entity that sponsors a community school. 19522

(2) In calculating an academic performance component, the 19523
department shall exclude all community schools that have been in 19524
operation for not more than two full school years and all 19525
community schools described in division (A)~~(4)~~(2)(b) of section 19526
3314.35 of the Revised Code. However, the academic performance of 19527
the community schools described in division (A)~~(4)~~(2)(b) of 19528
section 3314.35 of the Revised Code shall be reported, but shall 19529
not be used as a factor when determining a sponsoring entity's 19530
rating under this section. 19531

(3) The department, in consultation with entities that 19532
sponsor community schools, shall prescribe quality practices for 19533
community school sponsors and develop an instrument to measure 19534
adherence to those quality practices. The quality practices shall 19535
be based on standards developed by the national association of 19536
charter school authorizers or any other nationally organized 19537
community school organization. 19538

(4)(a) The department may permit peer review of a sponsor's 19539
adherence to the quality practices prescribed under division 19540
(B)(3) of this section. Peer reviewers shall be limited to 19541
individuals employed by sponsors rated "effective" or "exemplary" 19542
on the most recent ratings conducted under this section. 19543

(b) The department shall require individuals participating in 19544
peer review under division (B)(4)(a) of this section to complete 19545
training approved or established by the department. 19546

(c) The department may enter into an agreement with another 19547
entity to provide training to individuals conducting peer review 19548
of sponsors. Prior to entering into an agreement with an entity, 19549
the department shall review and approve of the entity's training 19550
program. 19551

(5) Not later than July 1, 2013, the state board of education 19552
shall adopt rules in accordance with Chapter 119. of the Revised 19553
Code prescribing standards for measuring compliance with 19554
applicable laws and rules under division (B)(1)(c) of this 19555
section. 19556

(6) The department annually shall rate all entities that 19557
sponsor community schools as either "exemplary," "effective," 19558
"ineffective," or "poor," based on the components prescribed by 19559
division (B) of this section, where each component is weighted 19560
equally. A separate rating shall be given by the department for 19561
each component of the evaluation system. 19562

The department shall publish the ratings between the first 19563
day of October and the fifteenth day of November. If the 19564
department fails to assign ratings by the fifteenth day of 19565
November, a sponsor shall be assigned the same rating for each 19566
component that it was assigned for the previous school year or an 19567
"effective" rating for all components, whichever is the higher per 19568
component rating. 19569

Prior to the publication of the final ratings, the department shall designate and provide notice of a period of at least ten business days during which each sponsor may review the information used by the department to determine the sponsor's rating on the components prescribed by ~~divisions~~ division (B)(1)(~~b~~) and (~~c~~) of this section. If the sponsor believes there is an error in the department's evaluation, the sponsor may request adjustments to the rating of ~~either~~ any of those components based on documentation previously submitted as part of an evaluation. The sponsor shall provide to the department any necessary evidence or information to support the requested adjustments. The department shall review the evidence and information, determine whether an adjustment is valid, and promptly notify the sponsor of its determination and reasons. If any adjustments to the data could result in a change to the rating on the applicable component or to the overall rating, the department shall recalculate the ratings prior to publication.

The department shall provide training on an annual basis regarding the evaluation system prescribed under this section. The training shall, at a minimum, describe methodology, timelines, and data required for the evaluation system. The first training session shall occur not later than March 2, 2016. Beginning in 2018, the training shall be made available to each entity that sponsors a community school by the fifteenth day of July of each year and shall include guidance on any changes made to the evaluation system.

(7)(a) Entities with an overall rating of "exemplary" for at least two consecutive years may take advantage of the following incentives:

(i) Renewal of the written agreement with the department, not to exceed ten years, provided that the entity consents to continued evaluation of adherence to quality practices as

described in division (B)(1)(b) of this section; 19602

(ii) The ability to extend the term of the contract between 19603
the sponsoring entity and the community school beyond the term 19604
described in the written agreement with the department; 19605

(iii) An exemption from the preliminary agreement and 19606
contract adoption and execution deadline requirements prescribed 19607
in division (D) of section 3314.02 of the Revised Code; 19608

(iv) An exemption from the automatic contract expiration 19609
requirement, should a new community school fail to open by the 19610
thirtieth day of September of the calendar year in which the 19611
community school contract is executed; 19612

(v) No limit on the number of community schools the entity 19613
may sponsor; 19614

(vi) No territorial restrictions on sponsorship. 19615

An entity may continue to sponsor any community schools with 19616
which it entered into agreements under division (B)(7)(a)(v) or 19617
(vi) of this section while rated "exemplary," notwithstanding the 19618
fact that the entity later receives a lower overall rating. 19619

(b) Entities with an overall rating of "effective" for at 19620
least three consecutive years shall be evaluated by the department 19621
once every five years. 19622

(c)(i) Entities that receive an overall rating of 19623
"ineffective" shall be prohibited from sponsoring any new or 19624
additional community schools during the time in which the sponsor 19625
is rated as "ineffective" and shall be subject to a quality 19626
improvement plan based on correcting the deficiencies that led to 19627
the "ineffective" rating, with timelines and benchmarks that have 19628
been established by the department. 19629

(ii) Entities that receive an overall rating of "ineffective" 19630
on their three most recent ratings shall have all sponsorship 19631

authority revoked. Within thirty days after receiving its third 19632
rating of "ineffective," the entity may appeal the revocation of 19633
its sponsorship authority to the superintendent of public 19634
instruction, who shall appoint an independent hearing officer to 19635
conduct a hearing in accordance with Chapter 119. of the Revised 19636
Code. The hearing shall be conducted within thirty days after 19637
receipt of the notice of appeal. Within forty-five days after the 19638
hearing is completed, the state board of education shall determine 19639
whether the revocation is appropriate based on the hearing 19640
conducted by the independent hearing officer, and if determined 19641
appropriate, the revocation shall be confirmed. 19642

~~(e)~~(d) Entities that receive an overall rating of "poor" 19643
shall have all sponsorship authority revoked. Within thirty days 19644
after receiving a rating of "poor," the entity may appeal the 19645
revocation of its sponsorship authority to the superintendent of 19646
public instruction, who shall appoint an independent hearing 19647
officer to conduct a hearing in accordance with Chapter 119. of 19648
the Revised Code. The hearing shall be conducted within thirty 19649
days after receipt of the notice of appeal. Within forty-five days 19650
after the hearing is completed, the state board of education shall 19651
determine whether the revocation is appropriate based on the 19652
hearing conducted by the independent hearing officer, and if 19653
determined appropriate, the revocation shall be confirmed. 19654

(8) For the 2014-2015 school year and each school year 19655
thereafter, student academic performance prescribed under division 19656
(B)(1)(a) of this section shall include student academic 19657
performance data from community schools that primarily serve 19658
students enrolled in a dropout prevention and recovery program. 19659

(C) If the governing authority of a community school enters 19660
into a contract with a sponsor prior to the date on which the 19661
sponsor is prohibited from sponsoring additional schools under 19662
division (A) of this section and the school has not opened for 19663

operation as of that date, that contract shall be void and the
school shall not open until the governing authority secures a new
sponsor by entering into a contract with the new sponsor under
section 3314.03 of the Revised Code. However, the department's
office of Ohio school sponsorship, established under section
3314.029 of the Revised Code, may assume the sponsorship of the
school until the earlier of the expiration of two school years or
until a new sponsor is secured by the school's governing
authority. A community school sponsored by the department under
this division shall not be included when calculating the maximum
number of directly authorized community schools permitted under
division (A)(3) of section 3314.029 of the Revised Code.

(D) When an entity's authority to sponsor schools is revoked
pursuant to division (B)(7)(b) or (c) of this section, the office
of Ohio school sponsorship shall assume sponsorship of any schools
with which the original sponsor has contracted for the remainder
of that school year. The office may continue sponsoring those
schools until the earlier of:

(1) The expiration of two school years from the time that
sponsorship is revoked;

(2) When a new sponsor is secured by the governing authority
pursuant to division (C)(1) of section 3314.02 of the Revised
Code.

Any community school sponsored under this division shall not
be counted for purposes of directly authorized community schools
under division (A)(3) of section 3314.029 of the Revised Code.

Sec. 3314.017. (A) The state board of education shall
prescribe by rules, adopted in accordance with Chapter 119. of the
Revised Code, an academic performance rating and report card
system that satisfies the requirements of this section for
community schools that primarily serve students enrolled in

dropout prevention and recovery programs as described in division 19695
(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code, to be used in 19696
lieu of the system prescribed under sections 3302.03 and 3314.012 19697
of the Revised Code beginning with the 2012-2013 school year. Each 19698
such school shall comply with the testing and reporting 19699
requirements of the system as prescribed by the state board. 19700

(B) Nothing in this section shall at any time relieve a 19701
school from its obligations under the "No Child Left Behind Act of 19702
2001" to make "adequate yearly progress," as both that act and 19703
that term are defined in section 3302.01 of the Revised Code, or a 19704
school's amenability to the provisions of section 3302.04 or 19705
3302.041 of the Revised Code. The department shall continue to 19706
report each school's performance as required by the act and to 19707
enforce applicable sanctions under section 3302.04 or 3302.041 of 19708
the Revised Code. 19709

(C) The rules adopted by the state board shall prescribe the 19710
following performance indicators for the rating and report card 19711
system required by this section: 19712

(1) Graduation rate for each of the following student 19713
cohorts: 19714

(a) The number of students who graduate in four years or less 19715
with a regular high school diploma divided by the number of 19716
students who form the adjusted cohort for the graduating class; 19717

(b) The number of students who graduate in five years with a 19718
regular high school diploma divided by the number of students who 19719
form the adjusted cohort for the four-year graduation rate; 19720

(c) The number of students who graduate in six years with a 19721
regular high school diploma divided by the number of students who 19722
form the adjusted cohort for the four-year graduation rate; 19723

(d) The number of students who graduate in seven years with a 19724

regular high school diploma divided by the number of students who 19725
form the adjusted cohort for the four-year graduation rate; 19726

(e) The number of students who graduate in eight years with a 19727
regular high school diploma divided by the number of students who 19728
form the adjusted cohort for the four-year graduation rate. 19729

(2) The percentage of twelfth-grade students currently 19730
enrolled in the school who have attained the ~~designated passing~~ 19731
cumulative performance score on ~~all of~~ the applicable state high 19732
school ~~achievement assessments~~ end-of-course examinations required 19733
under division (B)(1) ~~or~~ (2) of section ~~3301.0710~~ 3301.0712 of the 19734
Revised Code and other students enrolled in the school, regardless 19735
of grade level, who are within three months of their twenty-second 19736
birthday and have attained the ~~designated passing~~ cumulative 19737
performance score on ~~all of~~ the applicable ~~state high school~~ 19738
~~achievement assessments~~ end-of-course examinations by their 19739
twenty-second birthday; 19740

(3) Annual measurable objectives as defined in section 19741
3302.01 of the Revised Code; 19742

(4) Growth in student achievement in reading, or mathematics, 19743
or both as measured by separate nationally norm-referenced 19744
assessments that have developed appropriate standards for students 19745
enrolled in dropout prevention and recovery programs, adopted or 19746
approved by the state board. 19747

(D)(1) The state board's rules shall prescribe the expected 19748
performance levels and benchmarks for each of the indicators 19749
prescribed by division (C) of this section based on the data 19750
gathered by the department under division ~~(F)~~ (G) of this section. 19751
Based on a school's level of attainment or nonattainment of the 19752
expected performance levels and benchmarks for each of the 19753
indicators, the department shall rate each school in one of the 19754
following categories: 19755

(a) Exceeds standards;	19756
(b) Meets standards;	19757
(c) Does not meet standards.	19758
(2) The state board's rules shall establish all of the following:	19759 19760
(a) Not later than June 30, 2013, performance levels and benchmarks for the indicators described in divisions (C)(1) to (3) of this section;	19761 19762 19763
(b) Not later than December 31, 2014, both of the following:	19764
(i) Performance levels and benchmarks for the indicator described in division (C)(4) of this section;	19765 19766
(ii) Standards for awarding a community school described in division (A) (4) <u>(2)</u> (a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	19767 19768 19769
(I) Thirty per cent of the score shall be based on the indicators described in division (C)(1) of this section that are applicable to the school year for which the overall designation is granted.	19770 19771 19772 19773
(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.	19774 19775
(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.	19776 19777
(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.	19778 19779
(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."	19780 19781 19782 19783
The rating and the relevant performance data for each school	19784

shall be posted on the department's web site, and a copy of the 19785
rating and data shall be provided to the governing authority of 19786
the community school. 19787

(E)(1) For the 2012-2013 school year, the department shall 19788
issue a report card including the following performance measures, 19789
but without a performance rating as described in divisions 19790
(D)(1)(a) to (c) of this section, for each community school 19791
described in division (A)~~(4)~~(2)(a) of section 3314.35 of the 19792
Revised Code: 19793

(a) The graduation rates as described in divisions (C)(1)(a) 19794
to (c) of this section; 19795

(b) The percentage of twelfth-grade students and other 19796
students who have attained a ~~designated passing~~ cumulative
performance score on high school achievement assessments as 19797
described in division (C)(2) of this section; 19798
19799

(c) The statewide average for the graduation rates and 19800
assessment passage rates described in divisions (C)(1)(a) to (c) 19801
and (C)(2) of this section; 19802

(d) Annual measurable objectives described in division (C)(3) 19803
of this section. 19804

(2) For the 2013-2014 school year, the department shall issue 19805
a report card including the following performance measures for 19806
each community school described in division (A)~~(4)~~(2)(a) of 19807
section 3314.35 of the Revised Code: 19808

(a) The graduation rates described in divisions (C)(1)(a) to 19809
(d) of this section, including a performance rating as described 19810
in divisions (D)(1)(a) to (c) of this section; 19811

(b) The percentage of twelfth-grade students and other 19812
students who have attained a designated passing score on high 19813
school achievement assessments as described in division (C)(2) of 19814

this section, including a performance rating as described in 19815
divisions (D)(1)(a) to (c) of this section; 19816

(c) Annual measurable objectives described in division (C)(3) 19817
of this section, including a performance rating as described in 19818
divisions (D)(1)(a) to (c) of this section; 19819

(d) Both of the following without an assigned rating: 19820

(i) Growth in annual student achievement in reading and 19821
mathematics described in division (C)(4) of this section, if 19822
available; 19823

(ii) Student outcome data, including postsecondary credit 19824
earned, nationally recognized career or technical certification, 19825
military enlistment, job placement, and attendance rate. 19826

(3) ~~Beginning~~ Subject to division (I)(2) of this section, 19827
beginning with the 2014-2015 school year, and annually thereafter, 19828
the department shall issue a report card for each community school 19829
described in division (A)~~(4)~~(2)(a) of section 3314.35 of the 19830
Revised Code that includes all of the following performance 19831
measures, including a performance rating for each measure as 19832
described in divisions (D)(1)(a) to (c) of this section: 19833

(a) The graduation rates as described in division (C)(1) of 19834
this section; 19835

(b) The percentage of twelfth-grade students and other 19836
students who have attained a designated passing score on high 19837
school achievement assessments as described in division (C)(2) of 19838
this section; 19839

(c) Annual measurable objectives described in division (C)(3) 19840
of this section, including a performance rating as described in 19841
divisions (D)(1)(a) to (c) of this section; 19842

(d) Growth in annual student achievement in reading and 19843
mathematics as described in division (C)(4) of this section; 19844

(e) An overall performance designation for the school 19845
calculated under rules adopted under division (D)(2) of this 19846
section. 19847

The department shall also include student outcome data, 19848
including postsecondary credit earned, nationally recognized 19849
career or technical certification, military enlistment, job 19850
placement, attendance rate, and progress on closing achievement 19851
gaps for each school. This information shall not be included in 19852
the calculation of a school's performance rating. 19853

(F) Not later than the thirty-first day of July of each year, 19854
the department shall submit preliminary report card data for 19855
overall academic performance for each performance measure 19856
prescribed in division (E)(3) of this section for each community 19857
school to which this section applies. 19858

(G) In developing the rating and report card system required 19859
by this section, during the 2012-2013 and 2013-2014 school years, 19860
the department shall gather and analyze data as determined 19861
necessary from each community school described in division 19862
(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code. Each such 19863
school shall cooperate with the department by supplying requested 19864
data and administering required assessments, including sample 19865
assessments for purposes of measuring student achievement growth 19866
as described in division (C)(4) of this section. The department 19867
shall consult with stakeholder groups in performing its duties 19868
under this division. 19869

The department shall also identify one or more states that 19870
have established or are in the process of establishing similar 19871
academic performance rating systems for dropout prevention and 19872
recovery programs and consult with the departments of education of 19873
those states in developing the system required by this section. 19874

~~(G)~~(H) Not later than December 31, 2014, the state board 19875

shall review the performance levels and benchmarks for performance 19876
indicators in the report card issued under this section and may 19877
revise them based on the data collected under division (F) of this 19878
section. 19879

(I)(1) The state board shall coordinate a study committee 19880
consisting of one member of the Ohio senate appointed by the 19881
president of the senate, one member of the Ohio house of 19882
representatives appointed by the speaker of the house of 19883
representatives, one representative of the governor's office, one 19884
school district superintendent appointed by the state board, and 19885
one chief administrator of a community school appointed by the 19886
state board. This committee shall conduct a study regarding the 19887
classification, authorization, and report card ratings of 19888
community schools that primarily serve students enrolled in 19889
dropout prevention and recovery programs as described in division 19890
(A)(2)(a) of section 3314.35 of the Revised Code that offer two or 19891
more of the following educational models: 19892

(a) Blended learning, as that term is defined in section 19893
3301.079 of the Revised Code; 19894

(b) Portfolio learning, as defined by the members of the 19895
committee; 19896

(c) Credit flexibility, which permits credits to be awarded 19897
based on a student's demonstration of subject area competency. 19898

The state board, on behalf of the committee, shall submit the 19899
committee's recommendations to the general assembly in accordance 19900
with section 101.68 of the Revised Code not later than six months 19901
after the effective date of this amendment. 19902

(2) The department shall not issue any report cards under 19903
division (E)(3) of this section until the general assembly, after 19904
receiving the report, enacts either the recommendations submitted 19905
by the committee under division (I)(1) of this section or other 19906

legislation that addresses the classification, authorization, and 19907
report card ratings of the community schools described in that 19908
division. 19909

Sec. 3314.02. (A) As used in this chapter: 19910

(1) "Sponsor" means the board of education of a school 19911
district or the governing board of an educational service center 19912
that agrees to the conversion of all or part of a school or 19913
building under division (B) of this section, or an entity listed 19914
in division (C)(1) of this section, which has been approved by the 19915
department of education to sponsor community schools or is 19916
exempted by section 3314.021 or 3314.027 of the Revised Code from 19917
obtaining approval, and with which the governing authority of a 19918
community school enters into a contract under section 3314.03 of 19919
the Revised Code. 19920

(2) "Pilot project area" means the school districts included 19921
in the territory of the former community school pilot project 19922
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 19923
the 122nd general assembly. 19924

(3) "Challenged school district" means any of the following: 19925

(a) A school district that is part of the pilot project area; 19926

(b) A school district that meets one of the following 19927
conditions: 19928

(i) On March 22, 2013, the district was in a state of 19929
academic emergency or in a state of academic watch under section 19930
3302.03 of the Revised Code, as that section existed prior to 19931
March 22, 2013; 19932

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 19933
2015-2016 school years, the district received a grade of "D" or 19934
"F" for the performance index score and a grade of "F" for the 19935
value-added progress dimension under section 3302.03 of the 19936

Revised Code; 19937

(iii) For the 2016-2017 school year and for any school year 19938
thereafter, the district has received an overall grade of "D" or 19939
"F" under division (C)(3) of section 3302.03 of the Revised Code, 19940
or, for at least two of the three most recent school years, the 19941
district, pursuant to section 3302.038 of the Revised Code, 19942
received a grade of "F" for either the performance index score 19943
under division (C)(1)(b) of section 3302.03 of the Revised Code or 19944
the value-added progress dimension under division (C)(1)(e) of 19945
that section. 19946

(c) A big eight school district; 19947

(d) A school district ranked in the lowest five per cent of 19948
school districts according to performance index score under 19949
section 3302.21 of the Revised Code. 19950

(4) "Big eight school district" means a school district that 19951
for fiscal year 1997 had both of the following: 19952

(a) A percentage of children residing in the district and 19953
participating in the predecessor of Ohio works first greater than 19954
thirty per cent, as reported pursuant to section 3317.10 of the 19955
Revised Code; 19956

(b) An average daily membership greater than twelve thousand, 19957
as reported pursuant to former division (A) of section 3317.03 of 19958
the Revised Code. 19959

(5) "New start-up school" means a community school other than 19960
one created by converting all or part of an existing public school 19961
or educational service center building, as designated in the 19962
school's contract pursuant to division (A)(17) of section 3314.03 19963
of the Revised Code. 19964

(6) "Urban school district" means one of the state's 19965
twenty-one urban school districts as defined in division (O) of 19966

section 3317.02 of the Revised Code as that section existed prior 19967
to July 1, 1998. 19968

(7) "Internet- or computer-based community school" means a 19969
community school established under this chapter in which the 19970
enrolled students work primarily from their residences on 19971
assignments in nonclassroom-based learning opportunities provided 19972
via an internet- or other computer-based instructional method that 19973
does not rely on regular classroom instruction or via 19974
comprehensive instructional methods that include internet-based, 19975
other computer-based, and noncomputer-based learning opportunities 19976
unless a student receives career-technical education under section 19977
3314.086 of the Revised Code. 19978

A community school that operates mainly as an internet- or 19979
computer-based community school and provides career-technical 19980
education under section 3314.086 of the Revised Code shall be 19981
considered an internet- or computer-based community school, even 19982
if it provides some classroom-based instruction, so long as it 19983
provides instruction via the methods described in this division. 19984

(8) "Operator" or "management company" means either of the 19985
following: 19986

(a) An individual or organization that manages the daily 19987
operations of a community school pursuant to a contract between 19988
the operator or management company and the school's governing 19989
authority; 19990

(b) A nonprofit organization that provides programmatic 19991
oversight and support to a community school under a contract with 19992
the school's governing authority and that retains the right to 19993
terminate its affiliation with the school if the school fails to 19994
meet the organization's quality standards. 19995

(9) "Alliance municipal school district" has the same meaning 19996
as in section 3311.86 of the Revised Code. 19997

(B)(1) Any person or group of individuals may initially 19998
propose under this division the conversion of all or a portion of 19999
a public school to a community school. The proposal shall be made 20000
to the board of education of the city, local, exempted village, or 20001
joint vocational school district in which the public school is 20002
proposed to be converted. 20003

(2) Any person or group of individuals may initially propose 20004
under this division the conversion of all or a portion of a 20005
building operated by an educational service center to a community 20006
school. The proposal shall be made to the governing board of the 20007
service center. 20008

On or after July 1, 2017, except as provided in section 20009
3314.027 of the Revised Code, any educational service center that 20010
sponsors a community school shall be approved by and enter into a 20011
written agreement with the department as described in section 20012
3314.015 of the Revised Code. 20013

(3) Upon receipt of a proposal, and after an agreement has 20014
been entered into pursuant to section 3314.015 of the Revised 20015
Code, a board may enter into a preliminary agreement with the 20016
person or group proposing the conversion of the public school or 20017
service center building, indicating the intention of the board to 20018
support the conversion to a community school. A proposing person 20019
or group that has a preliminary agreement under this division may 20020
proceed to finalize plans for the school, establish a governing 20021
authority for the school, and negotiate a contract with the board. 20022
Provided the proposing person or group adheres to the preliminary 20023
agreement and all provisions of this chapter, the board shall 20024
negotiate in good faith to enter into a contract in accordance 20025
with section 3314.03 of the Revised Code and division (C) of this 20026
section. 20027

(4) The sponsor of a conversion community school proposed to 20028
open in an alliance municipal school district shall be subject to 20029

approval by the department of education for sponsorship of that 20030
school using the criteria established under division (A) of 20031
section 3311.87 of the Revised Code. 20032

Division (B)(4) of this section does not apply to a sponsor 20033
that, on or before September 29, 2015, was exempted under section 20034
3314.021 or 3314.027 of the Revised Code from the requirement to 20035
be approved for sponsorship under divisions (A)(2) and (B)(1) of 20036
section 3314.015 of the Revised Code. 20037

(5) A school established in accordance with division (B) of 20038
this section that later enters into a sponsorship contract with an 20039
entity that is not a school district or educational service center 20040
shall, at the time of entering into the new contract, be deemed a 20041
community school established in accordance with division (C) of 20042
this section. 20043

(C)(1) Any person or group of individuals may propose under 20044
this division the establishment of a new start-up school to be 20045
located in a challenged school district. The proposal may be made 20046
to any of the following entities: 20047

(a) The board of education of the district in which the 20048
school is proposed to be located; 20049

(b) The board of education of any joint vocational school 20050
district with territory in the county in which is located the 20051
majority of the territory of the district in which the school is 20052
proposed to be located; 20053

(c) The board of education of any other city, local, or 20054
exempted village school district having territory in the same 20055
county where the district in which the school is proposed to be 20056
located has the major portion of its territory; 20057

(d) The governing board of any educational service center, 20058
regardless of the location of the proposed school, may sponsor a 20059
new start-up school in any challenged school district in the state 20060

if all of the following are satisfied: 20061

(i) If applicable, it satisfies the requirements of division 20062
(E) of section 3311.86 of the Revised Code; 20063

(ii) It is approved to do so by the department; 20064

(iii) It enters into an agreement with the department under 20065
section 3314.015 of the Revised Code. 20066

(e) A sponsoring authority designated by the board of 20067
trustees of any of the thirteen state universities listed in 20068
section 3345.011 of the Revised Code or the board of trustees 20069
itself as long as a mission of the proposed school to be specified 20070
in the contract under division (A)(2) of section 3314.03 of the 20071
Revised Code and as approved by the department under division 20072
(B)(3) of section 3314.015 of the Revised Code will be the 20073
practical demonstration of teaching methods, educational 20074
technology, or other teaching practices that are included in the 20075
curriculum of the university's teacher preparation program 20076
approved by the state board of education; 20077

(f) Any qualified tax-exempt entity under section 501(c)(3) 20078
of the Internal Revenue Code as long as all of the following 20079
conditions are satisfied: 20080

(i) The entity has been in operation for at least five years 20081
prior to applying to be a community school sponsor. 20082

(ii) The entity has assets of at least five hundred thousand 20083
dollars and a demonstrated record of financial responsibility. 20084

(iii) The department has determined that the entity is an 20085
education-oriented entity under division (B)(4) of section 20086
3314.015 of the Revised Code and the entity has a demonstrated 20087
record of successful implementation of educational programs. 20088

(iv) The entity is not a community school. 20089

(g) The mayor of a city in which the majority of the 20090

territory of a school district to which section 3311.60 of the
Revised Code applies is located, regardless of whether that
district has created the position of independent auditor as
prescribed by that section. The mayor's sponsorship authority
under this division is limited to community schools that are
located in that school district. Such mayor may sponsor community
schools only with the approval of the city council of that city,
after establishing standards with which community schools
sponsored by the mayor must comply, and after entering into a
sponsor agreement with the department as prescribed under section
3314.015 of the Revised Code. The mayor shall establish the
standards for community schools sponsored by the mayor not later
than one hundred eighty days after July 15, 2013, and shall submit
them to the department upon their establishment. The department
shall approve the mayor to sponsor community schools in the
district, upon receipt of an application by the mayor to do so.
Not later than ninety days after the department's approval of the
mayor as a community school sponsor, the department shall enter
into the sponsor agreement with the mayor.

Any entity described in division (C)(1) of this section may
enter into a preliminary agreement pursuant to division (C)(2) of
this section with the proposing person or group, provided that
entity has been approved by and entered into a written agreement
with the department pursuant to section 3314.015 of the Revised
Code.

(2) A preliminary agreement indicates the intention of an
entity described in division (C)(1) of this section to sponsor the
community school. A proposing person or group that has such a
preliminary agreement may proceed to finalize plans for the
school, establish a governing authority as described in division
(E) of this section for the school, and negotiate a contract with
the entity. Provided the proposing person or group adheres to the

preliminary agreement and all provisions of this chapter, the 20123
entity shall negotiate in good faith to enter into a contract in 20124
accordance with section 3314.03 of the Revised Code. 20125

(3) A new start-up school that is established in a school 20126
district described in either division (A)(3)(b) or (d) of this 20127
section may continue in existence once the school district no 20128
longer meets the conditions described in either division, provided 20129
there is a valid contract between the school and a sponsor. 20130

(4) A copy of every preliminary agreement entered into under 20131
this division shall be filed with the superintendent of public 20132
instruction. 20133

(D) A majority vote of the board of a sponsoring entity and a 20134
majority vote of the members of the governing authority of a 20135
community school shall be required to adopt a contract and convert 20136
the public school or educational service center building to a 20137
community school or establish the new start-up school. Beginning 20138
September 29, 2005, adoption of the contract shall occur not later 20139
than the fifteenth day of March, and signing of the contract shall 20140
occur not later than the fifteenth day of May, prior to the school 20141
year in which the school will open. The governing authority shall 20142
notify the department of education when the contract has been 20143
signed. Subject to sections 3314.013 and 3314.016 of the Revised 20144
Code, an unlimited number of community schools may be established 20145
in any school district provided that a contract is entered into 20146
for each community school pursuant to this chapter. 20147

(E)(1) As used in this division, "immediate relatives" are 20148
limited to spouses, children, parents, grandparents, and siblings, 20149
as well as in-laws residing in the same household as the person 20150
serving on the governing authority. 20151

Each new start-up community school established under this 20152
chapter shall be under the direction of a governing authority 20153

which shall consist of a board of not less than five individuals. 20154

(2)(a) No person shall serve on the governing authority or 20155
operate the community school under contract with the governing 20156
authority under any of the following circumstances: 20157

(i) The person owes the state any money or is in a dispute 20158
over whether the person owes the state any money concerning the 20159
operation of a community school that has closed. 20160

(ii) The person would otherwise be subject to division (B) of 20161
section 3319.31 of the Revised Code with respect to refusal, 20162
limitation, or revocation of a license to teach, if the person 20163
were a licensed educator. 20164

(iii) The person has pleaded guilty to or been convicted of 20165
theft in office under section 2921.41 of the Revised Code, or has 20166
pleaded guilty to or been convicted of a substantially similar 20167
offense in another state. 20168

(b) No person shall serve on the governing authority or 20169
engage in the financial day-to-day management of the community 20170
school under contract with the governing authority unless and 20171
until that person has submitted to a criminal records check in the 20172
manner prescribed by section 3319.39 of the Revised Code. 20173

~~(c) Each sponsor of a community school shall annually verify 20174~~
~~that a finding for recovery has not been issued by the auditor of 20175~~
~~state against any individual or individuals who propose to create 20176~~
~~a community school or any member of the governing authority, the 20177~~
~~operator, or any employee of each community school. 20178~~

(3) No person shall serve on the governing authorities of 20179
more than five start-up community schools at the same time. 20180

(4)(a) For a community school established under this chapter 20181
that is not sponsored by a school district or an educational 20182
service center, no present or former member, or immediate relative 20183

of a present or former member, of the governing authority shall be 20184
an owner, employee, or consultant of the community school's 20185
sponsor or operator, unless at least one year has elapsed since 20186
the conclusion of the person's membership on the governing 20187
authority. 20188

(b) For a community school established under this chapter 20189
that is sponsored by a school district or an educational service 20190
center, no present or former member, or immediate relative of a 20191
present or former member, of the governing authority shall: 20192

(i) Be an officer of the district board or service center 20193
governing board that serves as the community school's sponsor, 20194
unless at least one year has elapsed since the conclusion of the 20195
person's membership on the governing authority; 20196

(ii) Serve as an employee of, or a consultant for, the 20197
department, division, or section of the sponsoring district or 20198
service center that is directly responsible for sponsoring 20199
community schools, or have supervisory authority over such a 20200
department, division, or section, unless at least one year has 20201
elapsed since the conclusion of the person's membership on the 20202
governing authority. 20203

(5) The governing authority of a start-up or conversion 20204
community school may provide by resolution for the compensation of 20205
its members. However, no individual who serves on the governing 20206
authority of a start-up or conversion community school shall be 20207
compensated more than one hundred twenty-five dollars per meeting 20208
of that governing authority and no such individual shall be 20209
compensated more than a total amount of five thousand dollars per 20210
year for all governing authorities upon which the individual 20211
serves. Each member of the governing authority may be paid 20212
compensation for attendance at an approved training program, 20213
provided that such compensation shall not exceed sixty dollars a 20214
day for attendance at a training program three hours or less in 20215

length and one hundred twenty-five dollars a day for attendance at 20216
a training program longer than three hours in length. 20217

(6) No person who is the employee of a school district or 20218
educational service center shall serve on the governing authority 20219
of any community school sponsored by that school district or 20220
service center. 20221

(7) Each member of the governing authority of a community 20222
school shall annually file a disclosure statement setting forth 20223
the names of any immediate relatives or business associates 20224
employed by any of the following within the previous three years: 20225

(a) The sponsor or operator of that community school; 20226

(b) A school district or educational service center that has 20227
contracted with that community school; 20228

(c) A vendor that is or has engaged in business with that 20229
community school. 20230

(8) No person who is a member of a school district board of 20231
education shall serve on the governing authority of any community 20232
school. 20233

(F)(1) A new start-up school that is established prior to 20234
August 15, 2003, in an urban school district that is not also a 20235
big-eight school district may continue to operate after that date 20236
and the contract between the school's governing authority and the 20237
school's sponsor may be renewed, as provided under this chapter, 20238
after that date, but no additional new start-up schools may be 20239
established in such a district unless the district is a challenged 20240
school district as defined in this section as it exists on and 20241
after that date. 20242

(2) A community school that was established prior to June 29, 20243
1999, and is located in a county contiguous to the pilot project 20244
area and in a school district that is not a challenged school 20245

district may continue to operate after that date, provided the 20246
school complies with all provisions of this chapter. The contract 20247
between the school's governing authority and the school's sponsor 20248
may be renewed, but no additional start-up community school may be 20249
established in that district unless the district is a challenged 20250
school district. 20251

(3) Any educational service center that, on June 30, 2007, 20252
sponsors a community school that is not located in a county within 20253
the territory of the service center or in a county contiguous to 20254
such county may continue to sponsor that community school on and 20255
after June 30, 2007, and may renew its contract with the school. 20256
However, the educational service center shall not enter into a 20257
contract with any additional community school, unless the 20258
governing board of the service center has entered into an 20259
agreement with the department authorizing the service center to 20260
sponsor a community school in any challenged school district in 20261
the state. 20262

Sec. 3314.0211. (A) No community school to which either of 20263
the following applies shall be eligible to merge with one or more 20264
other community schools under this section: 20265

(1) The school has met the performance criteria for required 20266
closure specified in division (A)(1) of section 3314.35 or 20267
division (A) of section 3314.351 of the Revised Code for at least 20268
one of the two most recent school years. 20269

(2) The school has been notified of the sponsor's intent to 20270
terminate or not renew the school's contract pursuant to section 20271
3314.07 of the Revised Code. 20272

(B) Two or more community schools may merge upon the adoption 20273
of a resolution by the governing authority of each school involved 20274
in the merger. Any merger shall take effect on the first day of 20275
July of the year specified in the resolution. 20276

(C) Not less than sixty days prior to the effective date of a 20277
merger under division (B) of this section, each community school 20278
involved in the merger shall do both of the following: 20279

(1) Provide a copy of the resolution to the school's sponsor; 20280

(2) Notify the department of education of all of the 20281
following: 20282

(a) The impending merger; 20283

(b) The effective date of the merger; 20284

(c) The school that will be designated as the surviving 20285
school in accordance with section 1702.41 of the Revised Code; 20286

(d) The entity that will sponsor the surviving school. 20287

(D) Notwithstanding anything to the contrary in the Revised 20288
Code, the governing authority of the surviving community school 20289
shall enter into a new contract with the school's sponsor under 20290
section 3314.03 of the Revised Code. 20291

(E) No sponsor shall do either of the following: 20292

(1) Assign the sponsor's existing contract with a merging 20293
community school to the sponsor of the surviving community school; 20294

(2) Assume an existing contract from the sponsor of a 20295
community school involved in a merger under division (B) of this 20296
section. 20297

Division (E) of this section shall not apply to the office of 20298
Ohio school sponsorship established under section 3314.029 of the 20299
Revised Code. 20300

(F)(1) The department shall issue a report card under section 20301
3302.03 or 3314.017 of the Revised Code for the surviving 20302
community school. 20303

(2) Notwithstanding anything to the contrary in division (B) 20304
of section 3314.012 of the Revised Code, all report card ratings 20305

associated with the surviving school, whether issued before or 20306
after the merger, shall be used for purposes of section 3314.35 or 20307
3314.351 of the Revised Code and any other matter that is based on 20308
report card ratings or measures. 20309

(G) Nothing in this section shall exempt a community school 20310
from closure under section 3314.35 or 3314.351 of the Revised 20311
Code. 20312

Sec. 3314.03. A copy of every contract entered into under 20313
this section shall be filed with the superintendent of public 20314
instruction. The department of education shall make available on 20315
its web site a copy of every approved, executed contract filed 20316
with the superintendent under this section. 20317

(A) Each contract entered into between a sponsor and the 20318
governing authority of a community school shall specify the 20319
following: 20320

(1) That the school shall be established as either of the 20321
following: 20322

(a) A nonprofit corporation established under Chapter 1702. 20323
of the Revised Code, if established prior to April 8, 2003; 20324

(b) A public benefit corporation established under Chapter 20325
1702. of the Revised Code, if established after April 8, 2003. 20326

(2) The education program of the school, including the 20327
school's mission, the characteristics of the students the school 20328
is expected to attract, the ages and grades of students, and the 20329
focus of the curriculum; 20330

(3) The academic goals to be achieved and the method of 20331
measurement that will be used to determine progress toward those 20332
goals, which shall include the statewide achievement assessments; 20333

(4) Performance standards, including but not limited to all 20334
applicable report card measures set forth in section 3302.03 or 20335

3314.017 of the Revised Code, by which the success of the school 20336
will be evaluated by the sponsor; 20337

(5) The admission standards of section 3314.06 of the Revised 20338
Code and, if applicable, section 3314.061 of the Revised Code; 20339

(6)(a) Dismissal procedures; 20340

(b) A requirement that the governing authority adopt an 20341
attendance policy that includes a procedure for automatically 20342
withdrawing a student from the school if the student without a 20343
legitimate excuse fails to participate in seventy-two consecutive 20344
hours of the learning opportunities offered to the student. 20345

(7) The ways by which the school will achieve racial and 20346
ethnic balance reflective of the community it serves; 20347

(8) Requirements for financial audits by the auditor of 20348
state. The contract shall require financial records of the school 20349
to be maintained in the same manner as are financial records of 20350
school districts, pursuant to rules of the auditor of state. 20351
Audits shall be conducted in accordance with section 117.10 of the 20352
Revised Code. 20353

(9) An addendum to the contract outlining the facilities to 20354
be used that contains at least the following information: 20355

(a) A detailed description of each facility used for 20356
instructional purposes; 20357

(b) The annual costs associated with leasing each facility 20358
that are paid by or on behalf of the school; 20359

(c) The annual mortgage principal and interest payments that 20360
are paid by the school; 20361

(d) The name of the lender or landlord, identified as such, 20362
and the lender's or landlord's relationship to the operator, if 20363
any. 20364

(10) Qualifications of teachers, including a requirement that 20365

the school's classroom teachers be licensed in accordance with 20366
sections 3319.22 to 3319.31 of the Revised Code, except that a 20367
community school may engage noncertificated persons to teach up to 20368
twelve hours per week pursuant to section 3319.301 of the Revised 20369
Code. 20370

(11) That the school will comply with the following 20371
requirements: 20372

(a) The school will provide learning opportunities to a 20373
minimum of twenty-five students for a minimum of nine hundred 20374
twenty hours per school year. 20375

(b) The governing authority will purchase liability 20376
insurance, or otherwise provide for the potential liability of the 20377
school. 20378

(c) The school will be nonsectarian in its programs, 20379
admission policies, employment practices, and all other 20380
operations, and will not be operated by a sectarian school or 20381
religious institution. 20382

(d) The school will comply with sections 9.90, 9.91, 109.65, 20383
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 20384
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 20385
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 20386
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 20387
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3313.86, 3313.89, 3313.96, 3319.073, ~~3319.074~~, 3319.321, 3319.39, 20392
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 20393
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 20394
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 20395
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 20396

were a school district and will comply with section 3301.0714 of 20397
the Revised Code in the manner specified in section 3314.17 of the 20398
Revised Code. 20399

(e) The school shall comply with Chapter 102. and section 20400
2921.42 of the Revised Code. 20401

(f) The school will comply with sections 3313.61, 3313.611, 20402
and 3313.614 of the Revised Code, except that for students who 20403
enter ninth grade for the first time before July 1, 2010, the 20404
requirement in sections 3313.61 and 3313.611 of the Revised Code 20405
that a person must successfully complete the curriculum in any 20406
high school prior to receiving a high school diploma may be met by 20407
completing the curriculum adopted by the governing authority of 20408
the community school rather than the curriculum specified in Title 20409
XXXIII of the Revised Code or any rules of the state board of 20410
education. Beginning with students who enter ninth grade for the 20411
first time on or after July 1, 2010, the requirement in sections 20412
3313.61 and 3313.611 of the Revised Code that a person must 20413
successfully complete the curriculum of a high school prior to 20414
receiving a high school diploma shall be met by completing the 20415
requirements prescribed in division (C) of section 3313.603 of the 20416
Revised Code, unless the person qualifies under division (D) or 20417
(F) of that section. Each school shall comply with the plan for 20418
awarding high school credit based on demonstration of subject area 20419
competency, and beginning with the 2017-2018 school year, with the 20420
updated plan that permits students enrolled in seventh and eighth 20421
grade to meet curriculum requirements based on subject area 20422
competency adopted by the state board of education under divisions 20423
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 20424
with the 2018-2019 school year, the school shall comply with the 20425
framework for granting units of high school credit to students who 20426
demonstrate subject area competency through work-based learning 20427
experiences, internships, or cooperative education developed by 20428

the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)~~(4)~~(2)(b) of section 3314.35 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;	20460 20461
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	20462 20463 20464 20465
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	20466 20467
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	20468 20469 20470
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	20471 20472 20473
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	20474 20475 20476 20477 20478 20479 20480 20481 20482 20483 20484
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	20485 20486 20487
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply	20488 20489 20490

with the admissions procedures specified in sections 3314.06 and 20491
3314.061 of the Revised Code and, at the sole discretion of the 20492
authority, shall do one of the following: 20493

(a) Prohibit the enrollment of students who reside outside 20494
the district in which the school is located; 20495

(b) Permit the enrollment of students who reside in districts 20496
adjacent to the district in which the school is located; 20497

(c) Permit the enrollment of students who reside in any other 20498
district in the state. 20499

(20) A provision recognizing the authority of the department 20500
of education to take over the sponsorship of the school in 20501
accordance with the provisions of division (C) of section 3314.015 20502
of the Revised Code; 20503

(21) A provision recognizing the sponsor's authority to 20504
assume the operation of a school under the conditions specified in 20505
division (B) of section 3314.073 of the Revised Code; 20506

(22) A provision recognizing both of the following: 20507

(a) The authority of public health and safety officials to 20508
inspect the facilities of the school and to order the facilities 20509
closed if those officials find that the facilities are not in 20510
compliance with health and safety laws and regulations; 20511

(b) The authority of the department of education as the 20512
community school oversight body to suspend the operation of the 20513
school under section 3314.072 of the Revised Code if the 20514
department has evidence of conditions or violations of law at the 20515
school that pose an imminent danger to the health and safety of 20516
the school's students and employees and the sponsor refuses to 20517
take such action. 20518

(23) A description of the learning opportunities that will be 20519
offered to students including both classroom-based and 20520

non-classroom-based learning opportunities that is in compliance 20521
with criteria for student participation established by the 20522
department under division (H)(2) of section 3314.08 of the Revised 20523
Code; 20524

(24) The school will comply with sections 3302.04 and 20525
3302.041 of the Revised Code, except that any action required to 20526
be taken by a school district pursuant to those sections shall be 20527
taken by the sponsor of the school. However, the sponsor shall not 20528
be required to take any action described in division (F) of 20529
section 3302.04 of the Revised Code. 20530

(25) Beginning in the 2006-2007 school year, the school will 20531
open for operation not later than the thirtieth day of September 20532
each school year, unless the mission of the school as specified 20533
under division (A)(2) of this section is solely to serve dropouts. 20534
In its initial year of operation, if the school fails to open by 20535
the thirtieth day of September, or within one year after the 20536
adoption of the contract pursuant to division (D) of section 20537
3314.02 of the Revised Code if the mission of the school is solely 20538
to serve dropouts, the contract shall be void. 20539

(26) Whether the school's governing authority is planning to 20540
seek designation for the school as a STEM school equivalent under 20541
section 3326.032 of the Revised Code; 20542

(27) That the school's attendance and participation policies 20543
will be available for public inspection; 20544

(28) That the school's attendance and participation records 20545
shall be made available to the department of education, auditor of 20546
state, and school's sponsor to the extent permitted under and in 20547
accordance with the "Family Educational Rights and Privacy Act of 20548
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 20549
regulations promulgated under that act, and section 3319.321 of 20550
the Revised Code; 20551

(29) If a school operates using the blended learning model, 20552
as defined in section 3301.079 of the Revised Code, all of the 20553
following information: 20554

(a) An indication of what blended learning model or models 20555
will be used; 20556

(b) A description of how student instructional needs will be 20557
determined and documented; 20558

(c) The method to be used for determining competency, 20559
granting credit, and promoting students to a higher grade level; 20560

(d) The school's attendance requirements, including how the 20561
school will document participation in learning opportunities; 20562

(e) A statement describing how student progress will be 20563
monitored; 20564

(f) A statement describing how private student data will be 20565
protected; 20566

(g) A description of the professional development activities 20567
that will be offered to teachers. 20568

(30) A provision requiring that all moneys the school's 20569
operator loans to the school, including facilities loans or cash 20570
flow assistance, must be accounted for, documented, and bear 20571
interest at a fair market rate; 20572

(31) A provision requiring that, if the governing authority 20573
contracts with an attorney, accountant, or entity specializing in 20574
audits, the attorney, accountant, or entity shall be independent 20575
from the operator with which the school has contracted. 20576

(32) A provision requiring the governing authority to adopt 20577
an enrollment and attendance policy that requires a student's 20578
parent to notify the community school in which the student is 20579
enrolled when there is a change in the location of the parent's or 20580
student's primary residence. 20581

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the ~~community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments a portion of the total amount of funding calculated to be paid to the community school under division~~ (C)(1) of sections 3314.08 and section 3314.085 of the Revised

Code for monitoring, oversight, and technical assistance of the 20612
school. The amount of this payment shall be set forth in the 20613
contract and shall not exceed three per cent of the total amount 20614
of payments for operating expenses that the school receives from 20615
the state. 20616

(D) The contract shall specify the duties of the sponsor 20617
which shall be in accordance with the written agreement entered 20618
into with the department of education under division (B) of 20619
section 3314.015 of the Revised Code and shall include the 20620
following: 20621

(1) Monitor the community school's compliance with all laws 20622
applicable to the school and with the terms of the contract; 20623

(2) Monitor and evaluate the academic and fiscal performance 20624
and the organization and operation of the community school on at 20625
least an annual basis; 20626

(3) Report on an annual basis the results of the evaluation 20627
conducted under division (D)(2) of this section to the department 20628
of education and to the parents of students enrolled in the 20629
community school; 20630

(4) Provide technical assistance to the community school in 20631
complying with laws applicable to the school and terms of the 20632
contract; 20633

(5) Take steps to intervene in the school's operation to 20634
correct problems in the school's overall performance, declare the 20635
school to be on probationary status pursuant to section 3314.073 20636
of the Revised Code, suspend the operation of the school pursuant 20637
to section 3314.072 of the Revised Code, or terminate the contract 20638
of the school pursuant to section 3314.07 of the Revised Code as 20639
determined necessary by the sponsor; 20640

(6) Have in place a plan of action to be undertaken in the 20641
event the community school experiences financial difficulties or 20642

closes prior to the end of a school year. 20643

(E) Upon the expiration of a contract entered into under this 20644
section, the sponsor of a community school may, with the approval 20645
of the governing authority of the school, renew that contract for 20646
a period of time determined by the sponsor, but not ending earlier 20647
than the end of any school year, if the sponsor finds that the 20648
school's compliance with applicable laws and terms of the contract 20649
and the school's progress in meeting the academic goals prescribed 20650
in the contract have been satisfactory. Any contract that is 20651
renewed under this division remains subject to the provisions of 20652
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 20653

(F) If a community school fails to open for operation within 20654
one year after the contract entered into under this section is 20655
adopted pursuant to division (D) of section 3314.02 of the Revised 20656
Code or permanently closes prior to the expiration of the 20657
contract, the contract shall be void and the school shall not 20658
enter into a contract with any other sponsor. A school shall not 20659
be considered permanently closed because the operations of the 20660
school have been suspended pursuant to section 3314.072 of the 20661
Revised Code. 20662

Sec. 3314.034. (A) Subject to division (B) of this section, 20663
any community school to which either of the following conditions 20664
apply shall be prohibited from entering into a contract with a new 20665
sponsor: 20666

(1) The community school has received, pursuant to section 20667
3302.038 of the Revised Code, a grade of "D" or "F" for the 20668
performance index score, under division (C)(1)(b) of section 20669
3302.03 of the Revised Code, ~~and~~ or an overall grade of "D" or "F" 20670
for the value-added progress dimension or another measure of 20671
student academic progress if adopted by the state board of 20672
education, under division (C)(1)(e) of that section, on the most 20673

recent report card issued for the school pursuant to that section. 20674

(2) The community school is one in which a majority of the 20675
students are enrolled in a dropout prevention and recovery 20676
program, and it has received a rating of "does not meet standards" 20677
for the annual student growth measure and combined graduation 20678
rates on the most recent report card issued for the school under 20679
section 3314.017 of the Revised Code. 20680

(B) A community school to which division (A) of this section 20681
applies may enter into a contract with a new sponsor if all of the 20682
following conditions are satisfied: 20683

(1) The proposed sponsor received a rating of "effective" or 20684
higher pursuant to division (B)(6) of section 3314.016 of the 20685
Revised Code on its most recent evaluation conducted according to 20686
that section, or the proposed sponsor is the office of Ohio school 20687
sponsorship established in section 3314.029 of the Revised Code. 20688

(2) The community school submits a request to enter into a 20689
new contract with a sponsor. 20690

(3) The community school has not submitted a prior request 20691
that was granted. 20692

(4) The department grants the school's request pursuant to 20693
division (C) of this section. 20694

(C) A school shall submit a request to change sponsors under 20695
this section not later than on the fifteenth day of February of 20696
the year in which the school wishes to do so. The department shall 20697
grant or deny the request not later than thirty days after the 20698
department receives it. If the department denies the request, the 20699
community school may submit an appeal to the state board of 20700
education, which shall hold a hearing in accordance with Chapter 20701
119. of the Revised Code. The community school shall file its 20702
notice of appeal to the state board not later than ten days after 20703
receiving the decision from the department. The state board shall 20704

conduct the hearing not later than thirty days after receiving the 20705
school's notice of appeal and act upon the determination of the 20706
hearing officer not later than the twenty-fifth day of June of the 20707
year in which the school wishes to change sponsors. 20708

(D) Factors to be considered during a hearing held pursuant 20709
to division (C) of this section include, but are not limited to, 20710
the following: 20711

(1) The school's impact on the students and the community or 20712
communities it serves; 20713

(2) The quality and quantity of academic and administrative 20714
support the school receives from its current sponsor to help the 20715
school to improve; 20716

(3) The sponsor's annual evaluations of the community school 20717
under division (D)(2) of section 3314.03 of the Revised Code for 20718
the previous three years; 20719

(4) The academic performance of the school, taking into 20720
account the demographic information of the students enrolled in 20721
the school; 20722

(5) The academic performance of alternative schools that 20723
serve comparable populations of students as those served by the 20724
community school; 20725

(6) The fiscal stability of the school; 20726

(7) The results of any audits of the school by the auditor of 20727
state; 20728

(8) The length of time the school has been under the 20729
oversight of its current sponsor; 20730

(9) The number of times the school has changed sponsors prior 20731
to the current request; 20732

(10) Parent and student satisfaction rates as demonstrated by 20733
surveys, if available. 20734

Sec. 3314.08. (A) As used in this section: 20735

(1)(a) "Category one career-technical education student" 20736
means a student who is receiving the career-technical education 20737
services described in division (A) of section 3317.014 of the 20738
Revised Code. 20739

(b) "Category two career-technical student" means a student 20740
who is receiving the career-technical education services described 20741
in division (B) of section 3317.014 of the Revised Code. 20742

(c) "Category three career-technical student" means a student 20743
who is receiving the career-technical education services described 20744
in division (C) of section 3317.014 of the Revised Code. 20745

(d) "Category four career-technical student" means a student 20746
who is receiving the career-technical education services described 20747
in division (D) of section 3317.014 of the Revised Code. 20748

(e) "Category five career-technical education student" means 20749
a student who is receiving the career-technical education services 20750
described in division (E) of section 3317.014 of the Revised Code. 20751

(2)(a) "Category one ~~limited English proficient student~~ 20752
learner" means ~~a limited~~ an English proficient student learner 20753
described in division (A) of section 3317.016 of the Revised Code. 20754

(b) "Category two ~~limited English proficient student~~ learner" 20755
means ~~a limited~~ an English proficient student learner described in 20756
division (B) of section 3317.016 of the Revised Code. 20757

(c) "Category three ~~limited English proficient student~~ 20758
learner" means ~~a limited~~ an English proficient student learner 20759
described in division (C) of section 3317.016 of the Revised Code. 20760

(3)(a) "Category one special education student" means a 20761
student who is receiving special education services for a 20762
disability specified in division (A) of section 3317.013 of the 20763
Revised Code. 20764

(b) "Category two special education student" means a student 20765
who is receiving special education services for a disability 20766
specified in division (B) of section 3317.013 of the Revised Code. 20767

(c) "Category three special education student" means a 20768
student who is receiving special education services for a 20769
disability specified in division (C) of section 3317.013 of the 20770
Revised Code. 20771

(d) "Category four special education student" means a student 20772
who is receiving special education services for a disability 20773
specified in division (D) of section 3317.013 of the Revised Code. 20774

(e) "Category five special education student" means a student 20775
who is receiving special education services for a disability 20776
specified in division (E) of section 3317.013 of the Revised Code. 20777

(f) "Category six special education student" means a student 20778
who is receiving special education services for a disability 20779
specified in division (F) of section 3317.013 of the Revised Code. 20780

(4) "Formula amount" has the same meaning as in section 20781
3317.02 of the Revised Code. 20782

(5) "IEP" has the same meaning as in section 3323.01 of the 20783
Revised Code. 20784

(6) "Resident district" means the school district in which a 20785
student is entitled to attend school under section 3313.64 or 20786
3313.65 of the Revised Code. 20787

(7) "State education aid" has the same meaning as in section 20788
5751.20 of the Revised Code. 20789

(B) The state board of education shall adopt rules requiring 20790
both of the following: 20791

(1) The board of education of each city, exempted village, 20792
and local school district to annually report the number of 20793
students entitled to attend school in the district who are 20794

enrolled in each grade kindergarten through twelve in a community 20795
school established under this chapter, and for each child, the 20796
community school in which the child is enrolled. 20797

(2) The governing authority of each community school 20798
established under this chapter to annually report all of the 20799
following: 20800

(a) The number of students enrolled in grades one through 20801
twelve and the full-time equivalent number of students enrolled in 20802
kindergarten in the school who are not receiving special education 20803
and related services pursuant to an IEP; 20804

(b) The number of enrolled students in grades one through 20805
twelve and the full-time equivalent number of enrolled students in 20806
kindergarten, who are receiving special education and related 20807
services pursuant to an IEP; 20808

(c) The number of students reported under division (B)(2)(b) 20809
of this section receiving special education and related services 20810
pursuant to an IEP for a disability described in each of divisions 20811
(A) to (F) of section 3317.013 of the Revised Code; 20812

(d) The full-time equivalent number of students reported 20813
under divisions (B)(2)(a) and (b) of this section who are enrolled 20814
in career-technical education programs or classes described in 20815
each of divisions (A) to (E) of section 3317.014 of the Revised 20816
Code that are provided by the community school; 20817

(e) The number of students reported under divisions (B)(2)(a) 20818
and (b) of this section who are not reported under division 20819
(B)(2)(d) of this section but who are enrolled in career-technical 20820
education programs or classes described in each of divisions (A) 20821
to (E) of section 3317.014 of the Revised Code at a joint 20822
vocational school district or another district in the 20823
career-technical planning district to which the school is 20824
assigned; 20825

(f) The number of students reported under divisions (B)(2)(a) 20826
and (b) of this section who are category one to three ~~limited~~ 20827
English ~~proficient students~~ learners described in each of 20828
divisions (A) to (C) of section 3317.016 of the Revised Code; 20829

(g) The number of students reported under divisions (B)(2)(a) 20830
and (b) of this section who are economically disadvantaged, as 20831
defined by the department. A student shall not be categorically 20832
excluded from the number reported under division (B)(2)(g) of this 20833
section based on anything other than family income. 20834

(h) For each student, the city, exempted village, or local 20835
school district in which the student is entitled to attend school 20836
under section 3313.64 or 3313.65 of the Revised Code. 20837

(i) The number of students enrolled in a preschool program 20838
operated by the school that is licensed by the department of 20839
education under sections 3301.52 to 3301.59 of the Revised Code 20840
who are not receiving special education and related services 20841
pursuant to an IEP. 20842

A school district board and a community school governing 20843
authority shall include in their respective reports under division 20844
(B) of this section any child admitted in accordance with division 20845
(A)(2) of section 3321.01 of the Revised Code. 20846

A governing authority of a community school shall not include 20847
in its report under divisions (B)(2)(a) to (h) of this section any 20848
student for whom tuition is charged under division (F) of this 20849
section. 20850

(C)(1) Except as provided in division (C)(2) of this section, 20851
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 20852
section and section 3314.089 of the Revised Code, on a full-time 20853
equivalency basis, for each student enrolled in a community school 20854
established under this chapter, the department of education 20855
annually shall deduct from the state education aid of a student's 20856

resident district and, if necessary, from the payment made to the 20857
district under sections 321.24 and 323.156 of the Revised Code and 20858
pay to the community school the sum of the following: 20859

(a) An opportunity grant in an amount equal to the formula 20860
amount; 20861

(b) The per pupil amount of targeted assistance funds 20862
calculated under division (A) of section 3317.0217 of the Revised 20863
Code for the student's resident district, as determined by the 20864
department, X 0.25; 20865

(c) Additional state aid for special education and related 20866
services provided under Chapter 3323. of the Revised Code as 20867
follows: 20868

(i) If the student is a category one special education 20869
student, the amount specified in division (A) of section 3317.013 20870
of the Revised Code; 20871

(ii) If the student is a category two special education 20872
student, the amount specified in division (B) of section 3317.013 20873
of the Revised Code; 20874

(iii) If the student is a category three special education 20875
student, the amount specified in division (C) of section 3317.013 20876
of the Revised Code; 20877

(iv) If the student is a category four special education 20878
student, the amount specified in division (D) of section 3317.013 20879
of the Revised Code; 20880

(v) If the student is a category five special education 20881
student, the amount specified in division (E) of section 3317.013 20882
of the Revised Code; 20883

(vi) If the student is a category six special education 20884
student, the amount specified in division (F) of section 3317.013 20885
of the Revised Code. 20886

(d) If the student is in kindergarten through third grade, an additional amount of \$320; 20887
20888

(e) If the student is economically disadvantaged, an additional amount equal to the following: 20889
20890

\$272 X the resident district's economically disadvantaged index 20891
20892

(f) ~~Limited~~ English ~~proficiency~~ learner funds as follows: 20893

(i) If the student is a category one ~~limited~~ English ~~proficient student~~ learner, the amount specified in division (A) of section 3317.016 of the Revised Code; 20894
20895
20896

(ii) If the student is a category two ~~limited~~ English ~~proficient student~~ learner, the amount specified in division (B) of section 3317.016 of the Revised Code; 20897
20898
20899

(iii) If the student is a category three ~~limited~~ English ~~proficient student~~ learner, the amount specified in division (C) of section 3317.016 of the Revised Code. 20900
20901
20902

(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows: 20903
20904

(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code; 20905
20906
20907

(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code; 20908
20909
20910

(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; 20911
20912
20913

(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; 20914
20915
20916

(v) If the student is a category five career-technical 20917
education student, the amount specified in division (E) of section 20918
3317.014 of the Revised Code. 20919

Deduction and payment of funds under division (C)(1)(g) of 20920
this section is subject to approval by the lead district of a 20921
career-technical planning district or the department of education 20922
under section 3317.161 of the Revised Code. 20923

(2) When deducting from the state education aid of a 20924
student's resident district for students enrolled in an internet- 20925
or computer-based community school and making payments to such 20926
school under this section, the department shall make the 20927
deductions and payments described in only divisions (C)(1)(a), 20928
(c), and (g) of this section. 20929

No deductions or payments shall be made for a student 20930
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 20931
of this section. 20932

(3)(a) If a community school's costs for a fiscal year for a 20933
student receiving special education and related services pursuant 20934
to an IEP for a disability described in divisions (B) to (F) of 20935
section 3317.013 of the Revised Code exceed the threshold 20936
catastrophic cost for serving the student as specified in division 20937
(B) of section 3317.0214 of the Revised Code, the school may 20938
submit to the superintendent of public instruction documentation, 20939
as prescribed by the superintendent, of all its costs for that 20940
student. Upon submission of documentation for a student of the 20941
type and in the manner prescribed, the department shall pay to the 20942
community school an amount equal to the school's costs for the 20943
student in excess of the threshold catastrophic costs. 20944

(b) The community school shall report under division 20945
(C)(3)(a) of this section, and the department shall pay for, only 20946
the costs of educational expenses and the related services 20947

provided to the student in accordance with the student's 20948
individualized education program. Any legal fees, court costs, or 20949
other costs associated with any cause of action relating to the 20950
student may not be included in the amount. 20951

(4) In any fiscal year, a community school receiving funds 20952
under division (C)(1)(g) of this section shall spend those funds 20953
only for the purposes that the department designates as approved 20954
for career-technical education expenses. Career-technical 20955
education expenses approved by the department shall include only 20956
expenses connected to the delivery of career-technical programming 20957
to career-technical students. The department shall require the 20958
school to report data annually so that the department may monitor 20959
the school's compliance with the requirements regarding the manner 20960
in which funding received under division (C)(1)(g) of this section 20961
may be spent. 20962

(5) Notwithstanding anything to the contrary in section 20963
3313.90 of the Revised Code, except as provided in division (C)(9) 20964
of this section, all funds received under division (C)(1)(g) of 20965
this section shall be spent in the following manner: 20966

(a) At least seventy-five per cent of the funds shall be 20967
spent on curriculum development, purchase, and implementation; 20968
instructional resources and supplies; industry-based program 20969
certification; student assessment, credentialing, and placement; 20970
curriculum specific equipment purchases and leases; 20971
career-technical student organization fees and expenses; home and 20972
agency linkages; work-based learning experiences; professional 20973
development; and other costs directly associated with 20974
career-technical education programs including development of new 20975
programs. 20976

(b) Not more than twenty-five per cent of the funds shall be 20977
used for personnel expenditures. 20978

(6) A community school shall spend the funds it receives 20979
under division (C)(1)(e) of this section in accordance with 20980
section 3317.25 of the Revised Code. 20981

(7) If the sum of the payments computed under divisions 20982
(C)(1) and (8)(a) of this section for the students entitled to 20983
attend school in a particular school district under sections 20984
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 20985
district's state education aid and its payment under sections 20986
321.24 and 323.156 of the Revised Code, the department shall 20987
calculate and apply a proration factor to the payments to all 20988
community schools under that division for the students entitled to 20989
attend school in that district. 20990

(8)(a) Subject to division (C)(7) of this section, the 20991
department annually shall pay to each community school, including 20992
each internet- or computer-based community school, an amount equal 20993
to the following: 20994

(The number of students reported by the community school 20995
under division (B)(2)(e) of this section X the formula amount X 20996
.20) 20997

(b) For each payment made to a community school under 20998
division (C)(8)(a) of this section, the department shall deduct 20999
from the state education aid of each city, local, and exempted 21000
village school district and, if necessary, from the payment made 21001
to the district under sections 321.24 and 323.156 of the Revised 21002
Code an amount equal to the following: 21003

(The number of the district's students reported by the 21004
community school under division (B)(2)(e) of this section X the 21005
formula amount X .20) 21006

(9) The department may waive the requirement in division 21007
(C)(5) of this section for any community school that exclusively 21008
provides one or more career-technical workforce development 21009

programs in arts and communications that are not 21010
equipment-intensive, as determined by the department. 21011

(D) A board of education sponsoring a community school may 21012
utilize local funds to make enhancement grants to the school or 21013
may agree, either as part of the contract or separately, to 21014
provide any specific services to the community school at no cost 21015
to the school. 21016

(E) A community school may not levy taxes or issue bonds 21017
secured by tax revenues. 21018

(F) No community school shall charge tuition for the 21019
enrollment of any student who is a resident of this state. A 21020
community school may charge tuition for the enrollment of any 21021
student who is not a resident of this state. 21022

(G)(1)(a) A community school may borrow money to pay any 21023
necessary and actual expenses of the school in anticipation of the 21024
receipt of any portion of the payments to be received by the 21025
school pursuant to division (C) of this section. The school may 21026
issue notes to evidence such borrowing. The proceeds of the notes 21027
shall be used only for the purposes for which the anticipated 21028
receipts may be lawfully expended by the school. 21029

(b) A school may also borrow money for a term not to exceed 21030
fifteen years for the purpose of acquiring facilities. 21031

(2) Except for any amount guaranteed under section 3318.50 of 21032
the Revised Code, the state is not liable for debt incurred by the 21033
governing authority of a community school. 21034

(H) The department of education shall adjust the amounts 21035
subtracted and paid under division (C) of this section to reflect 21036
any enrollment of students in community schools for less than the 21037
equivalent of a full school year. The state board of education 21038
within ninety days after April 8, 2003, shall adopt in accordance 21039
with Chapter 119. of the Revised Code rules governing the payments 21040

to community schools under this section including initial payments 21041
in a school year and adjustments and reductions made in subsequent 21042
periodic payments to community schools and corresponding 21043
deductions from school district accounts as provided under 21044
division (C) of this section. For purposes of this section: 21045

(1) A student shall be considered enrolled in the community 21046
school for any portion of the school year the student is 21047
participating at a college under Chapter 3365. of the Revised 21048
Code. 21049

(2) A student shall be considered to be enrolled in a 21050
community school for the period of time beginning on the later of 21051
the date on which the school both has received documentation of 21052
the student's enrollment from a parent and the student has 21053
commenced participation in learning opportunities as defined in 21054
the contract with the sponsor, or thirty days prior to the date on 21055
which the student is entered into the education management 21056
information system established under section 3301.0714 of the 21057
Revised Code. For purposes of applying this division and divisions 21058
(H)(3) and (4) of this section to a community school student, 21059
"learning opportunities" shall be defined in the contract, which 21060
shall describe both classroom-based and non-classroom-based 21061
learning opportunities and shall be in compliance with criteria 21062
and documentation requirements for student participation which 21063
shall be established by the department. Any student's instruction 21064
time in non-classroom-based learning opportunities shall be 21065
certified by an employee of the community school. A student's 21066
enrollment shall be considered to cease on the date on which any 21067
of the following occur: 21068

(a) The community school receives documentation from a parent 21069
terminating enrollment of the student. 21070

(b) The community school is provided documentation of a 21071
student's enrollment in another public or private school. 21072

(c) The community school ceases to offer learning 21073
opportunities to the student pursuant to the terms of the contract 21074
with the sponsor or the operation of any provision of this 21075
chapter. 21076

Except as otherwise specified in this paragraph, beginning in 21077
the 2011-2012 school year, any student who completed the prior 21078
school year in an internet- or computer-based community school 21079
shall be considered to be enrolled in the same school in the 21080
subsequent school year until the student's enrollment has ceased 21081
as specified in division (H)(2) of this section. The department 21082
shall continue subtracting and paying amounts for the student 21083
under division (C) of this section without interruption at the 21084
start of the subsequent school year. However, if the student 21085
without a legitimate excuse fails to participate in the first 21086
seventy-two consecutive hours of learning opportunities offered to 21087
the student in that subsequent school year, the student shall be 21088
considered not to have re-enrolled in the school for that school 21089
year and the department shall recalculate the payments to the 21090
school for that school year to account for the fact that the 21091
student is not enrolled. 21092

(3) The department shall determine each community school 21093
student's percentage of full-time equivalency based on the 21094
percentage of learning opportunities offered by the community 21095
school to that student, reported either as number of hours or 21096
number of days, is of the total learning opportunities offered by 21097
the community school to a student who attends for the school's 21098
entire school year. However, no internet- or computer-based 21099
community school shall be credited for any time a student spends 21100
participating in learning opportunities beyond ten hours within 21101
any period of twenty-four consecutive hours. Whether it reports 21102
hours or days of learning opportunities, each community school 21103
shall offer not less than nine hundred twenty hours of learning 21104

opportunities during the school year. 21105

(4) With respect to the calculation of full-time equivalency 21106
under division (H)(3) of this section, the department shall waive 21107
the number of hours or days of learning opportunities not offered 21108
to a student because the community school was closed during the 21109
school year due to disease epidemic, hazardous weather conditions, 21110
law enforcement emergencies, inoperability of school buses or 21111
other equipment necessary to the school's operation, damage to a 21112
school building, or other temporary circumstances due to utility 21113
failure rendering the school building unfit for school use, so 21114
long as the school was actually open for instruction with students 21115
in attendance during that school year for not less than the 21116
minimum number of hours required by this chapter. The department 21117
shall treat the school as if it were open for instruction with 21118
students in attendance during the hours or days waived under this 21119
division. 21120

(I) The department of education shall reduce the amounts paid 21121
under this section to reflect payments made to colleges under 21122
section 3365.07 of the Revised Code. 21123

(J)(1) No student shall be considered enrolled in any 21124
internet- or computer-based community school or, if applicable to 21125
the student, in any community school that is required to provide 21126
the student with a computer pursuant to division (C) of section 21127
3314.22 of the Revised Code, unless both of the following 21128
conditions are satisfied: 21129

(a) The student possesses or has been provided with all 21130
required hardware and software materials and all such materials 21131
are operational so that the student is capable of fully 21132
participating in the learning opportunities specified in the 21133
contract between the school and the school's sponsor as required 21134
by division (A)(23) of section 3314.03 of the Revised Code; 21135

(b) The school is in compliance with division (A) of section 21136
3314.22 of the Revised Code, relative to such student. 21137

(2) In accordance with policies adopted by the superintendent 21138
of public instruction, in consultation with the auditor of state, 21139
the department shall reduce the amounts otherwise payable under 21140
division (C) of this section to any community school that includes 21141
in its program the provision of computer hardware and software 21142
materials to any student, if such hardware and software materials 21143
have not been delivered, installed, and activated for each such 21144
student in a timely manner or other educational materials or 21145
services have not been provided according to the contract between 21146
the individual community school and its sponsor. 21147

The superintendent of public instruction and the auditor of 21148
state shall jointly establish a method for auditing any community 21149
school to which this division pertains to ensure compliance with 21150
this section. 21151

The superintendent, auditor of state, and the governor shall 21152
jointly make recommendations to the general assembly for 21153
legislative changes that may be required to assure fiscal and 21154
academic accountability for such schools. 21155

(K)(1) If the department determines that a review of a 21156
community school's enrollment is necessary, such review shall be 21157
completed and written notice of the findings shall be provided to 21158
the governing authority of the community school and its sponsor 21159
within ninety days of the end of the community school's fiscal 21160
year, unless extended for a period not to exceed thirty additional 21161
days for one of the following reasons: 21162

(a) The department and the community school mutually agree to 21163
the extension. 21164

(b) Delays in data submission caused by either a community 21165
school or its sponsor. 21166

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school

during the previous school year when assessments were administered 21197
under section 3301.0711 of the Revised Code but did not take one 21198
or more of the assessments required by that section and was not 21199
excused pursuant to division (C)(1) or (3) of that section, unless 21200
the superintendent of public instruction grants the student a 21201
waiver from the requirement to take the assessment and a parent is 21202
not paying tuition for the student pursuant to section 3314.26 of 21203
the Revised Code. The superintendent may grant a waiver only for 21204
good cause in accordance with rules adopted by the state board of 21205
education. 21206

(4) Any student who has attained the age of twenty-two years, 21207
except for veterans of the armed services whose attendance was 21208
interrupted before completing the recognized twelve-year course of 21209
the public schools by reason of induction or enlistment in the 21210
armed forces and who apply for enrollment in a community school 21211
not later than four years after termination of war or their 21212
honorable discharge. If, however, any such veteran elects to 21213
enroll in special courses organized for veterans for whom tuition 21214
is paid under federal law, or otherwise, the department shall not 21215
subtract from a school district's state aid account and shall not 21216
pay to a community school under division (C) of this section any 21217
amount for that veteran. 21218

Sec. 3314.085. (A) For purposes of this section: 21219

(1) "Formula amount" has the same meaning as in section 21220
3317.02 of the Revised Code. 21221

(2) "Four-year adjusted cohort graduation rate" has the same 21222
meaning as in section 3302.01 of the Revised Code. 21223

(3) A community school's "third-grade reading proficiency 21224
percentage" means the percentage of the school's students scoring 21225
at a proficient level of skill or higher on the third-grade 21226
English language arts assessment prescribed under division 21227

(A)(1)(a) of section 3301.0710 of the Revised Code for the 21228
immediately preceding school year, as reported on the school's 21229
report card under section 3302.03 of the Revised Code. 21230

(B) In addition to the payments made under section 3314.08 of 21231
the Revised Code, and subject to section 3314.089 of the Revised 21232
Code, the department of education shall annually pay to each 21233
community school both of the following: 21234

(1) A graduation bonus calculated according to the following 21235
formula: 21236

The school's four-year adjusted cohort graduation rate on its most 21237
recent report card issued by the department under section 3302.03 21238
or 3314.017 of the Revised Code X 0.075 X the formula amount X the 21239
number of the school's graduates reported to the department, in 21240
accordance with the guidelines adopted under section 3301.0714 of 21241
the Revised Code, for the same school year for which the most 21242
recent report card was issued 21243

(2) A third-grade reading bonus calculated according to the 21244
following formula: 21245

The school's third-grade reading proficiency percentage X 0.075 X 21246
the formula amount X the number of the school's students scoring 21247
at a proficient level or higher on the third-grade English 21248
language arts assessment prescribed under division (A)(1)(a) of 21249
section 3301.0710 of the Revised Code for the immediately 21250
preceding school year 21251

Sec. 3314.088. (A) As used in this section: 21252

(1) "Base per pupil amount" has the same meaning as in 21253
section 3317.0219 of the Revised Code. 21254

(2) "Eligible school district" has the same meaning as in 21255
division (C)(1) of section 3317.0219 of the Revised Code. 21256

(3) "Resident district" has the same meaning as in section 21257

3314.08 of the Revised Code. 21258

(B) Subject to division (E) of this section, for fiscal years 21259
2020 and 2021, the department of education shall calculate and pay 21260
to each community school that is not an internet- or 21261
computer-based community school student wellness and success 21262
funds, on a full-time equivalency basis, for each student enrolled 21263
in the school as of the school's payment under section 3314.08 of 21264
the Revised Code in June of the immediately preceding fiscal year 21265
in an amount equal to the following: 21266

(The base per pupil amount of the student's resident district for 21267
that fiscal year + the scaled amount of the student's resident 21268
district, if any, computed under division (B)(4) of section 21269
3317.0219 of the Revised Code) 21270

However, each community school shall receive a minimum 21271
payment of \$25,000, for fiscal year 2020, or \$36,000, for fiscal 21272
year 2021. 21273

(C) Subject to division (E) of this section, for fiscal years 21274
2020 and 2021, the department shall pay student wellness and 21275
success funds to each internet- or computer-based community school 21276
in an amount equal to \$25,000, for fiscal year 2020, or \$36,000, 21277
for fiscal year 2021. 21278

(D) Subject to division (E) of this section, for fiscal years 21279
2020 and 2021, the department shall pay to each community school 21280
that is not an internet- or computer-based community school 21281
student wellness and success enhancement funds, on a full-time 21282
equivalency basis, for each student enrolled in the school as of 21283
the school's payment under section 3314.08 of the Revised Code in 21284
June of the immediately preceding fiscal year whose resident 21285
district is an eligible school district, in an amount equal to the 21286
following: 21287

The amount paid to the student's resident district under division 21288

(C)(2) of section 3317.0219 of the Revised Code for that fiscal 21289
year / the enrolled ADM of the student's resident district that 21290
was used for the second payment under Chapter 3317. of the Revised 21291
Code in June of the immediately preceding fiscal year 21292

(E) The department shall pay funds under divisions (B), (C), 21293
and (D) of this section as follows: 21294

(1) One-half of the amount shall be paid not later than the 21295
thirty-first day of October of the fiscal year for which the 21296
payment is calculated. 21297

(2) One-half of the amount shall be paid not later than the 21298
twenty-eighth day of February of the fiscal year for which the 21299
payment is calculated. 21300

Upon making a payment for a fiscal year under this section, 21301
the department shall not make any reconciliations or adjustments 21302
to that payment. 21303

(F) A community school that receives a payment under this 21304
section shall comply with section 3317.26 of the Revised Code. 21305

Sec. 3314.089. If the contract between a sponsor and the 21306
governing authority of a community school provides for the sponsor 21307
to receive a portion of the total amount of funding calculated to 21308
be paid to the school under division (C)(1) of section 3314.08 and 21309
section 3314.085 of the Revised Code, the department of education 21310
shall annually pay the funds calculated under those sections as 21311
follows: 21312

(A) A portion of the total amount of funding calculated for 21313
the school shall be paid to the sponsor, in an amount equal to the 21314
amount specified in the contract in accordance with division (C) 21315
of section 3314.03 of the Revised Code. 21316

(B) The remainder of the total amount of funding calculated 21317
for the school shall be paid to the school. 21318

Sec. 3314.18. (A) Subject to division (C) of this section, 21319
the governing authority of each community school shall establish a 21320
breakfast program pursuant to the "National School Lunch Act," 60 21321
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 21322
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 21323
if at least one-fifth of the pupils in the school are eligible 21324
under federal requirements for free breakfasts, and shall 21325
establish a lunch program pursuant to those acts if at least 21326
one-fifth of the pupils are eligible for free lunches. The 21327
governing authority required to establish a breakfast program 21328
under this division may make a charge in accordance with federal 21329
requirements for each reduced price breakfast or paid breakfast to 21330
cover the cost incurred in providing that meal. 21331

A breakfast program established under this section shall be 21332
operated in accordance with section 3313.818 of the Revised Code 21333
in any community school meeting the conditions prescribed by that 21334
section. 21335

(B) Subject to division (C) of this section, the governing 21336
authority of each community school shall establish one of the 21337
following for summer intervention services described in division 21338
(D) of section 3301.0711 or provided under section 3313.608 of the 21339
Revised Code, and any other summer intervention program required 21340
by law: 21341

(1) An extension of the school breakfast program pursuant to 21342
the "National School Lunch Act" and the "Child Nutrition Act of 21343
1966"; 21344

(2) An extension of the school lunch program pursuant to 21345
those acts; 21346

(3) A summer food service program pursuant to those acts. 21347

(C) If the governing authority of a community school 21348

determines that, for financial reasons, it cannot comply with 21349
division (A) or (B) of this section, the governing authority may 21350
choose not to comply with either or both divisions. In that case, 21351
the governing authority shall communicate to the parents of its 21352
students, in the manner it determines appropriate, its decision 21353
not to comply. 21354

(D) The governing authority of each community school required 21355
to establish a school breakfast, school lunch, or summer food 21356
service program under this section shall apply for state and 21357
federal funds allocated by the state board of education under 21358
division (B) of section 3313.813 of the Revised Code and shall 21359
comply with the state board's standards adopted under that 21360
division. 21361

(E) The governing authority of any community school required 21362
to establish a breakfast program under this section or that elects 21363
to participate in a breakfast program pursuant to the "National 21364
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 21365
breakfast to pupils in their classrooms during the school day. 21366
However, any community school that is subject to section 3313.818 21367
of the Revised Code shall offer breakfast to pupils in accordance 21368
with that section. 21369

(F) Notwithstanding anything in this section to the contrary, 21370
in each fiscal year in which the general assembly appropriates 21371
funds for purposes of this division, the governing authority of 21372
each community school required to establish a breakfast program 21373
under this section or that elects to participate in a breakfast 21374
program pursuant to the "National School Lunch Act" and the "Child 21375
Nutrition Act of 1966" shall provide a breakfast free of charge to 21376
each pupil who is eligible under federal requirements for a 21377
reduced price breakfast. 21378

(G) This section does not apply to internet- or 21379
computer-based community schools. 21380

Sec. 3314.19. The sponsor of each community school ~~annually~~ 21381
shall provide the following assurances in writing to the 21382
department of education not later than ten business days prior to 21383
the opening of the ~~school~~ school's first year of operation or, if 21384
the school is not an internet- or computer-based community school 21385
and it changes the building from which it operates, the opening of 21386
the first year it operates from the new building: 21387

(A) That a current copy of the contract between the sponsor 21388
and the governing authority of the school entered into under 21389
section 3314.03 of the Revised Code has been filed with the 21390
department and that any subsequent modifications to that contract 21391
will be filed with the department; 21392

(B) That the school has submitted to the sponsor a plan for 21393
providing special education and related services to students with 21394
disabilities and has demonstrated the capacity to provide those 21395
services in accordance with Chapter 3323. of the Revised Code and 21396
federal law; 21397

(C) That the school has a plan and procedures for 21398
administering the achievement and diagnostic assessments 21399
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 21400
Revised Code; 21401

(D) That school personnel have the necessary training, 21402
knowledge, and resources to properly use and submit information to 21403
all databases maintained by the department for the collection of 21404
education data, including the education management information 21405
system established under section 3301.0714 of the Revised Code in 21406
accordance with methods and timelines established under section 21407
3314.17 of the Revised Code; 21408

(E) That all required information about the school has been 21409
submitted to the Ohio education directory system or any successor 21410
system; 21411

(F) That the school will enroll at least the minimum number of students required by division (A)(11)(a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided;

(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;

(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members;

(J) That the school holds all of the following:

(1) Proof of property ownership or a lease for the facilities used by the school;

(2) A certificate of occupancy;

(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;

(4) A satisfactory health and safety inspection;

(5) A satisfactory fire inspection;

(6) A valid food permit, if applicable.

(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;

(L) That the school has designated a date it will open for

the school year for which the assurances are provided that is in 21441
compliance with division (A)(25) of section 3314.03 of the Revised 21442
Code; 21443

(M) That the school has met all of the sponsor's requirements 21444
for opening and any other requirements of the sponsor. 21445

(N) That, for any school that operates using the blended 21446
learning model, as defined in section 3301.079 of the Revised 21447
Code, the sponsor has reviewed the following information, 21448
submitted by the school: 21449

(1) An indication of what blended learning model or models 21450
will be used; 21451

(2) A description of how student instructional needs will be 21452
determined and documented; 21453

(3) The method to be used for determining competency, 21454
granting credit, and promoting students to a higher grade level; 21455

(4) The school's attendance requirements, including how the 21456
school will document participation in learning opportunities; 21457

(5) A statement describing how student progress will be 21458
monitored; 21459

(6) A statement describing how private student data will be 21460
protected; 21461

(7) A description of the professional development activities 21462
that will be offered to teachers. 21463

Sec. 3314.21. (A) As used in this section: 21464

(1) "Harmful to juveniles" has the same meaning as in section 21465
2907.01 of the Revised Code. 21466

(2) "Obscene" has the same meaning as in division (F) of 21467
section 2907.01 of the Revised Code as that division has been 21468
construed by the supreme court of this state. 21469

(3) "Teacher of record" means a teacher who is responsible 21470
for the overall academic development and achievement of a student 21471
and not merely the student's instruction in any single subject. 21472

(B)~~(1)~~(1) It is the intent of the general assembly that 21473
teachers employed by internet- or computer-based community schools 21474
conduct visits with their students in person throughout the school 21475
year. 21476

(2) Each internet- or computer-based community school shall 21477
retain an affiliation with at least one full-time teacher of 21478
record licensed in accordance with division (A)(10) of section 21479
3314.03 of the Revised Code. 21480

(3) Each student enrolled in an internet- or computer-based 21481
community school shall be assigned to at least one teacher of 21482
record. No teacher of record shall be primarily responsible for 21483
the academic development and achievement of more than one hundred 21484
twenty-five students enrolled in the internet- or computer-based 21485
community school that has retained that teacher. 21486

(C) For any internet- or computer-based community school, the 21487
contract between the sponsor and the governing authority of the 21488
school described in section 3314.03 of the Revised Code shall 21489
specify each of the following: 21490

(1) A requirement that the school use a filtering device or 21491
install filtering software that protects against internet access 21492
to materials that are obscene or harmful to juveniles on each 21493
computer provided to students for instructional use. The school 21494
shall provide such device or software at no cost to any student 21495
who works primarily from the student's residence on a computer 21496
obtained from a source other than the school. 21497

(2) A plan for fulfilling the intent of the general assembly 21498
specified in division (B)(1) of this section. The plan shall 21499
indicate the number of times teachers will visit each student 21500

throughout the school year and the manner in which those visits 21501
will be conducted. 21502

(3) That the school will set up a central base of operation 21503
and the sponsor will maintain a representative within fifty miles 21504
of that base of operation to provide monitoring and assistance. 21505

(D)(1) Annually, each internet- or computer-based community 21506
school shall prepare and submit to the department of education, in 21507
a time and manner prescribed by the department, a report that 21508
contains information about all of the following: 21509

(a) Classroom size; 21510

(b) The ratio of teachers to students per classroom; 21511

(c) The number of student-teacher meetings conducted in 21512
person or by video conference; 21513

(d) Any other information determined necessary by the 21514
department. 21515

(2) The department annually shall prepare and submit to the 21516
state board of education a report that contains the information 21517
received under division (D)(1) of this section. 21518

Sec. 3314.27. (A) No student enrolled in an internet- or 21519
computer-based community school may participate in more than ten 21520
hours of learning opportunities in any period of twenty-four 21521
consecutive hours. Any time such a student participates in 21522
learning opportunities beyond the limit prescribed in this section 21523
shall not count toward the annual minimum number of hours required 21524
to be provided to that student as prescribed in division 21525
(A)(11)(a) of section 3314.03 of the Revised Code. If any 21526
internet- or computer-based community school requires its students 21527
to participate in learning opportunities on the basis of days 21528
rather than hours, one day shall consist of a minimum of five 21529
hours of such participation. 21530

(B) Each internet- or computer-based community school shall 21531
keep an accurate record of each individual student's participation 21532
in learning opportunities each day. The record shall be kept in 21533
such a manner that the information contained within it easily can 21534
be submitted to the department of education, upon request by the 21535
department or the auditor of state. 21536

(C) At the time a student enrolls in an internet- or 21537
computer-based community school, the school, in coordination with 21538
the student and the student's parent, guardian, or legal 21539
custodian, shall develop an individual learning plan for that 21540
student. 21541

(D)(1) Each internet- or computer-based community school's 21542
attendance policy adopted in accordance with division (A)(6)(b) of 21543
section 3314.03 of the Revised Code shall specify that a student 21544
is considered enrolled in the school for any grading period in 21545
which the student satisfies one or both of the following: 21546

(a) Participates in learning opportunities on not less than 21547
ninety per cent of the days within the grading period; 21548

(b) Is on pace for on-time completion of any course in which 21549
the student is enrolled. 21550

(2) A student who has not yet satisfied one or both of the 21551
conditions set forth in division (D)(1) of this section shall be 21552
considered absent during any school day on which the student fails 21553
to participate in any learning opportunities. 21554

(3) In the event that a student is absent for ten or more 21555
school days in any school year, the internet- or computer-based 21556
community school shall notify the student's parent, guardian, or 21557
custodian, in writing of the student's absences. 21558

(E)(1) Each internet- or computer-based community school 21559
shall include in its policy adopted in accordance with division 21560
(B) of section 3321.191 of the Revised Code a provision specifying 21561

that after a notice under division (D)(3) of this section and a 21562
reasonable period of time to comply has been given, and provided 21563
any other intervention strategies contained in the policy fail to 21564
cause a student's attendance to comply with the student's 21565
individual learning plan, the student shall become subject to 21566
certain consequences, up to and including disenrollment from the 21567
internet- or computer-based community school. 21568

(2) If an internet- or computer-based community school 21569
disenrolls a student for continued failure to comply with the 21570
individual learning plan as described in division (E)(1) of this 21571
section, the school shall provide the student's parent, custodian, 21572
or legal guardian with a list of alternative educational options 21573
available to the student. 21574

(F) Each internet- or computer-based community school remains 21575
subject to any applicable requirement contained in this chapter or 21576
Chapter 3321. of the Revised Code that does not directly conflict 21577
with one or more requirements contained in this section. 21578

(G) For purposes of this section, "learning opportunities" 21579
include at least the following classroom-based or 21580
nonclassroom-based activities that a student is expected to 21581
complete, participate in, or attend during any given school day: 21582

(a) Online logins to curriculum or programs; 21583

(b) Offline activities; 21584

(c) Assignments within a particular program, curriculum, or 21585
class; 21586

(d) Testing; 21587

(e) Face-to-face communication; 21588

(f) Telephone or video conferences; 21589

(g) Electronic mail, texts, phone calls, or other meetings. 21590

~~Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011:~~

~~(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.~~

~~(b) The school satisfies all of the following conditions:~~

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~

~~(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~

~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.~~

~~(2) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2011, but before July 1, 2013:~~

~~(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(b) The school satisfies all of the following conditions:~~ 21621

~~(i) The school offers any of grade levels four to eight but~~ 21622
~~does not offer a grade level higher than nine.~~ 21623

~~(ii) The school has been declared to be in a state of~~ 21624
~~academic emergency under section 3302.03 of the Revised Code for~~ 21625
~~two of the three most recent school years.~~ 21626

~~(iii) In at least two of the three most recent school years,~~ 21627
~~the school showed less than one standard year of academic growth~~ 21628
~~in either reading or mathematics, as determined by the department~~ 21629
~~in accordance with rules adopted under division (A) of section~~ 21630
~~3302.021 of the Revised Code.~~ 21631

~~(c) The school offers any of grade levels ten to twelve and~~ 21632
~~has been declared to be in a state of academic emergency under~~ 21633
~~section 3302.03 of the Revised Code for two of the three most~~ 21634
~~recent school years.~~ 21635

~~(3) Except as provided in division (A)(4)(2) of this section,~~ 21636
this section applies to any community school that meets one of the 21637
following criteria ~~on or after July 1, 2013:~~ 21638

(a) The school does not offer a grade level higher than three 21639
and, for ~~two~~ of the three most recent school years, satisfies any 21640
of the following criteria: 21641

~~(i) The school has been declared to be in a state of academic~~ 21642
~~emergency under section 3302.03 of the Revised Code, as it existed~~ 21643
~~prior to March 22, 2013;~~ 21644

~~(ii)~~ The school has received a grade of "F" in improving 21645
literacy in grades kindergarten through three under division 21646
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 21647

~~(iii)~~(ii) The school has received an overall grade of "F" 21648
under division (C) of section 3302.03 of the Revised Code. 21649

(b) The school offers any of grade levels four to eight but 21650

does not offer a grade level higher than nine and, for ~~two of the~~ 21651
three most recent school years, ~~satisfies any of the following~~ 21652
~~criteria:~~ 21653

~~(i) The school has been declared to be in a state of academic 21654
emergency under section 3302.03 of the Revised Code, as it existed 21655
prior to March 22, 2013, and the school showed less than one 21656
standard year of academic growth in either reading or mathematics, 21657
as determined by the department in accordance with rules adopted 21658
under division (A) of section 3302.021 of the Revised Code;~~ 21659

~~(ii) The the school has received, pursuant to section 21660
3302.038 of the Revised Code, a grade of "F" for the performance 21661
index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) ~~and~~ 21662
or a grade of "F" for the value-added progress dimension under 21663
division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of 21664
the Revised Code;~~ 21665

~~(iii) The school has received an overall grade of "F" under 21666
division (C) and a grade of "F" for the value-added progress 21667
dimension under division (C)(1)(e) of section 3302.03 of the 21668
Revised Code. 21669~~

(c) The school offers any of grade levels ten to twelve and, 21670
for ~~two of the~~ three most recent school years, ~~satisfies any of~~ 21671
~~the following criteria:~~ 21672

~~(i) The school has been declared to be in a state of academic 21673
emergency under section 3302.03 of the Revised Code, as it existed 21674
prior to March 22, 2013;~~ 21675

~~(ii) The the school has received, pursuant to section 21676
3302.038 of the Revised Code, a grade of "F" for either the 21677
performance index score under division (A)(1)(b), (B)(1)(b), or 21678
(C)(1)(b) or for the value-added progress dimension measure under 21679
division (A)(1)(e), (B)(1)(e), or (C)(1)(e) and has not met annual 21680
measurable objectives under division (A)(1)(a), (B)(1)(a), or 21681~~

(C)(1)(a) of section 3302.03 of the Revised Code 21682

~~(iii) The school has received an overall grade of "F" under 21683
division (C) and a grade of "F" for the value added progress 21684
dimension under division (C)(1)(c) of section 3302.03 of the 21685
Revised Code. 21686~~

~~For purposes of division (A)(3) of this section only, the 21687
department of education shall calculate the value added progress 21688
dimension for a community school using assessment scores for only 21689
those students to whom the school has administered the achievement 21690
assessments prescribed by section 3301.0710 of the Revised Code 21691
for at least the two most recent school years but using 21692
value added data from only the most recent school year. 21693~~

~~(4)(2) This section does not apply to either of the 21694
following: 21695~~

~~(a) Any community school in which a majority of the students 21696
are enrolled in a dropout prevention and recovery program that is 21697
operated by the school. Rather, such schools shall be subject to 21698
closure only as provided in section 3314.351 of the Revised Code. 21699
However, prior to July 1, 2014, a community school in which a 21700
majority of the students are enrolled in a dropout prevention and 21701
recovery program shall be exempt from this section only if it has 21702
been granted a waiver under section 3314.36 of the Revised Code. 21703~~

~~(b) Any community school in which a majority of the enrolled 21704
students are children with disabilities receiving special 21705
education and related services in accordance with Chapter 3323. of 21706
the Revised Code. 21707~~

~~(B) Any community school to which this section applies shall 21708
permanently close at the conclusion of the school year in which 21709
the school first becomes subject to this section. The sponsor and 21710
governing authority of the school shall comply with all procedures 21711
for closing a community school adopted by the department under 21712~~

division (E) of section 3314.015 of the Revised Code. The 21713
governing authority of the school shall not enter into a contract 21714
with any other sponsor under section 3314.03 of the Revised Code 21715
after the school closes. 21716

(C) In accordance with division (B) of section 3314.012 of 21717
the Revised Code, the department shall not consider the 21718
performance ratings assigned to a community school for its first 21719
two years of operation when determining whether the school meets 21720
the criteria prescribed by division (A)(1) ~~or (2)~~ of this section. 21721

(D) Nothing in this section or in any other provision of the 21722
Revised Code prohibits the sponsor of a community school from 21723
exercising its option not to renew a contract for any reason or 21724
from terminating a contract prior to its expiration for any of the 21725
reasons set forth in section 3314.07 of the Revised Code. 21726

Sec. 3314.353. Not later than the thirty-first day of August 21727
each year, the department of education shall publish separate 21728
lists of the following: 21729

(A) Community schools that have become subject to permanent 21730
closure under section 3314.35 or 3314.351 of the Revised Code; 21731

(B) Community schools that are at risk of becoming subject to 21732
permanent closure under section 3314.35 or 3314.351 of the Revised 21733
Code if their academic performance, as prescribed in those 21734
sections, does not improve on the next state report cards issued 21735
under section 3302.03 or 3314.017 of the Revised Code; 21736

(C) All "challenged school districts" in which new start-up 21737
community schools may be located, as prescribed in section 3314.02 21738
of the Revised Code. 21739

Sec. 3314.354. Not later than the thirty-first day of July of 21740
each year, the department of education shall submit preliminary 21741
data on community schools at risk of becoming subject to permanent 21742

closure under section 3314.35 or 3314.351 of the Revised Code. 21743

Sec. 3317.016. The amounts for ~~limited~~ English ~~proficient~~ 21744
~~students~~ learners shall be as follows: 21745

(A) An amount of \$1,515 for each student who has been 21746
enrolled in schools in the United States for 180 school days or 21747
less and was not previously exempted from taking the spring 21748
administration of either of the state's English language arts 21749
assessments prescribed by section 3301.0710 of the Revised Code 21750
(reading or writing). 21751

(B) An amount of \$1,136 for each student who has been 21752
enrolled in schools in the United States for more than 180 school 21753
days or was previously exempted from taking the spring 21754
administration of either of the state's English language arts 21755
assessments prescribed by section 3301.0710 of the Revised Code 21756
(reading or writing). 21757

(C) An amount of \$758 for each student who does not qualify 21758
for inclusion under division (A) or (B) of this section and is in 21759
a trial-mainstream period, as defined by the department. 21760

Sec. 3317.02. As used in this chapter: 21761

(A)(1) "Category one career-technical education ADM" means 21762
the enrollment of students during the school year on a full-time 21763
equivalency basis in career-technical education programs described 21764
in division (A) of section 3317.014 of the Revised Code and 21765
certified under division (B)(11) or (D)(2)(h) of section 3317.03 21766
of the Revised Code. 21767

(2) "Category two career-technical education ADM" means the 21768
enrollment of students during the school year on a full-time 21769
equivalency basis in career-technical education programs described 21770
in division (B) of section 3317.014 of the Revised Code and 21771

certified under division (B)(12) or (D)(2)(i) of section 3317.03 21772
of the Revised Code. 21773

(3) "Category three career-technical education ADM" means the 21774
enrollment of students during the school year on a full-time 21775
equivalency basis in career-technical education programs described 21776
in division (C) of section 3317.014 of the Revised Code and 21777
certified under division (B)(13) or (D)(2)(j) of section 3317.03 21778
of the Revised Code. 21779

(4) "Category four career-technical education ADM" means the 21780
enrollment of students during the school year on a full-time 21781
equivalency basis in career-technical education programs described 21782
in division (D) of section 3317.014 of the Revised Code and 21783
certified under division (B)(14) or (D)(2)(k) of section 3317.03 21784
of the Revised Code. 21785

(5) "Category five career-technical education ADM" means the 21786
enrollment of students during the school year on a full-time 21787
equivalency basis in career-technical education programs described 21788
in division (E) of section 3317.014 of the Revised Code and 21789
certified under division (B)(15) or (D)(2)(l) of section 3317.03 21790
of the Revised Code. 21791

(B)(1) "Category one ~~limited~~ English ~~proficient~~ learner ADM" 21792
means the full-time equivalent number of ~~limited~~ English 21793
~~proficient students~~ learners described in division (A) of section 21794
3317.016 of the Revised Code and certified under division (B)(16) 21795
or (D)(2)(m) of section 3317.03 of the Revised Code. 21796

(2) "Category two ~~limited~~ English ~~proficient~~ learner ADM" 21797
means the full-time equivalent number of ~~limited~~ English 21798
~~proficient students~~ learners described in division (B) of section 21799
3317.016 of the Revised Code and certified under division (B)(17) 21800
or (D)(2)(n) of section 3317.03 of the Revised Code. 21801

(3) "Category three ~~limited~~ English ~~proficient~~ learner ADM" 21802

means the full-time equivalent number of ~~limited~~ English 21803
~~proficient students~~ learners described in division (C) of section 21804
3317.016 of the Revised Code and certified under division (B)(18) 21805
or (D)(2)(o) of section 3317.03 of the Revised Code. 21806

(C)(1) "Category one special education ADM" means the 21807
full-time equivalent number of children with disabilities 21808
receiving special education services for the disability specified 21809
in division (A) of section 3317.013 of the Revised Code and 21810
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 21811
the Revised Code. 21812

(2) "Category two special education ADM" means the full-time 21813
equivalent number of children with disabilities receiving special 21814
education services for those disabilities specified in division 21815
(B) of section 3317.013 of the Revised Code and certified under 21816
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 21817
Code. 21818

(3) "Category three special education ADM" means the 21819
full-time equivalent number of students receiving special 21820
education services for those disabilities specified in division 21821
(C) of section 3317.013 of the Revised Code, and certified under 21822
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 21823
Code. 21824

(4) "Category four special education ADM" means the full-time 21825
equivalent number of students receiving special education services 21826
for those disabilities specified in division (D) of section 21827
3317.013 of the Revised Code and certified under division (B)(8) 21828
or (D)(2)(e) of section 3317.03 of the Revised Code. 21829

(5) "Category five special education ADM" means the full-time 21830
equivalent number of students receiving special education services 21831
for the disabilities specified in division (E) of section 3317.013 21832
of the Revised Code and certified under division (B)(9) or 21833

(D)(2)(f) of section 3317.03 of the Revised Code. 21834

(6) "Category six special education ADM" means the full-time 21835
equivalent number of students receiving special education services 21836
for the disabilities specified in division (F) of section 3317.013 21837
of the Revised Code and certified under division (B)(10) or 21838
(D)(2)(g) of section 3317.03 of the Revised Code. 21839

(D) "Economically disadvantaged index for a school district" 21840
means the square of the quotient of that district's percentage of 21841
students in its total ADM who are identified as economically 21842
disadvantaged as defined by the department of education, divided 21843
by the percentage of students in the statewide total ADM 21844
identified as economically disadvantaged. For purposes of this 21845
calculation: 21846

(1) For a city, local, or exempted village school district, 21847
the "statewide total ADM" equals the sum of the total ADM for all 21848
city, local, and exempted village school districts combined. 21849

(2) For a joint vocational school district, the "statewide 21850
total ADM" equals the sum of the formula ADM for all joint 21851
vocational school districts combined. 21852

(E)(1) "Formula ADM" means, for a city, local, or exempted 21853
village school district, the enrollment reported under division 21854
(A) of section 3317.03 of the Revised Code, as verified by the 21855
superintendent of public instruction and adjusted if so ordered 21856
under division (K) of that section, and as further adjusted by the 21857
department of education, as follows: 21858

(a) Count only twenty per cent of the number of joint 21859
vocational school district students counted under division (A)(3) 21860
of section 3317.03 of the Revised Code; 21861

(b) Add twenty per cent of the number of students who are 21862
entitled to attend school in the district under section 3313.64 or 21863
3313.65 of the Revised Code and are enrolled in another school 21864

district under a career-technical education compact. 21865

(2) "Formula ADM" means, for a joint vocational school 21866
district, the final number verified by the superintendent of 21867
public instruction, based on the enrollment reported and certified 21868
under division (D) of section 3317.03 of the Revised Code, as 21869
adjusted, if so ordered, under division (K) of that section. 21870

(F) "Formula amount" means \$6,010, for fiscal year 2018, and 21871
\$6,020, for fiscal year 2019. 21872

(G) "FTE basis" means a count of students based on full-time 21873
equivalency, in accordance with rules adopted by the department of 21874
education pursuant to section 3317.03 of the Revised Code. In 21875
adopting its rules under this division, the department shall 21876
provide for counting any student in category one, two, three, 21877
four, five, or six special education ADM or in category one, two, 21878
three, four, or five career-technical education ADM in the same 21879
proportion the student is counted in formula ADM. 21880

(H) "Internet- or computer-based community school" has the 21881
same meaning as in section 3314.02 of the Revised Code. 21882

(I) "Medically fragile child" means a child to whom all of 21883
the following apply: 21884

(1) The child requires the services of a doctor of medicine 21885
or osteopathic medicine at least once a week due to the 21886
instability of the child's medical condition. 21887

(2) The child requires the services of a registered nurse on 21888
a daily basis. 21889

(3) The child is at risk of institutionalization in a 21890
hospital, skilled nursing facility, or intermediate care facility 21891
for individuals with intellectual disabilities. 21892

(J)(1) A child may be identified as having an "other health 21893
impairment-major" if the child's condition meets the definition of 21894

"other health impaired" established in rules previously adopted by 21895
the state board of education and if either of the following apply: 21896

(a) The child is identified as having a medical condition 21897
that is among those listed by the superintendent of public 21898
instruction as conditions where a substantial majority of cases 21899
fall within the definition of "medically fragile child." 21900

(b) The child is determined by the superintendent of public 21901
instruction to be a medically fragile child. A school district 21902
superintendent may petition the superintendent of public 21903
instruction for a determination that a child is a medically 21904
fragile child. 21905

(2) A child may be identified as having an "other health 21906
impairment-minor" if the child's condition meets the definition of 21907
"other health impaired" established in rules previously adopted by 21908
the state board of education but the child's condition does not 21909
meet either of the conditions specified in division (J)(1)(a) or 21910
(b) of this section. 21911

(K) "Preschool child with a disability" means a child with a 21912
disability, as defined in section 3323.01 of the Revised Code, who 21913
is at least age three but is not of compulsory school age, as 21914
defined in section 3321.01 of the Revised Code, and who is not 21915
currently enrolled in kindergarten. 21916

(L) "Preschool scholarship ADM" means the number of preschool 21917
children with disabilities certified under division (B)(3)(h) of 21918
section 3317.03 of the Revised Code. 21919

(M) "Related services" includes: 21920

(1) Child study, special education supervisors and 21921
coordinators, speech and hearing services, adaptive physical 21922
development services, occupational or physical therapy, teacher 21923
assistants for children with disabilities whose disabilities are 21924
described in division (B) of section 3317.013 or division (B)(3) 21925

of this section, behavioral intervention, interpreter services, 21926
work study, nursing services, and specialized integrative services 21927
as those terms are defined by the department; 21928

(2) Speech and language services provided to any student with 21929
a disability, including any student whose primary or only 21930
disability is a speech and language disability; 21931

(3) Any related service not specifically covered by other 21932
state funds but specified in federal law, including but not 21933
limited to, audiology and school psychological services; 21934

(4) Any service included in units funded under former 21935
division (O)(1) of section 3317.024 of the Revised Code; 21936

(5) Any other related service needed by children with 21937
disabilities in accordance with their individualized education 21938
programs. 21939

(N) "School district," unless otherwise specified, means 21940
city, local, and exempted village school districts. 21941

(O) "State education aid" has the same meaning as in section 21942
5751.20 of the Revised Code. 21943

(P) "State share index" means the state share index 21944
calculated for a district under section 3317.017 of the Revised 21945
Code. 21946

(Q) "Taxes charged and payable" means the taxes charged and 21947
payable against real and public utility property after making the 21948
reduction required by section 319.301 of the Revised Code, plus 21949
the taxes levied against tangible personal property. 21950

(R)(1) For purposes of section 3317.017 of the Revised Code, 21951
"three-year average valuation" means the average of total taxable 21952
value for tax years 2014, 2015, and 2016. 21953

(2) For purposes of sections 3317.0217, 3317.0218, and 21954
3317.16 of the Revised Code, "three-year average valuation" means 21955

the following: 21956

(a) For fiscal year 2018, the average of total taxable value 21957
for tax years 2014, 2015, and 2016; 21958

(b) For fiscal year 2019, the average of total taxable value 21959
for tax years 2015, 2016, and 2017. 21960

(S) "Total ADM" means, for a city, local, or exempted village 21961
school district, the enrollment reported under division (A) of 21962
section 3317.03 of the Revised Code, as verified by the 21963
superintendent of public instruction and adjusted if so ordered 21964
under division (K) of that section. 21965

(T) "Total special education ADM" means the sum of categories 21966
one through six special education ADM. 21967

(U) "Total taxable value" means the sum of the amounts 21968
certified for a city, local, exempted village, or joint vocational 21969
school district under divisions (A)(1) and (2) of section 3317.021 21970
of the Revised Code. 21971

Sec. 3317.022. (A) The department of education shall compute 21972
and distribute state core foundation funding to each eligible 21973
school district for the fiscal year, using the information 21974
obtained under section 3317.021 of the Revised Code in the 21975
calendar year in which the fiscal year begins, as prescribed in 21976
the following divisions: 21977

(1) An opportunity grant calculated according to the 21978
following formula: 21979

The formula amount X (formula ADM + preschool scholarship 21980
ADM) X the district's state share index 21981

(2) Targeted assistance funds calculated under divisions (A) 21982
and (B) of section 3317.0217 of the Revised Code; 21983

(3) Additional state aid for special education and related 21984

services provided under Chapter 3323. of the Revised Code 21985
calculated as the sum of the following: 21986

(a) The district's category one special education ADM X the 21987
amount specified in division (A) of section 3317.013 of the 21988
Revised Code X the district's state share index; 21989

(b) The district's category two special education ADM X the 21990
amount specified in division (B) of section 3317.013 of the 21991
Revised Code X the district's state share index; 21992

(c) The district's category three special education ADM X the 21993
amount specified in division (C) of section 3317.013 of the 21994
Revised Code X the district's state share index; 21995

(d) The district's category four special education ADM X the 21996
amount specified in division (D) of section 3317.013 of the 21997
Revised Code X the district's state share index; 21998

(e) The district's category five special education ADM X the 21999
amount specified in division (E) of section 3317.013 of the 22000
Revised Code X the district's state share index; 22001

(f) The district's category six special education ADM X the 22002
amount specified in division (F) of section 3317.013 of the 22003
Revised Code X the district's state share index. 22004

(4) Kindergarten through third grade literacy funds 22005
calculated according to the following formula: 22006

(\$193 X formula ADM for grades kindergarten through three X 22007
the district's state share index) + (\$127 X formula ADM for grades 22008
kindergarten through three) 22009

For purposes of this calculation, the department shall 22010
subtract from a district's formula ADM for grades kindergarten 22011
through three the number of students reported under division 22012
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 22013
internet- or computer-based community school who are in grades 22014

kindergarten through three. 22015

(5) Economically disadvantaged funds calculated according to 22016
the following formula: 22017

\$272 X (the district's economically disadvantaged index) X 22018
the number of students who are economically disadvantaged as 22019
certified under division (B)(21) of section 3317.03 of the Revised 22020
Code 22021

(6) ~~Limited English proficiency learner~~ funds calculated as 22022
the sum of the following: 22023

(a) The district's category one ~~limited English proficient~~ 22024
learner ADM X the amount specified in division (A) of section 22025
3317.016 of the Revised Code X the district's state share index; 22026

(b) The district's category two ~~limited English proficient~~ 22027
learner ADM X the amount specified in division (B) of section 22028
3317.016 of the Revised Code X the district's state share index; 22029

(c) The district's category three ~~limited English proficient~~ 22030
learner ADM X the amount specified in division (C) of section 22031
3317.016 of the Revised Code X the district's state share index. 22032

(7)(a) Gifted identification funds calculated according to 22033
the following formula: 22034

\$5.05 X the district's formula ADM 22035

(b) Gifted unit funding calculated under section 3317.051 of 22036
the Revised Code. 22037

(8) Career-technical education funds calculated as the sum of 22038
the following: 22039

(a) The district's category one career-technical education 22040
ADM X the amount specified in division (A) of section 3317.014 of 22041
the Revised Code X the district's state share index; 22042

(b) The district's category two career-technical education 22043
ADM X the amount specified in division (B) of section 3317.014 of 22044

the Revised Code X the district's state share index; 22045

(c) The district's category three career-technical education 22046
ADM X the amount specified in division (C) of section 3317.014 of 22047
the Revised Code X the district's state share index; 22048

(d) The district's category four career-technical education 22049
ADM X the amount specified in division (D) of section 3317.014 of 22050
the Revised Code X the district's state share index; 22051

(e) The district's category five career-technical education 22052
ADM X the amount specified in division (E) of section 3317.014 of 22053
the Revised Code X the district's state share index. 22054

Payment of funds under division (A)(8) of this section is 22055
subject to approval under section 3317.161 of the Revised Code. 22056

(9) Career-technical education associated services funds 22057
calculated according to the following formula: 22058
The district's state share index X the amount for career-technical 22059
education associated services specified in section 3317.014 of the 22060
Revised Code X the sum of categories one through five 22061
career-technical education ADM 22062

(10) Capacity aid funds calculated under section 3317.0218 of 22063
the Revised Code; 22064

(11) A graduation bonus calculated under section 3317.0215 of 22065
the Revised Code; 22066

(12) A third-grade reading bonus calculated under section 22067
3317.0216 of the Revised Code. 22068

(B) In any fiscal year, a school district shall spend for 22069
purposes that the department designates as approved for special 22070
education and related services expenses at least the amount 22071
calculated as follows: 22072

(The formula amount X the total special education ADM) + (the 22073
district's category one special education ADM X the amount 22074

specified in division (A) of section 3317.013 of the Revised Code) 22075
+ (the district's category two special education ADM X the amount 22076
specified in division (B) of section 3317.013 of the Revised Code) 22077
+ (the district's category three special education ADM X the 22078
amount specified in division (C) of section 3317.013 of the 22079
Revised Code) + (the district's category four special education 22080
ADM X the amount specified in division (D) of section 3317.013 of 22081
the Revised Code) + (the district's category five special 22082
education ADM X the amount specified in division (E) of section 22083
3317.013 of the Revised Code) + (the district's category six 22084
special education ADM X the amount specified in division (F) of 22085
section 3317.013 of the Revised Code) 22086

The purposes approved by the department for special education 22087
expenses shall include, but shall not be limited to, 22088
identification of children with disabilities, compliance with 22089
state rules governing the education of children with disabilities 22090
and prescribing the continuum of program options for children with 22091
disabilities, provision of speech language pathology services, and 22092
the portion of the school district's overall administrative and 22093
overhead costs that are attributable to the district's special 22094
education student population. 22095

The scholarships deducted from the school district's account 22096
under sections 3310.41 and 3310.55 of the Revised Code shall be 22097
considered to be an approved special education and related 22098
services expense for the purpose of the school district's 22099
compliance with this division. 22100

(C) In any fiscal year, a school district receiving funds 22101
under division (A)(8) of this section shall spend those funds only 22102
for the purposes that the department designates as approved for 22103
career-technical education expenses. Career-technical education 22104
expenses approved by the department shall include only expenses 22105
connected to the delivery of career-technical programming to 22106

career-technical students. The department shall require the school 22107
district to report data annually so that the department may 22108
monitor the district's compliance with the requirements regarding 22109
the manner in which funding received under division (A)(8) of this 22110
section may be spent. 22111

(D) In any fiscal year, a school district receiving funds 22112
under division (A)(9) of this section, or through a transfer of 22113
funds pursuant to division (I) of section 3317.023 of the Revised 22114
Code, shall spend those funds only for the purposes that the 22115
department designates as approved for career-technical education 22116
associated services expenses, which may include such purposes as 22117
apprenticeship coordinators, coordinators for other 22118
career-technical education services, career-technical evaluation, 22119
and other purposes designated by the department. The department 22120
may deny payment under division (A)(9) of this section to any 22121
district that the department determines is not operating those 22122
services or is using funds paid under division (A)(9) of this 22123
section, or through a transfer of funds pursuant to division (I) 22124
of section 3317.023 of the Revised Code, for other purposes. 22125

(E) All funds received under division (A)(8) of this section 22126
shall be spent in the following manner: 22127

(1) At least seventy-five per cent of the funds shall be 22128
spent on curriculum development, purchase, and implementation; 22129
instructional resources and supplies; industry-based program 22130
certification; student assessment, credentialing, and placement; 22131
curriculum specific equipment purchases and leases; 22132
career-technical student organization fees and expenses; home and 22133
agency linkages; work-based learning experiences; professional 22134
development; and other costs directly associated with 22135
career-technical education programs including development of new 22136
programs. 22137

(2) Not more than twenty-five per cent of the funds shall be 22138

used for personnel expenditures. 22139

(F) A school district shall spend the funds it receives under 22140
division (A)(5) of this section in accordance with section 3317.25 22141
of the Revised Code. 22142

Sec. 3317.023. (A) The amounts required to be paid to a 22143
district under this chapter shall be adjusted by the amount of the 22144
computations made under divisions (B) to (K) of this section. 22145

As used in this section: 22146

(1) "Career-technical planning district" or "CTPD" means a 22147
school district or group of school districts designated by the 22148
department of education as being responsible for the planning for 22149
and provision of career-technical education services to students 22150
within the district or group. A community school established under 22151
Chapter 3314. of the Revised Code or a STEM school established 22152
under Chapter 3326. of the Revised Code that is serving students 22153
in any of grades seven through twelve shall be assigned to a 22154
career-technical planning district by the department. 22155

(2) "Lead district" means a school district, including a 22156
joint vocational school district, designated by the department as 22157
a CTPD, or designated to provide primary career-technical 22158
education leadership within a CTPD composed of a group of 22159
districts, community schools assigned to the CTPD, and STEM 22160
schools assigned to the CTPD. 22161

(B) If a local, city, or exempted village school district to 22162
which a governing board of an educational service center provides 22163
services pursuant to an agreement entered into under section 22164
3313.843 of the Revised Code, deduct the amount of the payment 22165
required for the reimbursement of the governing board under that 22166
section. 22167

(C)(1) If the district is required to pay to or entitled to 22168

receive tuition from another school district under division (C)(2) 22169
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 22170
or if the superintendent of public instruction is required to 22171
determine the correct amount of tuition and make a deduction or 22172
credit under section 3317.08 of the Revised Code, deduct and 22173
credit such amounts as provided in division (J) of section 3313.64 22174
or section 3317.08 of the Revised Code. 22175

(2) For each child for whom the district is responsible for 22176
tuition or payment under division (A)(1) of section 3317.082 or 22177
section 3323.091 of the Revised Code, deduct the amount of tuition 22178
or payment for which the district is responsible. 22179

(D) If the district has been certified by the superintendent 22180
of public instruction under section 3313.90 of the Revised Code as 22181
not in compliance with the requirements of that section, deduct an 22182
amount equal to ten per cent of the amount computed for the 22183
district under this chapter. 22184

(E) If the district has received a loan from a commercial 22185
lending institution for which payments are made by the 22186
superintendent of public instruction pursuant to division (E)(3) 22187
of section 3313.483 of the Revised Code, deduct an amount equal to 22188
such payments. 22189

(F)(1) If the district is a party to an agreement entered 22190
into under division (D), (E), or (F) of section 3311.06 or 22191
division (B) of section 3311.24 of the Revised Code and is 22192
obligated to make payments to another district under such an 22193
agreement, deduct an amount equal to such payments if the district 22194
school board notifies the department in writing that it wishes to 22195
have such payments deducted. 22196

(2) If the district is entitled to receive payments from 22197
another district that has notified the department to deduct such 22198
payments under division (F)(1) of this section, add the amount of 22199

such payments. 22200

(G) If the district is required to pay an amount of funds to 22201
a cooperative education district pursuant to a provision described 22202
by division (B)(4) of section 3311.52 or division (B)(8) of 22203
section 3311.521 of the Revised Code, deduct such amounts as 22204
provided under that provision and credit those amounts to the 22205
cooperative education district for payment to the district under 22206
division (B)(1) of section 3317.19 of the Revised Code. 22207

(H)(1) If a district is educating a student entitled to 22208
attend school in another district pursuant to a shared education 22209
contract, compact, or cooperative education agreement other than 22210
an agreement entered into pursuant to section 3313.842 of the 22211
Revised Code, credit to that educating district on an FTE basis 22212
both of the following: 22213

(a) An amount equal to the formula amount. 22214

(b) Any amount applicable to the student pursuant to section 22215
3317.013 or 3317.014 of the Revised Code. 22216

(2) Deduct any amount credited pursuant to division (H)(1) of 22217
this section from amounts paid to the school district in which the 22218
student is entitled to attend school pursuant to section 3313.64 22219
or 3313.65 of the Revised Code. 22220

(3) If the district is required by a shared education 22221
contract, compact, or cooperative education agreement to make 22222
payments to an educational service center, deduct the amounts from 22223
payments to the district and add them to the amounts paid to the 22224
service center ~~pursuant to section 3317.11 of the Revised Code.~~ 22225

(I)(1) If a district, including a joint vocational school 22226
district, is a lead district of a CTPD, credit to that district 22227
the amount calculated for each school district within that CTPD 22228
under division (A)(9) of section 3317.022 of the Revised Code or 22229
division (A)(6) of section 3317.16 of the Revised Code, as 22230

applicable. 22231

(2) Deduct from each appropriate district that is not a lead 22232
district, the amount attributable to that district that is 22233
credited to a lead district under division (I)(1) of this section. 22234

(J) If the department pays a joint vocational school district 22235
under division (C)(3) of section 3317.16 of the Revised Code for 22236
excess costs of providing special education and related services 22237
to a student with a disability, as calculated under division 22238
(C)(1) of that section, the department shall deduct the amount of 22239
that payment from the city, local, or exempted village school 22240
district that is responsible as specified in that section for the 22241
excess costs. 22242

(K)(1) If the district reports an amount of excess cost for 22243
special education services for a child under division (C) of 22244
section 3323.14 of the Revised Code, the department shall pay that 22245
amount to the district. 22246

(2) If the district reports an amount of excess cost for 22247
special education services for a child under division (C) of 22248
section 3323.14 of the Revised Code, the department shall deduct 22249
that amount from the district of residence of that child. 22250

Sec. 3317.028. (A) On or before May 15, 2007, and the 22251
fifteenth day of May in each calendar year thereafter, the tax 22252
commissioner shall determine for each school district whether the 22253
taxable value of all utility tangible personal property subject to 22254
taxation by the district in the preceding tax year was less ~~or~~ 22255
~~greater~~ than the taxable value of such property during the second 22256
preceding tax year. If any decrease exceeds ten per cent of the 22257
district's tangible personal property taxable value included in 22258
the total taxable value used in the district's state aid 22259
computation for the fiscal year that ends in the current calendar 22260
year, ~~or if any increase exceeds ten per cent of the district's~~ 22261

~~total taxable value used in the district's state education aid~~ 22262
~~computation for the fiscal year that ends in the current calendar~~ 22263
~~year,~~ the tax commissioner shall certify all of the following to 22264
the department of education and the office of budget and 22265
management: 22266

(1) The district's total taxable value for the preceding tax 22267
year; 22268

(2) The ~~decrease or increase~~ change in taxes charged and 22269
payable on the district's total taxable value for the preceding 22270
tax year and the second preceding tax year; 22271

(3) The taxable value of the utility tangible personal 22272
property ~~increase or~~ decrease, which shall be considered a change 22273
in valuation; 22274

(4) The ~~decrease or increase~~ change in taxes charged and 22275
payable on such change in taxable value calculated in the same 22276
manner as in division (A)(3) of section 3317.021 of the Revised 22277
Code. 22278

(B)~~(1)~~ Upon receipt of a certification specified in this 22279
section, the department of education shall replace the three-year 22280
average valuations that were used in computing the district's 22281
state education aid for the fiscal year that ends in the current 22282
calendar year with the taxable value certified under division 22283
(A)(1) of this section and shall recompute the state education aid 22284
for such fiscal year without applying any funding limitations 22285
enacted by the general assembly to the computation. ~~Subject to~~ 22286
~~division (B)(2) of this section, the~~ The department shall pay to 22287
~~or deduct from~~ the district an amount equal to the lesser of the 22288
following: 22289

~~(a)~~(1) The positive difference between the district's state 22290
education aid prior to the recomputation under this section and 22291
the district's recomputed state education aid; 22292

~~(b)(2) The increase or decrease absolute value of the amount~~ 22293
certified under division (A)(2) of this section. 22294

The payment date shall be determined by the director of 22295
budget and management. The director shall select a payment date 22296
that is not earlier than the first day of June of the current 22297
fiscal year and not later than the thirty-first day of July of the 22298
following fiscal year. The department of education shall not pay 22299
the district under this section prior to approval by the director 22300
of budget and management to make that payment. 22301

~~(2)(a) If an increase in the taxable value of the utility~~ 22302
~~tangible personal property is certified for a district under~~ 22303
~~division (A)(2) of this section, the department shall not make a~~ 22304
~~payment to the district under division (B)(1) of this section. The~~ 22305
~~department may, however, deduct funds from the district under~~ 22306
~~division (B)(1) of this section.~~ 22307

~~(b) If a decrease in the taxable value of the utility~~ 22308
~~tangible personal property is certified for a district under~~ 22309
~~division (A)(2) of this section, the department shall not deduct~~ 22310
~~funds from the district under division (B)(1) of this section. The~~ 22311
~~department may, however, make a payment to the district under~~ 22312
~~division (B)(1) of this section.~~ 22313

(C) If a school district received a grant from the 22314
catastrophic expenditures account pursuant to division (C) of 22315
section 3316.20 of the Revised Code on the basis of the same 22316
circumstances for which a recomputation is made under this 22317
section, the amount of the recomputation shall be reduced and 22318
transferred in accordance with division (C) of section 3316.20 of 22319
the Revised Code. 22320

Sec. 3317.0219. (A) As used in this section: 22321

(1) A district's "base per pupil amount" means the following: 22322

<u>(a) For a district in the highest quintile determined under</u>	22323
<u>division (B)(2) of this section, \$250, for fiscal year 2020, and</u>	22324
<u>\$360, for fiscal year 2021.</u>	22325
<u>(b) For a district in the second highest quintile determined</u>	22326
<u>under division (B)(2) of this section, \$200, for fiscal year 2020,</u>	22327
<u>and \$290, for fiscal year 2021.</u>	22328
<u>(c) For a district in the third highest quintile determined</u>	22329
<u>under division (B)(2) of this section, \$110, for fiscal year 2020,</u>	22330
<u>and \$155, for fiscal year 2021.</u>	22331
<u>(d) For a district in the fourth highest quintile determined</u>	22332
<u>under division (B)(2) of this section, \$50, for fiscal year 2020,</u>	22333
<u>and \$70, for fiscal year 2021.</u>	22334
<u>(e) For a district in the fifth highest quintile determined</u>	22335
<u>under division (B)(2) of this section, \$20, for fiscal year 2020,</u>	22336
<u>and \$30, for fiscal year 2021.</u>	22337
<u>(2) "Base poverty percentage" for a quintile determined under</u>	22338
<u>division (B)(2) of this section means the poverty percentage of</u>	22339
<u>the district ranked lowest in that quintile.</u>	22340
<u>(3) "Enrolled ADM" means, for a city, local, or exempted</u>	22341
<u>village school district, the enrollment reported under division</u>	22342
<u>(A) of section 3317.03 of the Revised Code, as verified by the</u>	22343
<u>superintendent of public instruction and adjusted if so ordered</u>	22344
<u>under division (K) of that section, and as further adjusted by the</u>	22345
<u>department of education, as follows:</u>	22346
<u>(a) Add the students counted under division (A)(1)(b) of</u>	22347
<u>section 3317.03 of the Revised Code.</u>	22348
<u>(b) Subtract the students counted under divisions (A)(2)(a),</u>	22349
<u>(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised</u>	22350
<u>Code.</u>	22351
<u>(c) Subtract the students counted under division (A)(3) of</u>	22352

section 3317.03 of the Revised Code. 22353

(B) Subject to division (D) of this section, for fiscal years 22354
2020 and 2021, the department of education shall calculate and pay 22355
student wellness and success funds to city, local, and exempted 22356
village school districts as follows: 22357

(1) Using the most recent five-year estimates published by 22358
the United States census bureau in the American community survey 22359
or its successor report, compute the poverty percentage for each 22360
district, which equals the following quotient: 22361
The number of children younger than eighteen years old residing in 22362
the district who live in a household with a family income below 22363
one hundred eighty-five per cent of the federal poverty 22364
guidelines, as defined in section 5101.46 of the Revised Code / 22365
the total number of children younger than eighteen years old 22366
residing in the district 22367

(2) Rank all city, local, and exempted village school 22368
districts in order of poverty percentage calculated under division 22369
(B)(1) of this section, from the district with the highest 22370
percentage to the district with the lowest percentage, and group 22371
the districts into quintiles. 22372

(3) Determine each district's enrolled ADM that was used for 22373
the second payment under Chapter 3317. of the Revised Code in June 22374
of the immediately preceding fiscal year. If a district's enrolled 22375
ADM that was used for the second payment under Chapter 3317. of 22376
the Revised Code in June of the immediately preceding fiscal year 22377
is determined to be less than five, the district's enrolled ADM, 22378
for purposes of computations under this section, shall be zero. 22379

(4) For each district that is not in the highest quintile 22380
determined under division (B)(2) of this section, compute the 22381
district's scaled amount, which is equal to the following 22382
quotient: 22383

[(The district's poverty percentage computed under division (B)(1) 22384
of this section - the base poverty percentage of the district's 22385
quintile) / (the base poverty percentage of the quintile that is 22386
the next highest quintile compared to the district's quintile - 22387
the base poverty percentage of the district's quintile)] X (the 22388
base per pupil amount for a district in the quintile that is the 22389
next highest quintile compared to the district's quintile - the 22390
district's base per pupil amount) 22391

(5) Compute a district's payment as follows: 22392

(a) Subject to division (B)(5)(c) of this section, if a 22393
district is in the highest quintile determined under division 22394
(B)(2) of this section, the district's payment shall be equal to 22395
the following amount: 22396

The district's base per pupil amount for that fiscal year X the 22397
district's enrolled ADM determined under division (B)(3) of this 22398
section 22399

(b) Subject to division (B)(5)(c) of this section, if a 22400
district is not in the highest quintile determined under division 22401
(B)(2) of this section, the district's payment shall be equal to 22402
the following amount: 22403

(The district's base per pupil amount for that fiscal year + the 22404
district's scaled amount computed under division (B)(4) of this 22405
section for that fiscal year) X the district's enrolled ADM 22406
determined under division (B)(3) of this section 22407

(c) If the computation of a district's payment under division 22408
(B)(5)(a) or (b) of this section is greater than zero but less 22409
than \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 22410
2021, the district's payment shall be equal to \$25,000, for fiscal 22411
year 2020, or \$36,000, for fiscal year 2021. 22412

If the computation of a district's payment under division 22413
(B)(5)(a) or (b) of this section is equal to zero, the district's 22414
payment shall be equal to zero. 22415

(C)(1) As used in division (C) of this section: 22416

(a) "Eligible school district" means a city, local, or 22417
exempted village school district that received supplemental 22418
targeted assistance funding under division (B) of section 22419
3317.0217 of the Revised Code for fiscal year 2019. 22420

(b) A district's "enhancement percentage for a fiscal year" 22421
means the square of the quotient of the poverty percentage 22422
calculated for the district for that fiscal year under division 22423
(B)(1) of this section divided by 0.36. 22424

(2) Subject to division (D) of this section, for fiscal years 22425
2020 and 2021, the department shall pay student wellness and 22426
success enhancement funds to each eligible city, local, and 22427
exempted village school district in an amount equal to the 22428
following product: 22429

(\$50, for fiscal year 2020, or \$75, for fiscal year 2021) X the 22430
district's enhancement percentage for that fiscal year X the 22431
district's enrolled ADM that was used for the second payment under 22432
Chapter 3317. of the Revised Code in June of the immediately 22433
preceding fiscal year 22434

(D) The department shall pay funds under divisions (B) and 22435
(C) of this section as follows: 22436

(1) One-half of the amount shall be paid not later than the 22437
thirty-first day of October of the fiscal year for which the 22438
payment is calculated. 22439

(2) One-half of the amount shall be paid not later than the 22440
twenty-eighth day of February of the fiscal year for which the 22441
payment is calculated. 22442

Upon making a payment for a fiscal year under this section, 22443
the department shall not make any reconciliations or adjustments 22444
to that payment. 22445

(E) A city, local, or exempted village school district that 22446
receives a payment under this section shall comply with section 22447
3317.26 of the Revised Code. 22448

Sec. 3317.03. (A) The superintendent of each city, local, and 22449
exempted village school district shall report to the state board 22450
of education as of the last day of October, March, and June of 22451
each year the enrollment of students receiving services from 22452
schools under the superintendent's supervision, and the numbers of 22453
other students entitled to attend school in the district under 22454
section 3313.64 or 3313.65 of the Revised Code the superintendent 22455
is required to report under this section, so that the department 22456
of education can calculate the district's formula ADM, total ADM, 22457
category one through five career-technical education ADM, category 22458
one through three ~~limited~~ English ~~proficient~~ learner ADM, category 22459
one through six special education ADM, preschool scholarship ADM, 22460
transportation ADM, and, for purposes of provisions of law outside 22461
of Chapter 3317. of the Revised Code, average daily membership. 22462

(1) The enrollment reported by the superintendent during the 22463
reporting period shall consist of the number of students in grades 22464
kindergarten through twelve receiving any educational services 22465
from the district, except that the following categories of 22466
students shall not be included in the determination: 22467

(a) Students enrolled in adult education classes; 22468

(b) Adjacent or other district students enrolled in the 22469
district under an open enrollment policy pursuant to section 22470
3313.98 of the Revised Code; 22471

(c) Students receiving services in the district pursuant to a 22472
compact, cooperative education agreement, or a contract, but who 22473
are entitled to attend school in another district pursuant to 22474
section 3313.64 or 3313.65 of the Revised Code; 22475

(d) Students for whom tuition is payable pursuant to sections 22476
3317.081 and 3323.141 of the Revised Code; 22477

(e) Students receiving services in the district through a 22478
scholarship awarded under either section 3310.41 or sections 22479
3310.51 to 3310.64 of the Revised Code. 22480

When reporting students under division (A)(1) of this 22481
section, the superintendent also shall report the district where 22482
each student is entitled to attend school pursuant to sections 22483
3313.64 and 3313.65 of the Revised Code. 22484

(2) The department of education shall compile a list of all 22485
students reported to be enrolled in a district under division 22486
(A)(1) of this section and of the students entitled to attend 22487
school in the district pursuant to section 3313.64 or 3313.65 of 22488
the Revised Code on an FTE basis but receiving educational 22489
services in grades kindergarten through twelve from one or more of 22490
the following entities: 22491

(a) A community school pursuant to Chapter 3314. of the 22492
Revised Code, including any participation in a college pursuant to 22493
Chapter 3365. of the Revised Code while enrolled in such community 22494
school; 22495

(b) An alternative school pursuant to sections 3313.974 to 22496
3313.979 of the Revised Code as described in division (I)(2)(a) or 22497
(b) of this section; 22498

(c) A college pursuant to Chapter 3365. of the Revised Code, 22499
except when the student is enrolled in the college while also 22500
enrolled in a community school pursuant to Chapter 3314., a 22501
science, technology, engineering, and mathematics school 22502
established under Chapter 3326., or a college-preparatory boarding 22503
school established under Chapter 3328. of the Revised Code; 22504

(d) An adjacent or other school district under an open 22505
enrollment policy adopted pursuant to section 3313.98 of the 22506

Revised Code;	22507
(e) An educational service center or cooperative education	22508
district;	22509
(f) Another school district under a cooperative education	22510
agreement, compact, or contract;	22511
(g) A chartered nonpublic school with a scholarship paid	22512
under section 3310.08 of the Revised Code, if the students	22513
qualified for the scholarship under section 3310.03 of the Revised	22514
Code;	22515
(h) An alternative public provider or a registered private	22516
provider with a scholarship awarded under either section 3310.41	22517
or sections 3310.51 to 3310.64 of the Revised Code.	22518
As used in this section, "alternative public provider" and	22519
"registered private provider" have the same meanings as in section	22520
3310.41 or 3310.51 of the Revised Code, as applicable.	22521
(i) A science, technology, engineering, and mathematics	22522
school established under Chapter 3326. of the Revised Code,	22523
including any participation in a college pursuant to Chapter 3365.	22524
of the Revised Code while enrolled in the school;	22525
(j) A college-preparatory boarding school established under	22526
Chapter 3328. of the Revised Code, including any participation in	22527
a college pursuant to Chapter 3365. of the Revised Code while	22528
enrolled in the school.	22529
(3) The department also shall compile a list of the students	22530
entitled to attend school in the district under section 3313.64 or	22531
3313.65 of the Revised Code who are enrolled in a joint vocational	22532
school district or under a career-technical education compact,	22533
excluding any students so entitled to attend school in the	22534
district who are enrolled in another school district through an	22535
open enrollment policy as reported under division (A)(2)(d) of	22536

this section and then enroll in a joint vocational school district 22537
or under a career-technical education compact. 22538

The department shall provide each city, local, and exempted 22539
village school district with an opportunity to review the list of 22540
students compiled under divisions (A)(2) and (3) of this section 22541
to ensure that the students reported accurately reflect the 22542
enrollment of students in the district. 22543

(B) To enable the department of education to obtain the data 22544
needed to complete the calculation of payments pursuant to this 22545
chapter, each superintendent shall certify from the reports 22546
provided by the department under division (A) of this section all 22547
of the following: 22548

(1) The total student enrollment in regular learning day 22549
classes included in the report under division (A)(1) or (2) of 22550
this section for each of the individual grades kindergarten 22551
through twelve in schools under the superintendent's supervision; 22552

(2) The unduplicated count of the number of preschool 22553
children with disabilities enrolled in the district for whom the 22554
district is eligible to receive funding under section 3317.0213 of 22555
the Revised Code adjusted for the portion of the year each child 22556
is so enrolled, in accordance with the disability categories 22557
prescribed in section 3317.013 of the Revised Code; 22558

(3) The number of children entitled to attend school in the 22559
district pursuant to section 3313.64 or 3313.65 of the Revised 22560
Code who are: 22561

(a) Participating in a pilot project scholarship program 22562
established under sections 3313.974 to 3313.979 of the Revised 22563
Code as described in division (I)(2)(a) or (b) of this section; 22564

(b) Enrolled in a college under Chapter 3365. of the Revised 22565
Code, except when the student is enrolled in the college while 22566
also enrolled in a community school pursuant to Chapter 3314. of 22567

the Revised Code, a science, technology, engineering, and	22568
mathematics school established under Chapter 3326., or a	22569
college-preparatory boarding school established under Chapter	22570
3328. of the Revised Code;	22571
(c) Enrolled in an adjacent or other school district under	22572
section 3313.98 of the Revised Code;	22573
(d) Enrolled in a community school established under Chapter	22574
3314. of the Revised Code that is not an internet- or	22575
computer-based community school as defined in section 3314.02 of	22576
the Revised Code, including any participation in a college	22577
pursuant to Chapter 3365. of the Revised Code while enrolled in	22578
such community school;	22579
(e) Enrolled in an internet- or computer-based community	22580
school, as defined in section 3314.02 of the Revised Code,	22581
including any participation in a college pursuant to Chapter 3365.	22582
of the Revised Code while enrolled in the school;	22583
(f) Enrolled in a chartered nonpublic school with a	22584
scholarship paid under section 3310.08 of the Revised Code and who	22585
qualified for the scholarship under section 3310.03 of the Revised	22586
Code;	22587
(g) Enrolled in kindergarten through grade twelve in an	22588
alternative public provider or a registered private provider with	22589
a scholarship awarded under section 3310.41 of the Revised Code;	22590
(h) Enrolled as a preschool child with a disability in an	22591
alternative public provider or a registered private provider with	22592
a scholarship awarded under section 3310.41 of the Revised Code;	22593
(i) Participating in a program operated by a county board of	22594
developmental disabilities or a state institution;	22595
(j) Enrolled in a science, technology, engineering, and	22596
mathematics school established under Chapter 3326. of the Revised	22597

Code, including any participation in a college pursuant to Chapter	22598
3365. of the Revised Code while enrolled in the school;	22599
(k) Enrolled in a college-preparatory boarding school	22600
established under Chapter 3328. of the Revised Code, including any	22601
participation in a college pursuant to Chapter 3365. of the	22602
Revised Code while enrolled in the school;	22603
(1) Enrolled in an alternative public provider or a	22604
registered private provider with a scholarship awarded under	22605
sections 3310.51 to 3310.64 of the Revised Code.	22606
(4) The total enrollment of pupils in joint vocational	22607
schools;	22608
(5) The combined enrollment of children with disabilities	22609
reported under division (A)(1) or (2) of this section receiving	22610
special education services for the category one disability	22611
described in division (A) of section 3317.013 of the Revised Code,	22612
including children attending a special education program operated	22613
by an alternative public provider or a registered private provider	22614
with a scholarship awarded under sections 3310.51 to 3310.64 of	22615
the Revised Code;	22616
(6) The combined enrollment of children with disabilities	22617
reported under division (A)(1) or (2) of this section receiving	22618
special education services for category two disabilities described	22619
in division (B) of section 3317.013 of the Revised Code, including	22620
children attending a special education program operated by an	22621
alternative public provider or a registered private provider with	22622
a scholarship awarded under sections 3310.51 to 3310.64 of the	22623
Revised Code;	22624
(7) The combined enrollment of children with disabilities	22625
reported under division (A)(1) or (2) of this section receiving	22626
special education services for category three disabilities	22627
described in division (C) of section 3317.013 of the Revised Code,	22628

including children attending a special education program operated 22629
by an alternative public provider or a registered private provider 22630
with a scholarship awarded under sections 3310.51 to 3310.64 of 22631
the Revised Code; 22632

(8) The combined enrollment of children with disabilities 22633
reported under division (A)(1) or (2) of this section receiving 22634
special education services for category four disabilities 22635
described in division (D) of section 3317.013 of the Revised Code, 22636
including children attending a special education program operated 22637
by an alternative public provider or a registered private provider 22638
with a scholarship awarded under sections 3310.51 to 3310.64 of 22639
the Revised Code; 22640

(9) The combined enrollment of children with disabilities 22641
reported under division (A)(1) or (2) of this section receiving 22642
special education services for the category five disabilities 22643
described in division (E) of section 3317.013 of the Revised Code, 22644
including children attending a special education program operated 22645
by an alternative public provider or a registered private provider 22646
with a scholarship awarded under sections 3310.51 to 3310.64 of 22647
the Revised Code; 22648

(10) The combined enrollment of children with disabilities 22649
reported under division (A)(1) or (2) and under division (B)(3)(h) 22650
of this section receiving special education services for category 22651
six disabilities described in division (F) of section 3317.013 of 22652
the Revised Code, including children attending a special education 22653
program operated by an alternative public provider or a registered 22654
private provider with a scholarship awarded under either section 22655
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 22656

(11) The enrollment of pupils reported under division (A)(1) 22657
or (2) of this section on a full-time equivalency basis in 22658
category one career-technical education programs or classes, 22659
described in division (A) of section 3317.014 of the Revised Code, 22660

operated by the school district or by another district that is a 22661
member of the district's career-technical planning district, other 22662
than a joint vocational school district, or by an educational 22663
service center, notwithstanding division (G) of section 3317.02 of 22664
the Revised Code and division (C)(3) of this section; 22665

(12) The enrollment of pupils reported under division (A)(1) 22666
or (2) of this section on a full-time equivalency basis in 22667
category two career-technical education programs or services, 22668
described in division (B) of section 3317.014 of the Revised Code, 22669
operated by the school district or another school district that is 22670
a member of the district's career-technical planning district, 22671
other than a joint vocational school district, or by an 22672
educational service center, notwithstanding division (G) of 22673
section 3317.02 of the Revised Code and division (C)(3) of this 22674
section; 22675

(13) The enrollment of pupils reported under division (A)(1) 22676
or (2) of this section on a full-time equivalency basis in 22677
category three career-technical education programs or services, 22678
described in division (C) of section 3317.014 of the Revised Code, 22679
operated by the school district or another school district that is 22680
a member of the district's career-technical planning district, 22681
other than a joint vocational school district, or by an 22682
educational service center, notwithstanding division (G) of 22683
section 3317.02 of the Revised Code and division (C)(3) of this 22684
section; 22685

(14) The enrollment of pupils reported under division (A)(1) 22686
or (2) of this section on a full-time equivalency basis in 22687
category four career-technical education programs or services, 22688
described in division (D) of section 3317.014 of the Revised Code, 22689
operated by the school district or another school district that is 22690
a member of the district's career-technical planning district, 22691
other than a joint vocational school district, or by an 22692

educational service center, notwithstanding division (G) of 22693
section 3317.02 of the Revised Code and division (C)(3) of this 22694
section; 22695

(15) The enrollment of pupils reported under division (A)(1) 22696
or (2) of this section on a full-time equivalency basis in 22697
category five career-technical education programs or services, 22698
described in division (E) of section 3317.014 of the Revised Code, 22699
operated by the school district or another school district that is 22700
a member of the district's career-technical planning district, 22701
other than a joint vocational school district, or by an 22702
educational service center, notwithstanding division (G) of 22703
section 3317.02 of the Revised Code and division (C)(3) of this 22704
section; 22705

(16) The enrollment of pupils reported under division (A)(1) 22706
or (2) of this section who are ~~limited English proficient students~~ 22707
learners described in division (A) of section 3317.016 of the 22708
Revised Code, excluding any student reported under division 22709
(B)(3)(e) of this section as enrolled in an internet- or 22710
computer-based community school; 22711

(17) The enrollment of pupils reported under division (A)(1) 22712
or (2) of this section who are ~~limited English proficient students~~ 22713
learners described in division (B) of section 3317.016 of the 22714
Revised Code, excluding any student reported under division 22715
(B)(3)(e) of this section as enrolled in an internet- or 22716
computer-based community school; 22717

(18) The enrollment of pupils reported under division (A)(1) 22718
or (2) of this section who are ~~limited English proficient students~~ 22719
learners described in division (C) of section 3317.016 of the 22720
Revised Code, excluding any student reported under division 22721
(B)(3)(e) of this section as enrolled in an internet- or 22722
computer-based community school; 22723

(19) The average number of children transported during the 22724
reporting period by the school district on board-owned or 22725
contractor-owned and -operated buses, reported in accordance with 22726
rules adopted by the department of education; 22727

(20)(a) The number of children, other than preschool children 22728
with disabilities, the district placed with a county board of 22729
developmental disabilities in fiscal year 1998. Division 22730
(B)(20)(a) of this section does not apply after fiscal year 2013. 22731

(b) The number of children with disabilities, other than 22732
preschool children with disabilities, placed with a county board 22733
of developmental disabilities in the current fiscal year to 22734
receive special education services for the category one disability 22735
described in division (A) of section 3317.013 of the Revised Code; 22736

(c) The number of children with disabilities, other than 22737
preschool children with disabilities, placed with a county board 22738
of developmental disabilities in the current fiscal year to 22739
receive special education services for category two disabilities 22740
described in division (B) of section 3317.013 of the Revised Code; 22741

(d) The number of children with disabilities, other than 22742
preschool children with disabilities, placed with a county board 22743
of developmental disabilities in the current fiscal year to 22744
receive special education services for category three disabilities 22745
described in division (C) of section 3317.013 of the Revised Code; 22746

(e) The number of children with disabilities, other than 22747
preschool children with disabilities, placed with a county board 22748
of developmental disabilities in the current fiscal year to 22749
receive special education services for category four disabilities 22750
described in division (D) of section 3317.013 of the Revised Code; 22751

(f) The number of children with disabilities, other than 22752
preschool children with disabilities, placed with a county board 22753
of developmental disabilities in the current fiscal year to 22754

receive special education services for the category five 22755
disabilities described in division (E) of section 3317.013 of the 22756
Revised Code; 22757

(g) The number of children with disabilities, other than 22758
preschool children with disabilities, placed with a county board 22759
of developmental disabilities in the current fiscal year to 22760
receive special education services for category six disabilities 22761
described in division (F) of section 3317.013 of the Revised Code. 22762

(21) The enrollment of students who are economically 22763
disadvantaged, as defined by the department, excluding any student 22764
reported under division (B)(3)(e) of this section as enrolled in 22765
an internet- or computer-based community school. A student shall 22766
not be categorically excluded from the number reported under 22767
division (B)(21) of this section based on anything other than 22768
family income. 22769

(C)(1) The state board of education shall adopt rules 22770
necessary for implementing divisions (A), (B), and (D) of this 22771
section. 22772

(2) A student enrolled in a community school established 22773
under Chapter 3314., a science, technology, engineering, and 22774
mathematics school established under Chapter 3326., or a 22775
college-preparatory boarding school established under Chapter 22776
3328. of the Revised Code shall be counted in the formula ADM and, 22777
if applicable, the category one, two, three, four, five, or six 22778
special education ADM of the school district in which the student 22779
is entitled to attend school under section 3313.64 or 3313.65 of 22780
the Revised Code for the same proportion of the school year that 22781
the student is counted in the enrollment of the community school, 22782
the science, technology, engineering, and mathematics school, or 22783
the college-preparatory boarding school for purposes of section 22784
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 22785
the enrollment of students certified pursuant to division 22786

(B)(3)(d), (e), (j), or (k) of this section, the department may 22787
adjust the formula ADM of a school district to account for 22788
students entitled to attend school in the district under section 22789
3313.64 or 3313.65 of the Revised Code who are enrolled in a 22790
community school, a science, technology, engineering, and 22791
mathematics school, or a college-preparatory boarding school for 22792
only a portion of the school year. 22793

(3) No child shall be counted as more than a total of one 22794
child in the sum of the enrollment of students of a school 22795
district under division (A), divisions (B)(1) to (22), or division 22796
(D) of this section, except as follows: 22797

(a) A child with a disability described in section 3317.013 22798
of the Revised Code may be counted both in formula ADM and in 22799
category one, two, three, four, five, or six special education ADM 22800
and, if applicable, in category one, two, three, four, or five 22801
career-technical education ADM. As provided in division (G) of 22802
section 3317.02 of the Revised Code, such a child shall be counted 22803
in category one, two, three, four, five, or six special education 22804
ADM in the same proportion that the child is counted in formula 22805
ADM. 22806

(b) A child enrolled in career-technical education programs 22807
or classes described in section 3317.014 of the Revised Code may 22808
be counted both in formula ADM and category one, two, three, four, 22809
or five career-technical education ADM and, if applicable, in 22810
category one, two, three, four, five, or six special education 22811
ADM. Such a child shall be counted in category one, two, three, 22812
four, or five career-technical education ADM in the same 22813
proportion as the percentage of time that the child spends in the 22814
career-technical education programs or classes. 22815

(4) Based on the information reported under this section, the 22816
department of education shall determine the total student count, 22817
as defined in section 3301.011 of the Revised Code, for each 22818

school district. 22819

(D)(1) The superintendent of each joint vocational school 22820
district shall report and certify to the superintendent of public 22821
instruction as of the last day of October, March, and June of each 22822
year the enrollment of students receiving services from schools 22823
under the superintendent's supervision so that the department can 22824
calculate the district's formula ADM, total ADM, category one 22825
through five career-technical education ADM, category one through 22826
three ~~limited~~ English ~~proficient~~ learner ADM, category one through 22827
six special education ADM, and for purposes of provisions of law 22828
outside of Chapter 3317. of the Revised Code, average daily 22829
membership. 22830

The enrollment reported and certified by the superintendent, 22831
except as otherwise provided in this division, shall consist of 22832
the ~~the~~ number of students in grades six through twelve receiving 22833
any educational services from the district, except that the 22834
following categories of students shall not be included in the 22835
determination: 22836

(a) Students enrolled in adult education classes; 22837

(b) Adjacent or other district joint vocational students 22838
enrolled in the district under an open enrollment policy pursuant 22839
to section 3313.98 of the Revised Code; 22840

(c) Students receiving services in the district pursuant to a 22841
compact, cooperative education agreement, or a contract, but who 22842
are entitled to attend school in a city, local, or exempted 22843
village school district whose territory is not part of the 22844
territory of the joint vocational district; 22845

(d) Students for whom tuition is payable pursuant to sections 22846
3317.081 and 3323.141 of the Revised Code. 22847

(2) To enable the department of education to obtain the data 22848
needed to complete the calculation of payments pursuant to this 22849

chapter, each superintendent shall certify from the report	22850
provided under division (D)(1) of this section the enrollment for	22851
each of the following categories of students:	22852
(a) Students enrolled in each individual grade included in	22853
the joint vocational district schools;	22854
(b) Children with disabilities receiving special education	22855
services for the category one disability described in division (A)	22856
of section 3317.013 of the Revised Code;	22857
(c) Children with disabilities receiving special education	22858
services for the category two disabilities described in division	22859
(B) of section 3317.013 of the Revised Code;	22860
(d) Children with disabilities receiving special education	22861
services for category three disabilities described in division (C)	22862
of section 3317.013 of the Revised Code;	22863
(e) Children with disabilities receiving special education	22864
services for category four disabilities described in division (D)	22865
of section 3317.013 of the Revised Code;	22866
(f) Children with disabilities receiving special education	22867
services for the category five disabilities described in division	22868
(E) of section 3317.013 of the Revised Code;	22869
(g) Children with disabilities receiving special education	22870
services for category six disabilities described in division (F)	22871
of section 3317.013 of the Revised Code;	22872
(h) Students receiving category one career-technical	22873
education services, described in division (A) of section 3317.014	22874
of the Revised Code;	22875
(i) Students receiving category two career-technical	22876
education services, described in division (B) of section 3317.014	22877
of the Revised Code;	22878
(j) Students receiving category three career-technical	22879

education services, described in division (C) of section 3317.014 22880
of the Revised Code; 22881

(k) Students receiving category four career-technical 22882
education services, described in division (D) of section 3317.014 22883
of the Revised Code; 22884

(l) Students receiving category five career-technical 22885
education services, described in division (E) of section 3317.014 22886
of the Revised Code; 22887

(m) ~~Limited English proficient students~~ learners described in 22888
division (A) of section 3317.016 of the Revised Code; 22889

(n) ~~Limited English proficient students~~ learners described in 22890
division (B) of section 3317.016 of the Revised Code; 22891

(o) ~~Limited English proficient students~~ learners described in 22892
division (C) of section 3317.016 of the Revised Code; 22893

(p) Students who are economically disadvantaged, as defined 22894
by the department. A student shall not be categorically excluded 22895
from the number reported under division (D)(2)(p) of this section 22896
based on anything other than family income. 22897

The superintendent of each joint vocational school district 22898
shall also indicate the city, local, or exempted village school 22899
district in which each joint vocational district pupil is entitled 22900
to attend school pursuant to section 3313.64 or 3313.65 of the 22901
Revised Code. 22902

(E) In each school of each city, local, exempted village, 22903
joint vocational, and cooperative education school district there 22904
shall be maintained a record of school enrollment, which record 22905
shall accurately show, for each day the school is in session, the 22906
actual enrollment in regular day classes. For the purpose of 22907
determining the enrollment of students, the enrollment figure of 22908
any school shall not include any pupils except those pupils 22909

described by division (A) of this section. The record of 22910
enrollment for each school shall be maintained in such manner that 22911
no pupil shall be counted as enrolled prior to the actual date of 22912
entry in the school and also in such manner that where for any 22913
cause a pupil permanently withdraws from the school that pupil 22914
shall not be counted as enrolled from and after the date of such 22915
withdrawal. There shall not be included in the enrollment of any 22916
school any of the following: 22917

(1) Any pupil who has graduated from the twelfth grade of a 22918
public or nonpublic high school; 22919

(2) Any pupil who is not a resident of the state; 22920

(3) Any pupil who was enrolled in the schools of the district 22921
during the previous school year when assessments were administered 22922
under section 3301.0711 of the Revised Code but did not take one 22923
or more of the assessments required by that section and was not 22924
excused pursuant to division (C)(1) or (3) of that section; 22925

(4) Any pupil who has attained the age of twenty-two years, 22926
except for veterans of the armed services whose attendance was 22927
interrupted before completing the recognized twelve-year course of 22928
the public schools by reason of induction or enlistment in the 22929
armed forces and who apply for reenrollment in the public school 22930
system of their residence not later than four years after 22931
termination of war or their honorable discharge; 22932

(5) Any pupil who has a certificate of high school 22933
equivalence as defined in section 5107.40 of the Revised Code. 22934

If, however, any veteran described by division (E)(4) of this 22935
section elects to enroll in special courses organized for veterans 22936
for whom tuition is paid under the provisions of federal laws, or 22937
otherwise, that veteran shall not be included in the enrollment of 22938
students determined under this section. 22939

Notwithstanding division (E)(3) of this section, the 22940

enrollment of any school may include a pupil who did not take an 22941
assessment required by section 3301.0711 of the Revised Code if 22942
the superintendent of public instruction grants a waiver from the 22943
requirement to take the assessment to the specific pupil and a 22944
parent is not paying tuition for the pupil pursuant to section 22945
3313.6410 of the Revised Code. The superintendent may grant such a 22946
waiver only for good cause in accordance with rules adopted by the 22947
state board of education. 22948

The formula ADM, total ADM, category one through five 22949
career-technical education ADM, category one through three ~~limited~~ 22950
English ~~proficient learner~~ ADM, category one through six special 22951
education ADM, preschool scholarship ADM, transportation ADM, and, 22952
for purposes of provisions of law outside of Chapter 3317. of the 22953
Revised Code, average daily membership of any school district 22954
shall be determined in accordance with rules adopted by the state 22955
board of education. 22956

(F)(1) If a student attending a community school under 22957
Chapter 3314., a science, technology, engineering, and mathematics 22958
school established under Chapter 3326., or a college-preparatory 22959
boarding school established under Chapter 3328. of the Revised 22960
Code is not included in the formula ADM calculated for the school 22961
district in which the student is entitled to attend school under 22962
section 3313.64 or 3313.65 of the Revised Code, the department of 22963
education shall adjust the formula ADM of that school district to 22964
include the student in accordance with division (C)(2) of this 22965
section, and shall recalculate the school district's payments 22966
under this chapter for the entire fiscal year on the basis of that 22967
adjusted formula ADM. 22968

(2) If a student awarded an educational choice scholarship is 22969
not included in the formula ADM of the school district from which 22970
the department deducts funds for the scholarship under section 22971
3310.08 of the Revised Code, the department shall adjust the 22972

formula ADM of that school district to include the student to the 22973
extent necessary to account for the deduction, and shall 22974
recalculate the school district's payments under this chapter for 22975
the entire fiscal year on the basis of that adjusted formula ADM. 22976

(3) If a student awarded a scholarship under the Jon Peterson 22977
special needs scholarship program is not included in the formula 22978
ADM of the school district from which the department deducts funds 22979
for the scholarship under section 3310.55 of the Revised Code, the 22980
department shall adjust the formula ADM of that school district to 22981
include the student to the extent necessary to account for the 22982
deduction, and shall recalculate the school district's payments 22983
under this chapter for the entire fiscal year on the basis of that 22984
adjusted formula ADM. 22985

(G)(1)(a) The superintendent of an institution operating a 22986
special education program pursuant to section 3323.091 of the 22987
Revised Code shall, for the programs under such superintendent's 22988
supervision, certify to the state board of education, in the 22989
manner prescribed by the superintendent of public instruction, 22990
both of the following: 22991

(i) The unduplicated count of the number of all children with 22992
disabilities other than preschool children with disabilities 22993
receiving services at the institution for each category of 22994
disability described in divisions (A) to (F) of section 3317.013 22995
of the Revised Code adjusted for the portion of the year each 22996
child is so enrolled; 22997

(ii) The unduplicated count of the number of all preschool 22998
children with disabilities in classes or programs for whom the 22999
district is eligible to receive funding under section 3317.0213 of 23000
the Revised Code adjusted for the portion of the year each child 23001
is so enrolled, reported according to the categories prescribed in 23002
section 3317.013 of the Revised Code. 23003

(b) The superintendent of an institution with 23004
career-technical education units approved under section 3317.05 of 23005
the Revised Code shall, for the units under the superintendent's 23006
supervision, certify to the state board of education the 23007
enrollment in those units, in the manner prescribed by the 23008
superintendent of public instruction. 23009

(2) The superintendent of each county board of developmental 23010
disabilities that maintains special education classes under 23011
section 3317.20 of the Revised Code or provides services to 23012
preschool children with disabilities pursuant to an agreement 23013
between the county board and the appropriate school district shall 23014
do both of the following: 23015

(a) Certify to the state board, in the manner prescribed by 23016
the board, the enrollment in classes under section 3317.20 of the 23017
Revised Code for each school district that has placed children in 23018
the classes; 23019

(b) Certify to the state board, in the manner prescribed by 23020
the board, the unduplicated count of the number of all preschool 23021
children with disabilities enrolled in classes for which the ~~DD~~ 23022
board is eligible to receive funding under section 3317.0213 of 23023
the Revised Code adjusted for the portion of the year each child 23024
is so enrolled, reported according to the categories prescribed in 23025
section 3317.013 of the Revised Code, and the number of those 23026
classes. 23027

(H) Except as provided in division (I) of this section, when 23028
any city, local, or exempted village school district provides 23029
instruction for a nonresident pupil whose attendance is 23030
unauthorized attendance as defined in section 3327.06 of the 23031
Revised Code, that pupil's enrollment shall not be included in 23032
that district's enrollment figure used in calculating the 23033
district's payments under this chapter. The reporting official 23034
shall report separately the enrollment of all pupils whose 23035

attendance in the district is unauthorized attendance, and the 23036
enrollment of each such pupil shall be credited to the school 23037
district in which the pupil is entitled to attend school under 23038
division (B) of section 3313.64 or section 3313.65 of the Revised 23039
Code as determined by the department of education. 23040

(I)(1) A city, local, exempted village, or joint vocational 23041
school district admitting a scholarship student of a pilot project 23042
district pursuant to division (C) of section 3313.976 of the 23043
Revised Code may count such student in its enrollment. 23044

(2) In any year for which funds are appropriated for pilot 23045
project scholarship programs, a school district implementing a 23046
state-sponsored pilot project scholarship program that year 23047
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 23048
count in its enrollment: 23049

(a) All children residing in the district and utilizing a 23050
scholarship to attend kindergarten in any alternative school, as 23051
defined in section 3313.974 of the Revised Code; 23052

(b) All children who were enrolled in the district in the 23053
preceding year who are utilizing a scholarship to attend an 23054
alternative school. 23055

(J) The superintendent of each cooperative education school 23056
district shall certify to the superintendent of public 23057
instruction, in a manner prescribed by the state board of 23058
education, the applicable enrollments for all students in the 23059
cooperative education district, also indicating the city, local, 23060
or exempted village district where each pupil is entitled to 23061
attend school under section 3313.64 or 3313.65 of the Revised 23062
Code. 23063

(K) If the superintendent of public instruction determines 23064
that a component of the enrollment certified or reported by a 23065
district superintendent, or other reporting entity, is not 23066

correct, the superintendent of public instruction may order that 23067
the formula ADM used for the purposes of payments under any 23068
section of Title XXXIII of the Revised Code be adjusted in the 23069
amount of the error. 23070

Sec. 3317.06. Moneys paid to school districts under division 23071
(E)(1) of section 3317.024 of the Revised Code shall be used for 23072
the following independent and fully severable purposes: 23073

(A) To purchase such secular textbooks or digital texts as 23074
have been approved by the superintendent of public instruction for 23075
use in public schools in the state and to loan such textbooks or 23076
digital texts to pupils attending nonpublic schools within the 23077
district described in division (E)(1) of section 3317.024 of the 23078
Revised Code or to their parents and to hire clerical personnel to 23079
administer such lending program. Such loans shall be based upon 23080
individual requests submitted by such nonpublic school pupils or 23081
parents. Such requests shall be submitted to the school district 23082
in which the nonpublic school is located. Such individual requests 23083
for the loan of textbooks or digital texts shall, for 23084
administrative convenience, be submitted by the nonpublic school 23085
pupil or the pupil's parent to the nonpublic school, which shall 23086
prepare and submit collective summaries of the individual requests 23087
to the school district. As used in this section: 23088

(1) "Textbook" means any book or book substitute that a pupil 23089
uses as a consumable or nonconsumable text, text substitute, or 23090
text supplement in a particular class or program in the school the 23091
pupil regularly attends. 23092

(2) "Digital text" means a consumable book or book substitute 23093
that a student accesses through the use of a computer or other 23094
electronic medium or that is available through an internet-based 23095
provider of course content, or any other material that contributes 23096
to the learning process through electronic means. 23097

(B) To provide speech and hearing diagnostic services to 23098
pupils attending nonpublic schools within the district described 23099
in division (E)(1) of section 3317.024 of the Revised Code. Such 23100
service shall be provided in the nonpublic school attended by the 23101
pupil receiving the service. 23102

(C) To provide physician, nursing, dental, and optometric 23103
services to pupils attending nonpublic schools within the district 23104
described in division (E)(1) of section 3317.024 of the Revised 23105
Code. Such services shall be provided in the school attended by 23106
the nonpublic school pupil receiving the service. 23107

(D) To provide diagnostic psychological services to pupils 23108
attending nonpublic schools within the district described in 23109
division (E)(1) of section 3317.024 of the Revised Code. Such 23110
services shall be provided in the school attended by the pupil 23111
receiving the service. 23112

(E) To provide therapeutic psychological and speech and 23113
hearing services to pupils attending nonpublic schools within the 23114
district described in division (E)(1) of section 3317.024 of the 23115
Revised Code. Such services shall be provided in the public 23116
school, in nonpublic schools, in public centers, or in mobile 23117
units located on or off of the nonpublic premises. If such 23118
services are provided in the public school or in public centers, 23119
transportation to and from such facilities shall be provided by 23120
the school district in which the nonpublic school is located. 23121

(F) To provide guidance, counseling, and social work services 23122
to pupils attending nonpublic schools within the district 23123
described in division (E)(1) of section 3317.024 of the Revised 23124
Code. Such services shall be provided in the public school, in 23125
nonpublic schools, in public centers, or in mobile units located 23126
on or off of the nonpublic premises. If such services are provided 23127
in the public school or in public centers, transportation to and 23128
from such facilities shall be provided by the school district in 23129

which the nonpublic school is located. 23130

(G) To provide remedial services to pupils attending 23131
nonpublic schools within the district described in division (E)(1) 23132
of section 3317.024 of the Revised Code. Such services shall be 23133
provided in the public school, in nonpublic schools, in public 23134
centers, or in mobile units located on or off of the nonpublic 23135
premises. If such services are provided in the public school or in 23136
public centers, transportation to and from such facilities shall 23137
be provided by the school district in which the nonpublic school 23138
is located. 23139

(H) To supply for use by pupils attending nonpublic schools 23140
within the district described in division (E)(1) of section 23141
3317.024 of the Revised Code such standardized tests and scoring 23142
services as are in use in the public schools of the state; 23143

(I) To provide programs for children who attend nonpublic 23144
schools within the district described in division (E)(1) of 23145
section 3317.024 of the Revised Code and are children with 23146
disabilities as defined in section 3323.01 of the Revised Code or 23147
gifted children. Such programs shall be provided in the public 23148
school, in nonpublic schools, in public centers, or in mobile 23149
units located on or off of the nonpublic premises. If such 23150
programs are provided in the public school or in public centers, 23151
transportation to and from such facilities shall be provided by 23152
the school district in which the nonpublic school is located. 23153

(J) To hire clerical personnel to assist in the 23154
administration of programs pursuant to divisions (B), (C), (D), 23155
(E), (F), (G), and (I) of this section and to hire supervisory 23156
personnel to supervise the providing of services and textbooks 23157
pursuant to this section. 23158

(K) To purchase or lease any secular, neutral, and 23159
nonideological computer application software designed to assist 23160

students in performing a single task or multiple related tasks, 23161
device management software, learning management software, 23162
site-licensing, digital video on demand (DVD), wide area 23163
connectivity and related technology as it relates to internet 23164
access, mathematics or science equipment and materials, 23165
instructional materials, and school library materials that are in 23166
general use in the public schools of the state and loan such items 23167
to pupils attending nonpublic schools within the district 23168
described in division (E)(1) of section 3317.024 of the Revised 23169
Code or to their parents, and to hire clerical personnel to 23170
administer the lending program. Only such items that are incapable 23171
of diversion to religious use and that are susceptible of loan to 23172
individual pupils and are furnished for the use of individual 23173
pupils shall be purchased and loaned under this division. As used 23174
in this section, "instructional materials" means prepared learning 23175
materials that are secular, neutral, and nonideological in 23176
character and are of benefit to the instruction of school 23177
children. "Instructional materials" includes media content that a 23178
student may access through the use of a computer or electronic 23179
device. 23180

Mobile applications that are secular, neutral, and 23181
nonideological in character and that are purchased for less than 23182
twenty dollars for instructional use shall be considered to be 23183
consumable and shall be distributed to students without the 23184
expectation that the applications must be returned. 23185

(L) To purchase or lease instructional equipment, including 23186
computer hardware and related equipment in general use in the 23187
public schools of the state, for use by pupils attending nonpublic 23188
schools within the district described in division (E)(1) of 23189
section 3317.024 of the Revised Code and to loan such items to 23190
pupils attending such nonpublic schools within the district or to 23191
their parents, and to hire clerical personnel to administer the 23192

lending program. "Computer hardware and related equipment" 23193
includes desktop computers and workstations; laptop computers, 23194
computer tablets, and other mobile handheld devices; their 23195
operating systems and accessories; and any equipment designed to 23196
make accessible the environment of a classroom to a student, who 23197
is physically unable to attend classroom activities due to 23198
hospitalization or other circumstances, by allowing real-time 23199
interaction with other students both one-on-one and in group 23200
discussion. 23201

(M) To purchase mobile units to be used for the provision of 23202
services pursuant to divisions (E), (F), (G), and (I) of this 23203
section and to pay for necessary repairs and operating costs 23204
associated with these units. 23205

(N) To reimburse costs the district incurred to store the 23206
records of a chartered nonpublic school that closes. 23207
Reimbursements under this division shall be made one time only for 23208
each chartered nonpublic school described in division (E)(1) of 23209
section 3317.024 of the Revised Code that closes. 23210

(O) To purchase life-saving medical or other emergency 23211
equipment for placement in nonpublic schools within the district 23212
described in division (E)(1) of section 3317.024 of the Revised 23213
Code or to maintain such equipment. 23214

(P) To procure and pay for security services from a county 23215
sheriff or a township or municipal police force or from a person 23216
certified through the Ohio peace officer training commission, in 23217
accordance with section 109.78 of the Revised Code, as a special 23218
police, security guard, or as a privately employed person serving 23219
in a police capacity for nonpublic schools in the district 23220
described in division (E)(1) of section 3317.024 of the Revised 23221
Code. 23222

(Q) To provide language and academic support services and 23223

other accommodations for English ~~language~~ learners attending 23224
nonpublic schools within the district described in division (E)(1) 23225
of section 3317.024 of the Revised Code. 23226

Clerical and supervisory personnel hired pursuant to division 23227
(J) of this section shall perform their services in the public 23228
schools, in nonpublic schools, public centers, or mobile units 23229
where the services are provided to the nonpublic school pupil, 23230
except that such personnel may accompany pupils to and from the 23231
service sites when necessary to ensure the safety of the children 23232
receiving the services. 23233

All services provided pursuant to this section may be 23234
provided under contract with educational service centers, the 23235
department of health, city or general health districts, or private 23236
agencies whose personnel are properly licensed by an appropriate 23237
state board or agency. 23238

Transportation of pupils provided pursuant to divisions (E), 23239
(F), (G), and (I) of this section shall be provided by the school 23240
district from its general funds and not from moneys paid to it 23241
under division (E)(1) of section 3317.024 of the Revised Code 23242
unless a special transportation request is submitted by the parent 23243
of the child receiving service pursuant to such divisions. If such 23244
an application is presented to the school district, it may pay for 23245
the transportation from moneys paid to it under division (E)(1) of 23246
section 3317.024 of the Revised Code. 23247

No school district shall provide health or remedial services 23248
to nonpublic school pupils as authorized by this section unless 23249
such services are available to pupils attending the public schools 23250
within the district. 23251

Materials, equipment, computer hardware or software, 23252
textbooks, digital texts, and health and remedial services 23253
provided for the benefit of nonpublic school pupils pursuant to 23254

this section and the admission of pupils to such nonpublic schools 23255
shall be provided without distinction as to race, creed, color, or 23256
national origin of such pupils or of their teachers. 23257

No school district shall provide services, materials, or 23258
equipment that contain religious content for use in religious 23259
courses, devotional exercises, religious training, or any other 23260
religious activity. 23261

As used in this section, "parent" includes a person standing 23262
in loco parentis to a child. 23263

Notwithstanding section 3317.01 of the Revised Code, payments 23264
shall be made under this section to any city, local, or exempted 23265
village school district within which is located one or more 23266
nonpublic elementary or high schools described in division (E)(1) 23267
of section 3317.024 of the Revised Code and any payments made to 23268
school districts under division (E)(1) of section 3317.024 of the 23269
Revised Code for purposes of this section may be disbursed without 23270
submission to and approval of the controlling board. 23271

The allocation of payments for materials, equipment, 23272
textbooks, digital texts, health services, and remedial services 23273
to city, local, and exempted village school districts shall be on 23274
the basis of the state board of education's estimated annual 23275
average daily membership in nonpublic elementary and high schools 23276
located in the district described in division (E)(1) of section 23277
3317.024 of the Revised Code. 23278

Payments made to city, local, and exempted village school 23279
districts under this section shall be equal to specific 23280
appropriations made for the purpose. All interest earned by a 23281
school district on such payments shall be used by the district for 23282
the same purposes and in the same manner as the payments may be 23283
used. 23284

The department of education shall adopt guidelines and 23285

procedures under which such programs and services shall be 23286
provided, under which districts shall be reimbursed for 23287
administrative costs incurred in providing such programs and 23288
services, and under which any unexpended balance of the amounts 23289
appropriated by the general assembly to implement this section may 23290
be transferred to the auxiliary services personnel unemployment 23291
compensation fund established pursuant to section 4141.47 of the 23292
Revised Code. The department shall also adopt guidelines and 23293
procedures limiting the purchase and loan of the items described 23294
in division (K) of this section to items that are in general use 23295
in the public schools of the state, that are incapable of 23296
diversion to religious use, and that are susceptible to individual 23297
use rather than classroom use. Within thirty days after the end of 23298
each biennium, each board of education shall remit to the 23299
department all moneys paid to it under division (E)(1) of section 23300
3317.024 of the Revised Code and any interest earned on those 23301
moneys that are not required to pay expenses incurred under this 23302
section during the biennium for which the money was appropriated 23303
and during which the interest was earned. If a board of education 23304
subsequently determines that the remittal of moneys leaves the 23305
board with insufficient money to pay all valid expenses incurred 23306
under this section during the biennium for which the remitted 23307
money was appropriated, the board may apply to the department of 23308
education for a refund of money, not to exceed the amount of the 23309
insufficiency. If the department determines the expenses were 23310
lawfully incurred and would have been lawful expenditures of the 23311
refunded money, it shall certify its determination and the amount 23312
of the refund to be made to the director of job and family 23313
services who shall make a refund as provided in section 4141.47 of 23314
the Revised Code. 23315

Each school district shall label materials, equipment, 23316
computer hardware or software, textbooks, and digital texts 23317
purchased or leased for loan to a nonpublic school under this 23318

section, acknowledging that they were purchased or leased with 23319
state funds under this section. However, a district need not label 23320
materials, equipment, computer hardware or software, textbooks, or 23321
digital texts that the district determines are consumable in 23322
nature or have a value of less than two hundred dollars. 23323

Sec. 3317.16. (A) The department of education shall compute 23324
and distribute state core foundation funding to each joint 23325
vocational school district for the fiscal year as prescribed in 23326
the following divisions: 23327

(1) An opportunity grant calculated according to the 23328
following formula: 23329

(The formula amount X formula ADM) - (0.0005 X the district's 23330
three-year average valuation) 23331

However, no district shall receive an opportunity grant that 23332
is less than 0.05 times the formula amount times formula ADM. 23333

(2) Additional state aid for special education and related 23334
services provided under Chapter 3323. of the Revised Code 23335
calculated as the sum of the following: 23336

(a) The district's category one special education ADM X the 23337
amount specified in division (A) of section 3317.013 of the 23338
Revised Code X the district's state share percentage; 23339

(b) The district's category two special education ADM X the 23340
amount specified in division (B) of section 3317.013 of the 23341
Revised Code X the district's state share percentage; 23342

(c) The district's category three special education ADM X the 23343
amount specified in division (C) of section 3317.013 of the 23344
Revised Code X the district's state share percentage; 23345

(d) The district's category four special education ADM X the 23346
amount specified in division (D) of section 3317.013 of the 23347
Revised Code X the district's state share percentage; 23348

(e) The district's category five special education ADM X the 23349
amount specified in division (E) of section 3317.013 of the 23350
Revised Code X the district's state share percentage; 23351

(f) The district's category six special education ADM X the 23352
amount specified in division (F) of section 3317.013 of the 23353
Revised Code X the district's state share percentage. 23354

(3) Economically disadvantaged funds calculated according to 23355
the following formula: 23356

\$272 X the district's economically disadvantaged index X the 23357
number of students who are economically disadvantaged as certified 23358
under division (D)(2)(p) of section 3317.03 of the Revised Code 23359

(4) ~~Limited~~ English ~~proficiency~~ learner funds calculated as 23360
the sum of the following: 23361

(a) The district's category one ~~limited~~ English ~~proficient~~ 23362
learner ADM X the amount specified in division (A) of section 23363
3317.016 of the Revised Code X the district's state share 23364
percentage; 23365

(b) The district's category two ~~limited~~ English ~~proficient~~ 23366
learner ADM X the amount specified in division (B) of section 23367
3317.016 of the Revised Code X the district's state share 23368
percentage; 23369

(c) The district's category three ~~limited~~ English ~~proficient~~ 23370
learner ADM X the amount specified in division (C) of section 23371
3317.016 of the Revised Code X the district's state share 23372
percentage; 23373

(5) Career-technical education funds calculated as the sum of 23374
the following: 23375

(a) The district's category one career-technical education 23376
ADM X the amount specified in division (A) of section 3317.014 of 23377
the Revised Code X the district's state share percentage; 23378

(b) The district's category two career-technical education 23379
ADM X the amount specified in division (B) of section 3317.014 of 23380
the Revised Code X the district's state share percentage; 23381

(c) The district's category three career-technical education 23382
ADM X the amount specified in division (C) of section 3317.014 of 23383
the Revised Code X the district's state share percentage; 23384

(d) The district's category four career-technical education 23385
ADM X the amount specified in division (D) of section 3317.014 of 23386
the Revised Code X the district's state share percentage; 23387

(e) The district's category five career-technical education 23388
ADM X the amount specified in division (E) of section 3317.014 of 23389
the Revised Code X the district's state share percentage. 23390

Payment of funds under division (A)(5) of this section is 23391
subject to approval under section 3317.161 of the Revised Code. 23392

(6) Career-technical education associated services funds 23393
calculated under the following formula: 23394

The district's state share percentage X the 23395
amount for career-technical education associated services 23396
specified in section 3317.014 of the Revised Code X the sum of 23397
categories one through five career-technical 23398
education ADM 23399

(7) A graduation bonus calculated according to the following 23400
formula: 23401

The district's graduation rate as reported on its most recent 23402
report card issued by the department under section 3302.033 of the 23403
Revised Code X 0.075 X the formula amount X the number of the 23404
district's students who received high school or honors high school 23405
diplomas as reported by the district to the department, in 23406
accordance with the guidelines adopted under section 3301.0714 of 23407
the Revised Code, for the same school year for which the most 23408
recent report card was issued X the district's state share 23409

percentage 23410

(B)(1) If a joint vocational school district's costs for a 23411
fiscal year for a student in its categories two through six 23412
special education ADM exceed the threshold catastrophic cost for 23413
serving the student, as specified in division (B) of section 23414
3317.0214 of the Revised Code, the district may submit to the 23415
superintendent of public instruction documentation, as prescribed 23416
by the superintendent, of all of its costs for that student. Upon 23417
submission of documentation for a student of the type and in the 23418
manner prescribed, the department shall pay to the district an 23419
amount equal to the sum of the following: 23420

(a) One-half of the district's costs for the student in 23421
excess of the threshold catastrophic cost; 23422

(b) The product of one-half of the district's costs for the 23423
student in excess of the threshold catastrophic cost multiplied by 23424
the district's state share percentage. 23425

(2) The district shall report under division (B)(1) of this 23426
section, and the department shall pay for, only the costs of 23427
educational expenses and the related services provided to the 23428
student in accordance with the student's individualized education 23429
program. Any legal fees, court costs, or other costs associated 23430
with any cause of action relating to the student may not be 23431
included in the amount. 23432

(C)(1) For each student with a disability receiving special 23433
education and related services under an individualized education 23434
program, as defined in section 3323.01 of the Revised Code, at a 23435
joint vocational school district, the resident district or, if the 23436
student is enrolled in a community school, the community school 23437
shall be responsible for the amount of any costs of providing 23438
those special education and related services to that student that 23439
exceed the sum of the amount calculated for those services 23440
attributable to that student under division (A) of this section. 23441

Those excess costs shall be calculated using a formula 23442
approved by the department. 23443

(2) The board of education of the joint vocational school 23444
district may report the excess costs calculated under division 23445
(C)(1) of this section to the department of education. 23446

(3) If the board of education of the joint vocational school 23447
district reports excess costs under division (C)(2) of this 23448
section, the department shall pay the amount of excess cost 23449
calculated under division (C)(2) of this section to the joint 23450
vocational school district and shall deduct that amount as 23451
provided in division (C)(3)(a) or (b) of this section, as 23452
applicable: 23453

(a) If the student is not enrolled in a community school, the 23454
department shall deduct the amount from the account of the 23455
student's resident district pursuant to division (J) of section 23456
3317.023 of the Revised Code. 23457

(b) If the student is enrolled in a community school, the 23458
department shall deduct the amount from the account of the 23459
community school pursuant to section 3314.083 of the Revised Code. 23460

(D)(1) In any fiscal year, a school district receiving funds 23461
under division (A)(5) of this section shall spend those funds only 23462
for the purposes that the department designates as approved for 23463
career-technical education expenses. Career-technical education 23464
expenses approved by the department shall include only expenses 23465
connected to the delivery of career-technical programming to 23466
career-technical students. The department shall require the school 23467
district to report data annually so that the department may 23468
monitor the district's compliance with the requirements regarding 23469
the manner in which funding received under division (A)(5) of this 23470
section may be spent. 23471

(2) All funds received under division (A)(5) of this section 23472

shall be spent in the following manner: 23473

(a) At least seventy-five per cent of the funds shall be 23474
spent on curriculum development, purchase, and implementation; 23475
instructional resources and supplies; industry-based program 23476
certification; student assessment, credentialing, and placement; 23477
curriculum specific equipment purchases and leases; 23478
career-technical student organization fees and expenses; home and 23479
agency linkages; work-based learning experiences; professional 23480
development; and other costs directly associated with 23481
career-technical education programs including development of new 23482
programs. 23483

(b) Not more than twenty-five per cent of the funds shall be 23484
used for personnel expenditures. 23485

(E) In any fiscal year, a school district receiving funds 23486
under division (A)(6) of this section, or through a transfer of 23487
funds pursuant to division (I) of section 3317.023 of the Revised 23488
Code, shall spend those funds only for the purposes that the 23489
department designates as approved for career-technical education 23490
associated services expenses, which may include such purposes as 23491
apprenticeship coordinators, coordinators for other 23492
career-technical education services, career-technical evaluation, 23493
and other purposes designated by the department. The department 23494
may deny payment under division (A)(6) of this section to any 23495
district that the department determines is not operating those 23496
services or is using funds paid under division (A)(6) of this 23497
section, or through a transfer of funds pursuant to division (I) 23498
of section 3317.023 of the Revised Code, for other purposes. 23499

(F) A joint vocational school district shall spend the funds 23500
it receives under division (A)(3) of this section in accordance 23501
with section 3317.25 of the Revised Code. 23502

(G) As used in this section: 23503

(1) "Community school" means a community school established 23504
under Chapter 3314. of the Revised Code. 23505

(2) "Resident district" means the city, local, or exempted 23506
village school district in which a student is entitled to attend 23507
school under section 3313.64 or 3313.65 of the Revised Code. 23508

(3) "State share percentage" is equal to the following: 23509
The amount computed under division (A)(1) of this section / 23510
(the formula amount X formula ADM) 23511

Sec. 3317.163. (A) As used in this section: 23512

(1) "Base per pupil amount" has the same meaning as in 23513
section 3317.0219 of the Revised Code. 23514

(2) "Eligible school district" has the same meaning as in 23515
division (C)(1) of section 3317.0219 of the Revised Code. 23516

(3) "Resident district" means the city, local, or exempted 23517
village school district in which a student is entitled to attend 23518
school pursuant to section 3313.64 or 3313.65 of the Revised Code. 23519

(B) Subject to division (D) of this section, for fiscal years 23520
2020 and 2021, the department of education shall calculate and pay 23521
to each joint vocational school district student wellness and 23522
success funds, on a full-time equivalency basis, for each student 23523
enrolled in the district as of the district's payment under 23524
section 3317.16 of the Revised Code in June of the immediately 23525
preceding fiscal year in an amount equal to the following: 23526

(The base per pupil amount of the student's resident district for 23527
that fiscal year + the scaled amount of the student's resident 23528
district, if any, computed under division (B)(4) of section 23529
3317.0219 of the Revised Code) 23530

However, each joint vocational school district shall receive 23531
a minimum payment of \$25,000, for fiscal year 2020, or \$36,000 for 23532
fiscal year 2021. 23533

(C) Subject to division (D) of this section, for fiscal years 23534
2020 and 2021, the department shall pay to each joint vocational 23535
school district student wellness and success enhancement funds, on 23536
a full-time equivalency basis, for each student enrolled in the 23537
district as of the district's payment under section 3317.16 of the 23538
Revised Code in June of the immediately preceding fiscal year 23539
whose resident district is an eligible school district, in an 23540
amount equal to the following: 23541

The amount paid to the student's resident district under division 23542
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 23543
year / the enrolled ADM of the student's resident district that 23544
was used for the second payment under Chapter 3317. of the Revised 23545
Code in June of the immediately preceding fiscal year 23546

(D) The department shall pay funds under divisions (B) and 23547
(C) of this section as follows: 23548

(1) One-half of the amount shall be paid not later than the 23549
thirty-first day of October of the fiscal year for which the 23550
payment is calculated. 23551

(2) One-half of the amount shall be paid not later than the 23552
twenty-eighth day of February of the fiscal year for which the 23553
payment is calculated. 23554

Upon making a payment for a fiscal year under this section, 23555
the department shall not make any reconciliations or adjustments 23556
to that payment. 23557

(E) A joint vocational school district that receives a 23558
payment under this section shall comply with section 3317.26 of 23559
the Revised Code. 23560

Sec. 3317.25. (A) As used in this section, "economically 23561
disadvantaged funds" means the following: 23562

(1) For a city, local, or exempted village school district, 23563

the funds received under division (A)(5) of section 3317.022 of 23564
the Revised Code; 23565

(2) For a joint vocational school district, the funds 23566
received under division (A)(3) of section 3317.16 of the Revised 23567
Code; 23568

(3) For a community school established under Chapter 3314. of 23569
the Revised Code, the funds received under division (C)(1)(e) of 23570
section 3314.08 of the Revised Code; 23571

(4) For a STEM school established under Chapter 3326. of the 23572
Revised Code, the funds received under division (E) of section 23573
3326.33 of the Revised Code. 23574

(B) In any fiscal year, a city, local, exempted village, or 23575
joint vocational school district, community school, or STEM school 23576
shall spend the economically disadvantaged funds it receives for 23577
any of the following initiatives or a combination of any of the 23578
following initiatives: 23579

(1) Extended school day and school year; 23580

(2) Reading improvement and intervention; 23581

(3) Instructional technology or blended learning; 23582

(4) Professional development in reading instruction for 23583
teachers of students in kindergarten through third grade; 23584

(5) Dropout prevention; 23585

(6) School safety and security measures; 23586

(7) Community learning centers that address barriers to 23587
learning; 23588

(8) Academic interventions for students in any of grades six 23589
through twelve; 23590

(9) Employment of an individual who has successfully 23591
completed the bright new leaders for Ohio schools program as a 23592

principal or an assistant principal. ~~As used in this section,~~ 23593
~~"bright new leaders for Ohio schools program" has the same meaning~~ 23594
~~as in~~ under section ~~3319.271~~ 3319.272 of the Revised Code. 23595

(C) At the end of each fiscal year, each city, local, 23596
exempted village, or joint vocational school district, community 23597
school, and STEM school shall submit a report to the department of 23598
education describing the initiative or initiatives on which the 23599
district's or school's economically disadvantaged funds were spent 23600
during that fiscal year. 23601

(D) Starting in 2015, the department shall submit a report of 23602
the information it receives under division (C) of this section to 23603
the General Assembly not later than the first day of December of 23604
each odd-numbered year in accordance with section 101.68 of the 23605
Revised Code. 23606

Sec. 3317.26. (A) As used in this section, "student wellness 23607
and success funds" means the following: 23608

(1) For a city, local, or exempted village school district, 23609
the funds received under section 3317.0219 of the Revised Code; 23610

(2) For a joint vocational school district, the funds 23611
received under section 3317.163 of the Revised Code. 23612

(3) For a community school established under Chapter 3314. of 23613
the Revised Code, the funds received under section 3314.088 of the 23614
Revised Code. 23615

(4) For a STEM school established under Chapter 3326. of the 23616
Revised Code, the funds received under section 3326.42 of the 23617
Revised Code. 23618

(B) In any fiscal year, a city, local, exempted village, or 23619
joint vocational school district, community school, or STEM school 23620
shall spend the student wellness and success funds it receives for 23621
any of the following initiatives or a combination of any of the 23622

<u>following initiatives:</u>	23623
<u>(1) Mental health services;</u>	23624
<u>(2) Services for homeless youth;</u>	23625
<u>(3) Services for child welfare involved youth;</u>	23626
<u>(4) Community liaisons;</u>	23627
<u>(5) Physical health care services;</u>	23628
<u>(6) Mentoring programs;</u>	23629
<u>(7) Family engagement and support services;</u>	23630
<u>(8) City connects programming;</u>	23631
<u>(9) Professional development regarding the provision of</u>	23632
<u>trauma informed care;</u>	23633
<u>(10) Professional development regarding cultural competence.</u>	23634
<u>(C) Each city, local, exempted village, and joint vocational</u>	23635
<u>school district, community school, and STEM school that is subject</u>	23636
<u>to the requirements of this section shall develop a plan for</u>	23637
<u>utilizing the student wellness and success funds it receives in</u>	23638
<u>coordination with at least one of the following community</u>	23639
<u>partners:</u>	23640
<u>(1) A board of alcohol, drug, and mental health services</u>	23641
<u>established under Chapter 340. of the Revised Code;</u>	23642
<u>(2) An educational service center;</u>	23643
<u>(3) A county board of developmental disabilities;</u>	23644
<u>(4) A community-based mental health treatment provider;</u>	23645
<u>(5) A board of health of a city or general health district;</u>	23646
<u>(6) A county department of job and family services;</u>	23647
<u>(7) A nonprofit organization with experience serving</u>	23648
<u>children.</u>	23649

(D) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's student wellness and success funds were spent during that fiscal year.

Sec. 3317.40. (A) As used in this section, "subgroup" means one of the following subsets of the entire student population of a school district or a school building:

(1) Students with disabilities;

(2) Economically disadvantaged students;

(3) ~~Limited English proficient students~~ learners;

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code.

(B) It is the intent of the general assembly that funds provided under this chapter shall be used for the provision of a system of common schools and the advancement of the knowledge of all students. As such, school districts and schools shall be held accountable for those funds to ensure that all students are provided an opportunity to graduate from high school prepared for a career or for post-secondary education.

(C) When funds are provided under this chapter specifically for services for a subgroup of students, the general assembly has determined that these students experience unique challenges requiring additional resources and intends that the funds so provided be used for services that will allow students in those subgroups to master the knowledge base required for high school graduation.

(D) If a district or school fails to show satisfactory

achievement and progress, as determined by the state board of 23680
education, for any subgroup of students based on performance 23681
measures reported or graded under section 3302.03 of the Revised 23682
Code, the district or school shall submit an improvement plan to 23683
the department for approval. The plan may be included in any other 23684
improvement plan required of the district or school under state or 23685
federal law. The department may require that a plan required under 23686
division (C) of this section include an agreement to partner with 23687
another organization that has demonstrated the ability to improve 23688
the educational outcome for that subgroup of students to provide 23689
services to those students. The partner organization may be 23690
another school, district, or other education provider. 23691

Not later than December 31, 2014, the state board of 23692
education shall establish measures of satisfactory achievement and 23693
progress, which include, but are not limited to, performance 23694
measures under section 3302.03 of the Revised Code. The department 23695
shall make the initial determination of satisfactory achievement 23696
and progress under this section using those measures not later 23697
than September 1, 2015, and then make determinations under this 23698
section annually thereafter. 23699

The department shall publish a list of schools, school 23700
districts, and other educational providers that have demonstrated 23701
an ability to serve each subgroup of students. 23702

Sec. 3318.036. (A) For purposes of this section: 23703

(1) "Eligible school district" is a city, local, or exempted 23704
village school district that satisfies both of the following 23705
conditions: 23706

(a) The district is either of the following: 23707

(i) A district that resulted from one of the following that 23708
became effective between July 1, 2013, and June 30, 2018: 23709

(i) (I) A transfer of all of the territory of one school district to another school district in accordance with section 3311.22, 3311.231, 3311.24, or 3311.38 of the Revised Code;	23710 23711 23712
(ii) (II) The merger of two or more districts in accordance with section 3311.25 of the Revised Code;	23713 23714
(iii) (III) The creation of a new local school district from all of one or more local school districts in accordance with section 3311.26 of the Revised Code;	23715 23716 23717
(iv) (IV) The consolidation of two or more school districts under section 3311.37 of the Revised Code.	23718 23719
<u>(ii) A district that intends to build a new school building on land originally owned by a state community college, as that term is defined in section 3358.01 of the Revised Code, with the intention of collaboratively working with the state community college on workforce development programs and curriculum.</u>	23720 23721 23722 23723 23724
(b) The district has demonstrated to the Ohio facilities construction commission an efficient use of facility space, including a reduction in the number of buildings used by students and administrative staff.	23725 23726 23727 23728
(2) "Basic project cost" and "required percentage of the basic project cost" have the same meanings as in section 3318.01 of the Revised Code.	23729 23730 23731
(B) Notwithstanding anything to the contrary in this chapter:	23732
(1) If the commission determines that a district is an eligible school district, the commission shall give that district first priority for funding for a project under sections 3318.01 to 3318.20 of the Revised Code as such funds become available, regardless of the district's percentile rank under section 3318.011 of the Revised Code. If the district results from a transfer, merger, consolidation, or creation of a new local	23733 23734 23735 23736 23737 23738 23739

district that takes effect prior to April 6, 2017, the district's 23740
portion of the basic project cost shall be the required percentage 23741
of the basic project cost based on the percentile ranking of the 23742
district that was transferred, merged, consolidated, or existed 23743
prior to the creation of the new district that has the lowest 23744
three-year average adjusted valuation per pupil, as calculated 23745
under section 3318.011 of the Revised Code, on the date that the 23746
transfer, merger, consolidation, or creation of the new district 23747
became effective. 23748

(2) If an eligible school district is given priority under 23749
division (B)(1) of this section, the commission may reduce that 23750
district's portion of the basic project cost by twenty-five 23751
percentage points from the portion determined under section 23752
3318.032 of the Revised Code or, if the district results from a 23753
transfer, merger, consolidation, or creation of a new local 23754
district that takes effect prior to April 6, 2017, from the 23755
portion determined under division (B)(1) of this section. At no 23756
time, however, shall that district's portion of the basic project 23757
cost be less than five per cent. 23758

(3) If an eligible school district is given priority under 23759
division (B)(1) of this section, the commission may reduce that 23760
district's portion of the basic project cost by ten percentage 23761
points from the portion determined under section 3318.032 of the 23762
Revised Code or, if the district results from a transfer, merger, 23763
consolidation, or creation of a new local district that takes 23764
effect prior to April 6, 2017, from the portion determined under 23765
division (B)(1) of this section, if the district's project 23766
satisfies the following conditions: 23767

(a) The project involves construction of a building on land 23768
owned by a state institution of higher education, as that term is 23769
defined in section 3345.011 of the Revised Code, or on land 23770
originally owned by a state community college, as that term is 23771

defined in section 3358.01 of the Revised Code, with the intention 23772
of collaboratively working with the state community college on 23773
workforce development programs and curriculum, and the commission 23774
approves the project. 23775

(b) The district and the state institution of higher 23776
education enter into a written agreement regarding the continued 23777
use of the institution's land by the district, and the commission 23778
approves the agreement. Division (B)(3)(b) of this section does 23779
not apply to a district that satisfies the condition described in 23780
division (A)(1)(a)(ii) of this section. 23781

(c) On the date that the district and the state institution 23782
of higher education enter into the written agreement described in 23783
division (B)(3)(b) of this section, the state institution of 23784
higher education is participating in the college credit plus 23785
program established under Chapter 3365. of the Revised Code. 23786
Division (B)(3)(c) of this section does not apply to a district 23787
that satisfies the condition described in division (A)(1)(a)(ii) 23788
of this section. 23789

At no time, however, shall that district's portion of the 23790
basic project cost be less than five per cent. 23791

The reduction of the district's portion of the basic project 23792
cost described in division (B)(3) of this section may be in 23793
addition to a reduction of the district's portion of the basic 23794
project cost under division (B)(2) of this section. 23795

(C) Except as provided in division (B) of this section, a 23796
district's project undertaken pursuant to this section shall be 23797
subject to all other requirements in sections 3318.01 to 3318.20 23798
of the Revised Code. 23799

Sec. 3318.037. (A) For purposes of this section: 23800

(1) "Basic project cost," "percentile," and "school 23801

district's portion of the basic project cost" have the same 23802
meanings as in section 3318.01 of the Revised Code. 23803

(2) "Eligible school district" is a city, local, or exempted 23804
village school district that satisfies all of the following 23805
conditions: 23806

(a) The district intends to build new classroom facilities on 23807
land originally owned by a state community college, as that term 23808
is defined in section 3358.01 of the Revised Code, with the 23809
intention of collaboratively working with the state community 23810
college on workforce development programs and curriculum. 23811

(b) The district has previously participated in the school 23812
building assistance expedited local partnership program 23813
established under section 3318.36 of the Revised Code but did not 23814
construct any new facilities as part of that program. 23815

(c) The district reapplies for the expedited local 23816
partnership program between January 1, 2019, and July 1, 2020. 23817

(B) Notwithstanding anything to the contrary in this chapter, 23818
if an eligible school district reapplies for the expedited local 23819
partnership program between January 1, 2019, and July 1, 2020, and 23820
subsequently enters into a new agreement for that program, both of 23821
the following shall occur: 23822

(1) The district shall retain its percentile ranking that was 23823
determined at the time the district entered into its initial 23824
agreement under the expedited local partnership program. 23825

(2) The Ohio facilities construction commission shall give 23826
that district first priority for funding for a project under 23827
sections 3318.01 to 3318.20 of the Revised Code as such funds 23828
become available, regardless of the district's percentile rank 23829
under section 3318.011 of the Revised Code, and the district's 23830
portion of the basic project cost under sections 3318.01 to 23831
3318.20 of the Revised Code shall be the same percentage of the 23832

basic project cost as under its initial agreement under the 23833
expedited local partnership program. 23834

Sec. 3319.074. (A) As used in this section: 23835

(1) "Core subject area" means reading and English language 23836
arts, mathematics, science, social studies, foreign language, and 23837
fine arts. 23838

(2) "Properly certified or licensed teacher" means ~~a~~ any of 23839
the following individuals: 23840

(a) A classroom teacher who has successfully completed all 23841
requirements for certification or licensure under this chapter 23842
applicable to the subject areas and grade levels in which the 23843
teacher provides instruction and the students to whom the teacher 23844
provides the instruction; 23845

(b) The holder of an early childhood long-term substitute 23846
license issued under former section 3319.226 of the Revised Code 23847
who provides instruction to students in any of grades 23848
pre-kindergarten through three; 23849

(c) The holder of a valid middle-childhood, adolescence to 23850
young adult, or multi-age long-term substitute license issued 23851
under former section 3319.226 of the Revised Code who provides 23852
instruction in the subject for which that license was issued; 23853

(d) The holder of a valid license issued pursuant to section 23854
3319.226 of the Revised Code, as it exists on or after the 23855
effective date of this amendment, who has satisfied the criteria 23856
contained in division (B)(1)(b) or (c) of that section. 23857

(3) "Properly certified paraprofessional" means a 23858
paraprofessional who holds an educational aide permit issued under 23859
section 3319.088 of the Revised Code and satisfies at least one of 23860
the following conditions: 23861

(a) Has a designation of "ESEA qualified" on the educational 23862

aide permit; 23863

(b) Has successfully completed at least two years of 23864
coursework at an accredited institution of higher education; 23865

(c) Holds an associate degree or higher from an accredited 23866
institution of higher education; 23867

(d) Meets a rigorous standard of quality as demonstrated by 23868
attainment of a qualifying score on an academic assessment 23869
specified by the department of education. 23870

(B) Beginning July 1, 2019, no city, exempted village, local, 23871
joint vocational, or cooperative education school district shall 23872
do either of the following: 23873

(1) Employ any classroom teacher to provide instruction in a 23874
core subject area to any student, unless such teacher is a 23875
properly certified or licensed teacher; 23876

(2) Employ any paraprofessional in a program supported with 23877
funds received under Title I of the "Elementary and Secondary 23878
Education Act of 1965," 20 U.S.C. 6301 et seq., to provide 23879
academic support in a core subject area to any student, unless 23880
such paraprofessional is a properly certified paraprofessional. 23881

(3) Except as described in division (D) of this section, 23882
employ any individual to provide substitute instruction in a core 23883
subject area to any student, unless such individual is a properly 23884
certified or licensed teacher. 23885

(C) At the start of each school year, each school district 23886
shall notify the parent or guardian of each student enrolled in 23887
the district that the parent or guardian may request information 23888
on the professional qualifications of each classroom teacher who 23889
provides instruction to the student. The district shall provide 23890
the information on each applicable teacher in a timely manner to 23891
any parent or guardian who requests it. Such information shall 23892

include at least the following: 23893

(1) Whether the teacher has satisfied all requirements for 23894
certification or licensure under this chapter applicable to the 23895
subject areas and grade levels in which the teacher provides 23896
instruction and the students to whom the teacher provides the 23897
instruction, or whether the teacher provides instruction under a 23898
waiver of any such requirements; 23899

(2) Whether a paraprofessional provides any services to the 23900
student and, if so, the qualifications of the paraprofessional. 23901

(D) A district may provisionally employ for a period not to 23902
exceed sixty days an individual who has satisfied the criteria 23903
prescribed in division (B)(1)(b) or (c) of section 3319.226 of the 23904
Revised Code, provided that a substitute license is requested by 23905
or on behalf of that individual on or before the individual's 23906
first day of employment. 23907

Sec. 3319.226. (A) Beginning July 1, 2019, the state board of 23908
education shall issue educator licenses for substitute teaching 23909
only under this section. 23910

(B) The state board shall adopt rules establishing standards 23911
and requirements for obtaining a license under this section and 23912
for renewal of the license. Except as provided in division (F) of 23913
section 3319.229 of the Revised Code, the rules shall require an 23914
applicant to hold a post-secondary degree, but not in any 23915
specified subject area. The rules also shall allow the holder of a 23916
license issued under this section to work: 23917

(1) For an unlimited number of school days if the license 23918
holder has a one of the following: 23919

(a) A post-secondary degree in either education or a subject 23920
area directly related to the subject of the class the license 23921
holder will teach; 23922

(b) A baccalaureate degree from an accredited institution of 23923
higher education with twelve semester hours in professional 23924
education leading to a license to teach in any of grades 23925
pre-kindergarten through three, provided that license holder will 23926
be teaching one of those grades; 23927

(c) A baccalaureate degree from an accredited institution of 23928
higher education with twenty semester hours in the subject area 23929
directly related to the subject of the class the license holder 23930
will teach. 23931

(2) For one full semester, subject to the approval of the 23932
employing school district board of education, if the license 23933
holder has a post-secondary degree in a subject area that is not 23934
directly related to the subject of the class that the license 23935
holder will teach. 23936

The district superintendent may request that the board 23937
approve one or more additional subsequent semester-long periods of 23938
teaching for the license holder. 23939

(C) Any license issued or renewed under former section 23940
3319.226 of the Revised Code that was still in force on ~~the~~ 23941
~~effective date of this section~~ November 2, 2018, shall remain in 23942
force for the remainder of the term for which it was issued or 23943
renewed. Upon the expiration of that term, the holder of that 23944
license shall be subject to licensure under the rules adopted 23945
under this section. 23946

(D) An application for licensure under this section made by 23947
or on behalf of an individual who satisfies the criteria 23948
prescribed in division (B)(1)(b) or (c) of this section who is 23949
provisionally employed in accordance with division (D) of section 23950
3319.074 of the Revised Code shall be granted within thirty days 23951
after its submission. 23952

Sec. 3319.26. (A) The state board of education shall adopt 23953
rules establishing the standards and requirements for obtaining an 23954
alternative resident educator license for teaching in grades 23955
kindergarten to twelve, or the equivalent, in a designated subject 23956
area or in the area of intervention specialist, as defined by rule 23957
of the state board. The rules shall also include the reasons for 23958
which an alternative resident educator license may be renewed 23959
under division (D) of this section. 23960

(B) The superintendent of public instruction and the 23961
chancellor of the Ohio board of regents jointly shall develop an 23962
intensive pedagogical training institute to provide instruction in 23963
the principles and practices of teaching for individuals seeking 23964
an alternative resident educator license. The instruction shall 23965
cover such topics as student development and learning, pupil 23966
assessment procedures, curriculum development, classroom 23967
management, and teaching methodology. 23968

(C) The rules adopted under this section shall require 23969
applicants for the alternative resident educator license to 23970
satisfy the following conditions prior to issuance of the license, 23971
but they shall not require applicants to have completed a major or 23972
coursework in the subject area for which application is being 23973
made: 23974

(1) Hold a minimum of a baccalaureate degree; 23975

(2) Successfully complete the pedagogical training institute 23976
described in division (B) of this section or ~~a summer~~ the 23977
preservice training ~~institute~~ provided to participants of a 23978
teacher preparation program that ~~is operated by a nonprofit~~ 23979
~~organization and~~ has been approved by the chancellor. The 23980
chancellor shall approve any such program that requires 23981
participants to hold a bachelor's degree; have a cumulative 23982
undergraduate grade point average of at least 2.5 out of 4.0, or 23983

its equivalent; and successfully complete the program's ~~summer~~ 23984
preservice training ~~institute~~. 23985

(3) Pass an examination in the subject area for which 23986
application is being made. 23987

(D) An alternative resident educator license shall be valid 23988
for four years and shall be renewable for reasons specified by 23989
rules adopted by the state board pursuant to division (A) of this 23990
section. The state board, on a case-by-case basis, may extend the 23991
license's duration as necessary to enable the license holder to 23992
complete the Ohio teacher residency program established under 23993
section 3319.223 of the Revised Code. 23994

(E) The rules shall require the holder of an alternative 23995
resident educator license, as a condition of continuing to hold 23996
the license, to do all of the following: 23997

(1) Participate in the Ohio teacher residency program; 23998

(2) Show satisfactory progress in taking and successfully 23999
completing one of the following: 24000

(a) At least twelve additional semester hours, or the 24001
equivalent, of college coursework in the principles and practices 24002
of teaching in such topics as student development and learning, 24003
pupil assessment procedures, curriculum development, classroom 24004
management, and teaching methodology; 24005

(b) Professional development provided by a teacher 24006
preparation program that has been approved by the chancellor under 24007
division (C)(2) of this section. 24008

(3) Take an assessment of professional knowledge in the 24009
second year of teaching under the license. 24010

(F) The rules shall provide for the granting of a 24011
professional educator license to a holder of an alternative 24012
resident educator license upon successfully completing all of the 24013

following: 24014

(1) Four years of teaching under the alternative license; 24015

(2) The additional college coursework or professional 24016
development described in division (E)(2) of this section; 24017

(3) The assessment of professional knowledge described in 24018
division (E)(3) of this section. The standards for successfully 24019
completing this assessment and the manner of conducting the 24020
assessment shall be the same as for any other individual who is 24021
required to take the assessment pursuant to rules adopted by the 24022
state board under section 3319.22 of the Revised Code. 24023

(4) The Ohio teacher residency program; 24024

(5) All other requirements for a professional educator 24025
license adopted by the state board under section 3319.22 of the 24026
Revised Code. 24027

(G) A person who is assigned to teach in this state as a 24028
participant in the teach for America program or who has completed 24029
two years of teaching in another state as a participant in that 24030
program shall be eligible for a license only under section 24031
3319.227 of the Revised Code and shall not be eligible for a 24032
license under this section. 24033

Sec. 3319.272. (A) ~~As used in this section, the~~ The "bright 24034
new leaders for Ohio schools program" ~~means the program created~~ 24035
~~and implemented by the nonprofit corporation incorporated pursuant~~ 24036
~~to section 3319.271 of the Revised Code to~~ administered by the 24037
Ohio state university Fisher college of business and college 24038
education and human ecology shall provide an alternative path for 24039
individuals to receive training and development in the 24040
administration of primary and secondary education and leadership, 24041
enable those individuals to earn degrees and obtain licenses in 24042
public school administration, and promote the placement of those 24043

individuals in public schools that have a poverty percentage 24044
greater than fifty per cent. 24045

(B) The state board of education shall issue ~~an alternative~~ 24046
~~principal license or an administrator license, as applicable, a~~ 24047
professional administrator license for grades pre-kindergarten 24048
through twelve to an individual who successfully completes the 24049
bright new leaders for Ohio schools program and satisfies the 24050
requirements in rules adopted by the state board under division 24051
(C) of this section. 24052

(C) The state board, in consultation with the ~~board of~~ 24053
~~directors of the~~ bright new leaders for Ohio schools program, 24054
shall adopt rules that prescribe the requirements for obtaining ~~an~~ 24055
~~alternative principal license or an~~ a professional administrator 24056
license for grades pre-kindergarten through twelve under this 24057
section. The state board shall use the rules adopted under section 24058
3319.27 of the Revised Code as guidance in developing the rules 24059
adopted under this division. 24060

Sec. 3326.11. Each science, technology, engineering, and 24061
mathematics school established under this chapter and its 24062
governing body shall comply with sections 9.90, 9.91, 109.65, 24063
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 24064
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 24065
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 24066
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 24067
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 24068
3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 24069
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 24070
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 24071
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 24072
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 24073
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 24074

3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 24075
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 24076
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 24077
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 24078
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 24079
as if it were a school district. 24080

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the 24081
Revised Code: 24082

(A)(1) "Category one career-technical education student" 24083
means a student who is receiving the career-technical education 24084
services described in division (A) of section 3317.014 of the 24085
Revised Code. 24086

(2) "Category two career-technical student" means a student 24087
who is receiving the career-technical education services described 24088
in division (B) of section 3317.014 of the Revised Code. 24089

(3) "Category three career-technical student" means a student 24090
who is receiving the career-technical education services described 24091
in division (C) of section 3317.014 of the Revised Code. 24092

(4) "Category four career-technical student" means a student 24093
who is receiving the career-technical education services described 24094
in division (D) of section 3317.014 of the Revised Code. 24095

(5) "Category five career-technical education student" means 24096
a student who is receiving the career-technical education services 24097
described in division (E) of section 3317.014 of the Revised Code. 24098

(B)(1) "Category one ~~limited English proficient student~~ 24099
learner" means a ~~limited~~ an English ~~proficient student~~ learner 24100
described in division (A) of section 3317.016 of the Revised Code. 24101

(2) "Category two ~~limited English proficient student~~ learner" 24102
means a ~~limited~~ an English ~~proficient student~~ learner described in 24103

division (B) of section 3317.016 of the Revised Code.	24104
(3) "Category three limited English proficient student	24105
<u>learner</u> " means a limited <u>an</u> English proficient student <u>learner</u>	24106
described in division (C) of section 3317.016 of the Revised Code.	24107
(C)(1) "Category one special education student" means a	24108
student who is receiving special education services for a	24109
disability specified in division (A) of section 3317.013 of the	24110
Revised Code.	24111
(2) "Category two special education student" means a student	24112
who is receiving special education services for a disability	24113
specified in division (B) of section 3317.013 of the Revised Code.	24114
(3) "Category three special education student" means a	24115
student who is receiving special education services for a	24116
disability specified in division (C) of section 3317.013 of the	24117
Revised Code.	24118
(4) "Category four special education student" means a student	24119
who is receiving special education services for a disability	24120
specified in division (D) of section 3317.013 of the Revised Code.	24121
(5) "Category five special education student" means a student	24122
who is receiving special education services for a disability	24123
specified in division (E) of section 3317.013 of the Revised Code.	24124
(6) "Category six special education student" means a student	24125
who is receiving special education services for a disability	24126
specified in division (F) of section 3317.013 of the Revised Code.	24127
(D) "Formula amount" has the same meaning as in section	24128
3317.02 of the Revised Code.	24129
(E) "IEP" means an individualized education program as	24130
defined in section 3323.01 of the Revised Code.	24131
(F) "Resident district" means the school district in which a	24132
student is entitled to attend school under section 3313.64 or	24133

3313.65 of the Revised Code. 24134

(G) "State education aid" has the same meaning as in section 24135
5751.20 of the Revised Code. 24136

Sec. 3326.32. Each science, technology, engineering, and 24137
mathematics school shall report to the department of education, in 24138
the form and manner required by the department, all of the 24139
following information: 24140

(A) The total number of students enrolled in the school who 24141
are residents of this state; 24142

(B) The number of students reported under division (A) of 24143
this section who are receiving special education and related 24144
services pursuant to an IEP; 24145

(C) For each student reported under division (B) of this 24146
section, which category specified in divisions (A) to (F) of 24147
section 3317.013 of the Revised Code applies to the student; 24148

(D) The full-time equivalent number of students reported 24149
under division (A) of this section who are enrolled in 24150
career-technical education programs or classes described in each 24151
of divisions (A), (B), (C), (D), and (E) of section 3317.014 of 24152
the Revised Code that are provided by the STEM school; 24153

(E) The number of students reported under division (A) of 24154
this section who are ~~limited English proficient students~~ learners 24155
and which category specified in divisions (A) to (C) of section 24156
3317.016 of the Revised Code applies to each student; 24157

(F) The number of students reported under division (A) of 24158
this section who are economically disadvantaged, as defined by the 24159
department. A student shall not be categorically excluded from the 24160
number reported under division (F) of this section based on 24161
anything other than family income. 24162

(G) The resident district of each student reported under 24163

division (A) of this section; 24164

(H) The total number of students enrolled in the school who 24165
are not residents of this state and any additional information 24166
regarding these students that the department requires the school 24167
to report. The school shall not receive any payments under this 24168
chapter for students reported under this division. 24169

(I) Any additional information the department determines 24170
necessary to make payments under this chapter. 24171

Sec. 3326.33. For each student enrolled in a science, 24172
technology, engineering, and mathematics school established under 24173
this chapter, on a full-time equivalency basis, the department of 24174
education annually shall deduct from the state education aid of a 24175
student's resident school district and, if necessary, from the 24176
payment made to the district under sections 321.24 and 323.156 of 24177
the Revised Code and pay to the school the sum of the following: 24178

(A) An opportunity grant in an amount equal to the formula 24179
amount; 24180

(B) The per pupil amount of targeted assistance funds 24181
calculated under division (A) of section 3317.0217 of the Revised 24182
Code for the student's resident district, as determined by the 24183
department, X 0.25; 24184

(C) Additional state aid for special education and related 24185
services provided under Chapter 3323. of the Revised Code as 24186
follows: 24187

(1) If the student is a category one special education 24188
student, the amount specified in division (A) of section 3317.013 24189
of the Revised Code; 24190

(2) If the student is a category two special education 24191
student, the amount specified in division (B) of section 3317.013 24192
of the Revised Code; 24193

(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	24194 24195 24196
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	24197 24198 24199
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	24200 24201 24202
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	24203 24204 24205
(D) If the student is in kindergarten through third grade, \$320;	24206 24207
(E) If the student is economically disadvantaged, an amount equal to the following:	24208 24209
\$272 X the resident district's economically disadvantaged index	24210
(F) Limited English proficiency <u>learner</u> funds, as follows:	24211
(1) If the student is a category one limited English proficient student <u>learner</u> , the amount specified in division (A) of section 3317.016 of the Revised Code;	24212 24213 24214
(2) If the student is a category two limited English proficient student <u>learner</u> , the amount specified in division (B) of section 3317.016 of the Revised Code;	24215 24216 24217
(3) If the student is a category three limited English proficient student <u>learner</u> , the amount specified in division (C) of section 3317.016 of the Revised Code.	24218 24219 24220
(G) Career-technical education funds as follows:	24221
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section	24222 24223

3317.014 of the Revised Code;	24224
(2) If the student is a category two career-technical	24225
education student, the amount specified in division (B) of section	24226
3317.014 of the Revised Code;	24227
(3) If the student is a category three career-technical	24228
education student, the amount specified in division (C) of section	24229
3317.014 of the Revised Code;	24230
(4) If the student is a category four career-technical	24231
education student, the amount specified in division (D) of section	24232
3317.014 of the Revised Code;	24233
(5) If the student is a category five career-technical	24234
education student, the amount specified in division (E) of section	24235
3317.014 of the Revised Code.	24236
Deduction and payment of funds under division (G) of this	24237
section is subject to approval under section 3317.161 of the	24238
Revised Code.	24239
<u>Sec. 3326.42. (A) As used in this section:</u>	24240
<u>(1) "Base per pupil amount" has the same meaning as in</u>	24241
<u>section 3317.0219 of the Revised Code.</u>	24242
<u>(2) "Eligible school district" has the same meaning as in</u>	24243
<u>division (C)(1) of section 3317.0219 of the Revised Code.</u>	24244
<u>(3) "Resident district" has the same meaning as in section</u>	24245
<u>3326.31 of the Revised Code.</u>	24246
<u>(B) Subject to division (D) of this section, for fiscal years</u>	24247
<u>2020 and 2021, the department of education shall calculate and pay</u>	24248
<u>to each science, technology, engineering, and mathematics school</u>	24249
<u>student wellness and success funds, on a full-time equivalency</u>	24250
<u>basis, for each student enrolled in the school as of the school's</u>	24251
<u>payment under section 3326.33 of the Revised Code in June of the</u>	24252

immediately preceding fiscal year in an amount equal to the 24253
following: 24254

(The base per pupil amount of the student's resident district for 24255
that fiscal year + the scaled amount of the student's resident 24256
district, if any, computed under division (B)(4) of section 24257
3317.0219 of the Revised Code) 24258

However, each science, technology, engineering, and 24259
mathematics school shall receive a minimum payment of \$25,000, for 24260
fiscal year 2020, or \$36,000 for fiscal year 2021. 24261

(C) Subject to division (D) of this section, for fiscal years 24262
2020 and 2021, the department shall pay to each science, 24263
technology, engineering, and mathematics school student wellness 24264
and success enhancement funds, on a full-time equivalency basis, 24265
for each student enrolled in the school as of the school's payment 24266
under section 3326.33 of the Revised Code in June of the 24267
immediately preceding fiscal year whose resident district is an 24268
eligible school district, in an amount equal to the following: 24269

The amount paid to the student's resident district under division 24270
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 24271
year / the enrolled ADM of the student's resident district that 24272
was used for the second payment under Chapter 3317. of the Revised 24273
Code in June of the immediately preceding fiscal year 24274

(D) The department shall pay funds under divisions (B) and 24275
(C) of this section as follows: 24276

(1) One-half of the amount shall be paid not later than the 24277
thirty-first day of October of the fiscal year for which the 24278
payment is calculated. 24279

(2) One-half of the amount shall be paid not later than the 24280
twenty-eighth day of February of the fiscal year for which the 24281
payment is calculated. 24282

Upon making a payment for a fiscal year under this section, 24283

the department shall not make any reconciliations or adjustments 24284
to that payment. 24285

(E) A science, technology, engineering, and mathematics 24286
school that receives a payment under this section shall comply 24287
with section 3317.26 of the Revised Code. 24288

Sec. 3327.015. No board of education of a school district 24289
shall reduce the transportation it provides to students the 24290
district is not required to transport under section 3327.01 of the 24291
Revised Code, but that the district chooses to transport, during a 24292
school year after the first day of that school year. 24293

Sec. 3327.10. (A) No person shall be employed as driver of a 24294
school bus or motor van, owned and operated by any school district 24295
or educational service center or privately owned and operated 24296
under contract with any school district or service center in this 24297
state, who has not received a certificate from either the 24298
educational service center governing board that has entered into 24299
an agreement with the school district under section 3313.843 or 24300
3313.845 of the Revised Code or the superintendent of the school 24301
district, certifying that such person is at least eighteen years 24302
of age and is of good moral character and is qualified physically 24303
and otherwise for such position. The service center governing 24304
board or the superintendent, as the case may be, shall provide for 24305
an annual physical examination that conforms with rules adopted by 24306
the state board of education of each driver to ascertain the 24307
driver's physical fitness for such employment. ~~Any~~ The examination 24308
shall be performed by one of the following: 24309

(1) A person licensed under Chapter 4731. or 4734. of the 24310
Revised Code or by another state to practice medicine and surgery, 24311
osteopathic medicine and surgery, or chiropractic; 24312

(2) A physician assistant; 24313

<u>(3) A certified nurse practitioner;</u>	24314
<u>(4) A clinical nurse specialist;</u>	24315
<u>(5) A certified nurse-midwife;</u>	24316
<u>(6) A medical examiner who is listed on the national registry</u>	24317
<u>of certified medical examiners established by the federal motor</u>	24318
<u>carrier safety administration in accordance with 49 C.F.R. part</u>	24319
<u>390.</u>	24320
<u>Any</u> certificate may be revoked by the authority granting the	24321
same on proof that the holder has been guilty of failing to comply	24322
with division (D)(1) of this section, or upon a conviction or a	24323
guilty plea for a violation, or any other action, that results in	24324
a loss or suspension of driving rights. Failure to comply with	24325
such division may be cause for disciplinary action or termination	24326
of employment under division (C) of section 3319.081, or section	24327
124.34 of the Revised Code.	24328
(B) No person shall be employed as driver of a school bus or	24329
motor van not subject to the rules of the department of education	24330
pursuant to division (A) of this section who has not received a	24331
certificate from the school administrator or contractor certifying	24332
that such person is at least eighteen years of age, is of good	24333
moral character, and is qualified physically and otherwise for	24334
such position. Each driver shall have an annual physical	24335
examination which conforms to the state highway patrol rules,	24336
ascertaining the driver's physical fitness for such employment.	24337
The examination shall be performed by one of the following:	24338
(1) A person licensed under Chapter 4731. or 4734. of the	24339
Revised Code or by another state to practice medicine and surgery,	24340
osteopathic medicine and surgery, or chiropractic;	24341
(2) A physician assistant;	24342
(3) A certified nurse practitioner;	24343

(4) A clinical nurse specialist;	24344
(5) A certified nurse-midwife;	24345
(6) A medical examiner who is listed on the national registry	24346
of certified medical examiners established by the federal motor	24347
carrier safety administration in accordance with 49 C.F.R. part	24348
390.	24349
Any written documentation of the physical examination shall	24350
be completed by the individual who performed the examination.	24351
Any certificate may be revoked by the authority granting the	24352
same on proof that the holder has been guilty of failing to comply	24353
with division (D)(2) of this section.	24354
(C) Any person who drives a school bus or motor van must give	24355
satisfactory and sufficient bond except a driver who is an	24356
employee of a school district and who drives a bus or motor van	24357
owned by the school district.	24358
(D) No person employed as driver of a school bus or motor van	24359
under this section who is convicted of a traffic violation or who	24360
has had the person's commercial driver's license suspended shall	24361
drive a school bus or motor van until the person has filed a	24362
written notice of the conviction or suspension, as follows:	24363
(1) If the person is employed under division (A) of this	24364
section, the person shall file the notice with the superintendent,	24365
or a person designated by the superintendent, of the school	24366
district for which the person drives a school bus or motor van as	24367
an employee or drives a privately owned and operated school bus or	24368
motor van under contract.	24369
(2) If employed under division (B) of this section, the	24370
person shall file the notice with the employing school	24371
administrator or contractor, or a person designated by the	24372
administrator or contractor.	24373

(E) In addition to resulting in possible revocation of a 24374
certificate as authorized by divisions (A) and (B) of this 24375
section, violation of division (D) of this section is a minor 24376
misdemeanor. 24377

(F)(1) Not later than thirty days after June 30, 2007, each 24378
owner of a school bus or motor van shall obtain the complete 24379
driving record for each person who is currently employed or 24380
otherwise authorized to drive the school bus or motor van. An 24381
owner of a school bus or motor van shall not permit a person to 24382
operate the school bus or motor van for the first time before the 24383
owner has obtained the person's complete driving record. 24384
Thereafter, the owner of a school bus or motor van shall obtain 24385
the person's driving record not less frequently than semiannually 24386
if the person remains employed or otherwise authorized to drive 24387
the school bus or motor van. An owner of a school bus or motor van 24388
shall not permit a person to resume operating a school bus or 24389
motor van, after an interruption of one year or longer, before the 24390
owner has obtained the person's complete driving record. 24391

(2) The owner of a school bus or motor van shall not permit a 24392
person to operate the school bus or motor van for ten years after 24393
the date on which the person pleads guilty to or is convicted of a 24394
violation of section 4511.19 of the Revised Code or a 24395
substantially equivalent municipal ordinance. 24396

(3) An owner of a school bus or motor van shall not permit 24397
any person to operate such a vehicle unless the person meets all 24398
other requirements contained in rules adopted by the state board 24399
of education prescribing qualifications of drivers of school buses 24400
and other student transportation. 24401

(G) No superintendent of a school district, educational 24402
service center, community school, or public or private employer 24403
shall permit the operation of a vehicle used for pupil 24404
transportation within this state by an individual unless both of 24405

the following apply: 24406

(1) Information pertaining to that driver has been submitted 24407
to the department of education, pursuant to procedures adopted by 24408
that department. Information to be reported shall include the name 24409
of the employer or school district, name of the driver, driver 24410
license number, date of birth, date of hire, status of physical 24411
evaluation, and status of training. 24412

(2) The most recent criminal records check required by 24413
division (J) of this section has been completed and received by 24414
the superintendent or public or private employer. 24415

(H) A person, school district, educational service center, 24416
community school, nonpublic school, or other public or nonpublic 24417
entity that owns a school bus or motor van, or that contracts with 24418
another entity to operate a school bus or motor van, may impose 24419
more stringent restrictions on drivers than those prescribed in 24420
this section, in any other section of the Revised Code, and in 24421
rules adopted by the state board. 24422

(I) For qualified drivers who, on July 1, 2007, are employed 24423
by the owner of a school bus or motor van to drive the school bus 24424
or motor van, any instance in which the driver was convicted of or 24425
pleaded guilty to a violation of section 4511.19 of the Revised 24426
Code or a substantially equivalent municipal ordinance prior to 24427
two years prior to July 1, 2007, shall not be considered a 24428
disqualifying event with respect to division (F) of this section. 24429

(J)(1) This division applies to persons hired by a school 24430
district, educational service center, community school, chartered 24431
nonpublic school, or science, technology, engineering, and 24432
mathematics school established under Chapter 3326. of the Revised 24433
Code to operate a vehicle used for pupil transportation. 24434

For each person to whom this division applies who is hired on 24435
or after November 14, 2007, the employer shall request a criminal 24436

records check in accordance with section 3319.39 of the Revised 24437
Code and every six years thereafter. For each person to whom this 24438
division applies who is hired prior to that date, the employer 24439
shall request a criminal records check by a date prescribed by the 24440
department of education and every six years thereafter. 24441

(2) This division applies to persons hired by a public or 24442
private employer not described in division (J)(1) of this section 24443
to operate a vehicle used for pupil transportation. 24444

For each person to whom this division applies who is hired on 24445
or after November 14, 2007, the employer shall request a criminal 24446
records check prior to the person's hiring and every six years 24447
thereafter. For each person to whom this division applies who is 24448
hired prior to that date, the employer shall request a criminal 24449
records check by a date prescribed by the department and every six 24450
years thereafter. 24451

(3) Each request for a criminal records check under division 24452
(J) of this section shall be made to the superintendent of the 24453
bureau of criminal identification and investigation in the manner 24454
prescribed in section 3319.39 of the Revised Code, except that if 24455
both of the following conditions apply to the person subject to 24456
the records check, the employer shall request the superintendent 24457
only to obtain any criminal records that the federal bureau of 24458
investigation has on the person: 24459

(a) The employer previously requested the superintendent to 24460
determine whether the bureau of criminal identification and 24461
investigation has any information, gathered pursuant to division 24462
(A) of section 109.57 of the Revised Code, on the person in 24463
conjunction with a criminal records check requested under section 24464
3319.39 of the Revised Code or under division (J) of this section. 24465

(b) The person presents proof that the person has been a 24466
resident of this state for the five-year period immediately prior 24467

to the date upon which the person becomes subject to a criminal 24468
records check under this section. 24469

Upon receipt of a request, the superintendent shall conduct 24470
the criminal records check in accordance with section 109.572 of 24471
the Revised Code as if the request had been made under section 24472
3319.39 of the Revised Code. However, as specified in division 24473
(B)(2) of section 109.572 of the Revised Code, if the employer 24474
requests the superintendent only to obtain any criminal records 24475
that the federal bureau of investigation has on the person for 24476
whom the request is made, the superintendent shall not conduct the 24477
review prescribed by division (B)(1) of that section. 24478

(K)(1) Until the effective date of the amendments to rule 24479
3301-83-23 of the Ohio Administrative Code required by the second 24480
paragraph of division (E) of section 3319.39 of the Revised Code, 24481
any person who is the subject of a criminal records check under 24482
division (J) of this section and has been convicted of or pleaded 24483
guilty to any offense described in division (B)(1) of section 24484
3319.39 of the Revised Code shall not be hired or shall be 24485
released from employment, as applicable, unless the person meets 24486
the rehabilitation standards prescribed for nonlicensed school 24487
personnel by rule 3301-20-03 of the Ohio Administrative Code. 24488

(2) Beginning on the effective date of the amendments to rule 24489
3301-83-23 of the Ohio Administrative Code required by the second 24490
paragraph of division (E) of section 3319.39 of the Revised Code, 24491
any person who is the subject of a criminal records check under 24492
division (J) of this section and has been convicted of or pleaded 24493
guilty to any offense that, under the rule, disqualifies a person 24494
for employment to operate a vehicle used for pupil transportation 24495
shall not be hired or shall be released from employment, as 24496
applicable, unless the person meets the rehabilitation standards 24497
prescribed by the rule. 24498

Sec. 3328.24. A college-preparatory boarding school 24499
established under this chapter and its board of trustees shall 24500
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 24501
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 24502
3313.6024, 3313.6411, 3313.668, 3313.7112, 3313.721, 3313.89, 24503
3319.39, 3319.391, and 3319.46 and Chapter 3365. of the Revised 24504
Code as if the school were a school district and the school's 24505
board of trustees were a district board of education. 24506

Sec. 3333.052. (A) The chancellor of higher education, with 24507
the assistance of the department of job and family services, shall 24508
establish the community college acceleration program to enhance 24509
financial, academic, and personal support services to students in 24510
need of support from local social service agencies. The program 24511
shall identify the services and resources available to assist 24512
eligible students enrolled in a community college established 24513
under Chapter 3354., a state community college established under 24514
Chapter 3358., a technical college established under Chapter 24515
3357., or a university branch campus established under Chapter 24516
3355. of the Revised Code. 24517

(B) The chancellor shall adopt rules to administer the 24518
program. The rules shall specify the types of services provided by 24519
the program, which may include any of the following: 24520

- (1) Comprehensive and personalized advisement; 24521
- (2) Career counseling; 24522
- (3) Tutoring; 24523
- (4) Tuition waivers; 24524
- (5) Financial assistance to defray the costs of 24525
transportation and textbooks. 24526

Sec. 3333.45. (A) For purposes of this section, "eligible 24527

institution of higher education" means any of the following: 24528

~~(1) A regionally accredited private, nonprofit institution of 24529~~
~~higher education that is created by the governors of several 24530~~
~~states. At least one of the governors of these states shall also 24531~~
~~be a member of the institution's board of trustees. 24532~~

~~(2)~~ A state institution of higher education, as that term is 24533
defined in section 3345.011 of the Revised Code; 24534

~~(3)~~(2) A private, nonprofit institution of higher education 24535
that has received a certificate of authorization under Chapter 24536
1713. of the Revised Code. 24537

(B) The chancellor of higher education may recognize or 24538
endorse an eligible institution of higher education for the 24539
purpose of providing competency-based education programs. 24540

~~(C) In recognizing or endorsing an eligible institution of 24541~~
~~higher education described in division (A)(1) of this section, the 24542~~
~~chancellor may specify all of the following: 24543~~

~~(1) The eligibility of students enrolled in the institution 24544~~
~~for state student financial aid programs; 24545~~

~~(2) Any articulation and transfer policies of the chancellor 24546~~
~~that apply to the institution; 24547~~

~~(3) The reporting requirements for the institution. 24548~~

~~(D)~~ In recognizing or endorsing any eligible institution of 24549
higher education, the chancellor may: 24550

(1) Recognize competency-based education as an important 24551
component of this state's higher education system; 24552

(2) Eliminate any unnecessary barriers to the delivery of 24553
competency-based education; 24554

(3) Facilitate opportunities to share best practices on the 24555
delivery of competency-based education with any eligible 24556

institution of higher education; 24557

(4) Establish any other requirements that the chancellor 24558
determines are in the best interest of this state. 24559

~~(E) The chancellor shall not provide any public operating or 24560
capital assistance to an eligible institution of higher education 24561
described in division (A)(1) of this section for the purpose of 24562
providing competency-based education in this state. 24563~~

Sec. 3333.65. The chancellor of higher education shall 24564
require each state university or college that the controlling 24565
board approves to receive an award under the Ohio innovation 24566
partnership to enter into an agreement governing the use of the 24567
award. The agreement shall contain terms the chancellor determines 24568
to be necessary, which shall include performance measures, 24569
reporting requirements, and an obligation to fulfill pledges of 24570
other institutional, public, or nonpublic resources for the 24571
proposal. 24572

The chancellor may require a state university or college that 24573
violates the terms of its agreement to repay the award plus 24574
interest at the rate required by section 5703.47 of the Revised 24575
Code to the chancellor only as the award and any interest due is 24576
collected from a student for repayment. The chancellor shall not 24577
hold a state university or college responsible for repayment to 24578
the department of higher education until the state university or 24579
college is able to obtain repayment from the student or if the 24580
state university or college has certified collection of the 24581
repayment to the attorney general and has sent a copy of the 24582
certification to the chancellor. 24583

If the chancellor makes an award to a program or initiative 24584
that is intended to be implemented by a state university or 24585
college in collaboration with other state institutions of higher 24586
education or nonpublic Ohio universities or colleges, the 24587

chancellor may enter into an agreement with the collaborating 24588
universities or colleges that permits awards to be received 24589
directly by the collaborating universities or colleges consistent 24590
with the terms of the program or initiative. In that case, the 24591
chancellor shall incorporate into the agreement terms consistent 24592
with the requirements of this section. 24593

Sec. 3345.48. (A) As used in this section: 24594

(1) "Cohort" means a group of students who will complete 24595
their bachelor's degree requirements and graduate from a state 24596
university at the same time. A cohort may include transfer 24597
students and other selected undergraduate student academic 24598
programs as determined by the board of trustees of a state 24599
university. 24600

(2) "Eligible student" means an undergraduate student who: 24601

(a) Is enrolled full-time in a bachelor's degree program at a 24602
state university; 24603

(b) Is a resident of this state, as defined by the chancellor 24604
of higher education under section 3333.31 of the Revised Code. 24605

(3) "State university" has the same meaning as in section 24606
3345.011 of the Revised Code. 24607

(B) The board of trustees of ~~a~~ each state university ~~may~~ 24608
shall establish an undergraduate tuition guarantee program that 24609
allows eligible students in the same cohort to pay a fixed rate 24610
for general and instructional fees for four years. A board of 24611
trustees may include room and board and any additional fees in the 24612
program. 24613

~~If the board of trustees chooses to establish such a program,~~ 24614
~~the~~ The board shall adopt rules for the program that include, but 24615
are not limited to, all of the following: 24616

(1) The number of credit hours required to earn an 24617

undergraduate degree in each major; 24618

(2) A guarantee that the general and instructional fees for 24619
each student in the cohort shall remain constant for four years so 24620
long as the student complies with the requirements of the program, 24621
except that, notwithstanding any law to the contrary, the board 24622
may increase the guaranteed amount by up to six per cent above 24623
what has been charged in the previous academic year one time for 24624
the first cohort enrolled under the tuition guarantee program. If 24625
the board of trustees determines that economic conditions or other 24626
circumstances require an increase for the first cohort of above 24627
six per cent, the board shall submit a request to increase the 24628
amount by a specified percentage to the chancellor. The 24629
chancellor, based on information the chancellor requires from the 24630
board of trustees, shall approve or disapprove such a request. 24631
Thereafter, the board of trustees may increase the guaranteed 24632
amount by up to the sum of the following above what has been 24633
charged in the previous academic year one time per subsequent 24634
cohort: 24635

(a) The average rate of inflation, as measured by the 24636
consumer price index prepared by the bureau of labor statistics of 24637
the United States department of labor (all urban consumers, all 24638
items), for the previous ~~sixty-month~~ thirty-six-month period; and 24639

(b) The percentage amount the general assembly restrains 24640
increases on in-state undergraduate instructional and general fees 24641
for the applicable fiscal year. If the general assembly does not 24642
enact a limit on the increase of in-state undergraduate 24643
instructional and general fees, then no limit shall apply under 24644
this division for the cohort that first enrolls in any academic 24645
year for which the general assembly does not prescribe a limit. 24646

If, beginning with the academic year that starts four years 24647
after September 29, 2013, the board of trustees determines that 24648
the general and instructional fees charged under the tuition 24649

guarantee have fallen significantly lower than those of other 24650
state universities, the board of trustees may submit a request to 24651
increase the amount charged to a cohort by a specified percentage 24652
to the chancellor, who shall approve or disapprove such a request. 24653

(3) A benchmark by which the board sets annual increases in 24654
general and instructional fees. This benchmark and any subsequent 24655
change to the benchmark shall be subject to approval of the 24656
chancellor. 24657

(4) Eligibility requirements for students to participate in 24658
the program; 24659

(5) Student rights and privileges under the program; 24660

(6) Consequences to the university for students unable to 24661
complete a degree program within four years, as follows: 24662

(a) For a student who could not complete the program in four 24663
years due to a lack of available classes or space in classes 24664
provided by the university, the university shall provide the 24665
necessary course or courses for completion to the student free of 24666
charge. 24667

(b) For a student who could not complete the program in four 24668
years due to military service or other circumstances beyond a 24669
student's control, as determined by the board of trustees, the 24670
university shall provide the necessary course or courses for 24671
completion to the student at the student's initial cohort rate. 24672

(c) For a student who did not complete the program in four 24673
years for any other reason, as determined by the board of 24674
trustees, the university shall provide the necessary course or 24675
courses for completion to the student at a rate determined through 24676
a method established by the board under division (B)(7) of this 24677
section. 24678

(7) Guidelines for adjusting a student's annual charges if 24679

the student, due to circumstances under the student's control, is 24680
unable to complete a degree program within four years; 24681

(8) A requirement that the rules adopted under division (B) 24682
of this section be published or posted in the university handbook, 24683
course catalog, and web site. 24684

~~(C) If a board of trustees implements a program under this~~ 24685
~~section, the~~ The board shall submit the rules adopted under 24686
division (B) of this section to the chancellor for approval before 24687
beginning implementation of the program. 24688

The chancellor shall not unreasonably withhold approval of a 24689
program if the program conforms in principle with the parameters 24690
and guidelines of this section. 24691

(D) A board of trustees of a state university may establish 24692
an undergraduate tuition guarantee program for nonresident 24693
students. 24694

~~(E) Within five years after September 29, 2013, the~~ 24695
~~chancellor shall publish on the chancellor's web site a report~~ 24696
~~that includes all of the following:~~ 24697

~~(1) The state universities that have adopted an undergraduate~~ 24698
~~tuition guarantee program under this section;~~ 24699

~~(2) The details of each undergraduate tuition guarantee~~ 24700
~~program established under this section;~~ 24701

~~(3) Comparative data, including general and instructional~~ 24702
~~fees, room and board, graduation rates, and retention rates, from~~ 24703
~~all state universities.~~ 24704

~~(F)~~ Except as provided in this section, no other limitation 24705
on the increase of in-state undergraduate instructional and 24706
general fees shall apply to a state university that has 24707
established an undergraduate tuition guarantee program under this 24708
section. 24709

Sec. 3353.07. (A) There is hereby created the Ohio government 24710
telecommunications service. The Ohio government telecommunications 24711
service shall provide the state government and affiliated 24712
organizations with multimedia support including audio, visual, and 24713
internet services, multimedia streaming, and hosting multimedia 24714
programs. 24715

Services relating to the official activities of the general 24716
assembly and the executive offices provided by the Ohio government 24717
telecommunications service shall be funded through grants to an 24718
educational television broadcasting station that will manage the 24719
staff and provide the services of the Ohio government 24720
telecommunications service. The Ohio educational television 24721
stations shall select a member station to manage the Ohio 24722
government telecommunications service. The Ohio government 24723
telecommunications service shall receive grants from, or contract 24724
with, any of the three branches of Ohio government, and their 24725
affiliates, to provide additional services. Services provided by 24726
the Ohio government telecommunications service shall not be used 24727
for political purposes included in campaign materials, or 24728
otherwise used to influence an election, legislation, issue, 24729
judicial decision, or other policy of state government. 24730

(B)(1) There is hereby created the legislative programming 24731
committee of the Ohio government telecommunications service that 24732
shall consist of the president of the senate, speaker of the house 24733
of representatives, minority leader of the senate, and minority 24734
leader of the house of representatives, or their designees, and 24735
the clerks of the senate and house of representatives as 24736
nonvoting, ex officio members. By a vote of a majority of its 24737
members, the program committee may add additional members to the 24738
committee. 24739

(2) The legislative programming committee shall adopt rules 24740

that govern the operation of the Ohio government 24741
telecommunications service relating to the general assembly and 24742
any affiliated organizations. 24743

(C) The Ohio government telecommunications service is 24744
authorized to broadcast and record any committee meeting of the 24745
senate or house of representatives as directed by the presiding 24746
officer of the senate or house of representatives. 24747

As used in this division, "committee" and "meeting" have the 24748
same meanings as in section 101.15 of the Revised Code. 24749

Sec. 3365.03. (A) A student enrolled in a public or nonpublic 24750
secondary school during the student's ninth, tenth, eleventh, or 24751
twelfth grade school year; a student enrolled in a nonchartered 24752
nonpublic secondary school in the student's ninth, tenth, 24753
eleventh, or twelfth grade school year; or a student who has been 24754
excused from the compulsory attendance law for the purpose of home 24755
instruction under section 3321.04 of the Revised Code and is the 24756
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 24757
may apply to and enroll in a college under the college credit plus 24758
program. 24759

(1) In order for a public secondary school student to 24760
participate in the program, all of the following criteria shall be 24761
met: 24762

(a) The student or the student's parent shall inform the 24763
principal, or equivalent, of the student's school by the first day 24764
of April of the student's intent to participate in the program 24765
during the following school year. Any student who fails to provide 24766
the notification by the required date may not participate in the 24767
program during the following school year without the written 24768
consent of the principal, or equivalent. If a student seeks 24769
consent from the principal after failing to provide notification 24770
by the required date, the principal shall notify the department of 24771

education of the student's intent to participate within ten days 24772
of the date on which the student seeks consent. If the principal 24773
does not provide written consent, the student may appeal the 24774
principal's decision to the governing entity of the school, except 24775
for a student who is enrolled in a school district, who may appeal 24776
the decision to the district superintendent. Not later than thirty 24777
days after the notification of the appeal, the district 24778
superintendent or governing entity shall hear the appeal and shall 24779
make a decision to either grant or deny that student's 24780
participation in the program. The decision of the district 24781
superintendent or governing entity shall be final. 24782

(b) The student shall: 24783

(i) Apply to a public or a participating private college, or 24784
an eligible out-of-state college participating in the program, in 24785
accordance with the college's established procedures for 24786
admission, pursuant to section 3365.05 of the Revised Code; 24787

(ii) As a condition of eligibility, be remediation-free, in 24788
accordance with one of the assessments established under division 24789
(F) of section 3345.061 of the Revised Code. However, a student 24790
who scores within one standard error of measurement below the 24791
remediation-free threshold for one of those assessments shall be 24792
considered to have met this requirement if the student also 24793
either: 24794

(I) Has a cumulative high school grade point average of at 24795
least 3.0. If the student is seeking to participate under section 24796
3365.033 of the Revised Code, the student must have an equivalent 24797
cumulative grade point average in the applicable grade levels. 24798

(II) Receives a recommendation from a school counselor, 24799
principal, or career-technical program advisor. 24800

(iii) Meet the college's and relevant academic program's 24801
established standards for admission, enrollment, and course 24802

placement, including course-specific capacity limitations, 24803
pursuant to section 3365.05 of the Revised Code; 24804

(iv) Complete the free application for federal student aid 24805
and provide proof of completion in a manner prescribed by the 24806
chancellor of higher education in order to participate in grade 24807
twelve or the equivalent. 24808

(c) The student shall elect at the time of enrollment to 24809
participate under either division (A) or (B) of section 3365.06 of 24810
the Revised Code for each course under the program. 24811

(d) The student and the student's parent shall sign a form, 24812
provided by the school, stating that they have received the 24813
counseling required under division (B) of section 3365.04 of the 24814
Revised Code and that they understand the responsibilities they 24815
must assume in the program. 24816

(2) In order for a nonpublic secondary school student, a 24817
nonchartered nonpublic secondary school student, or a 24818
home-instructed student to participate in the program, both of the 24819
following criteria shall be met: 24820

(a) The student shall meet the criteria in divisions 24821
(A)(1)(b) and (c) of this section. 24822

(b)(i) If the student is enrolled in a nonpublic secondary 24823
school, that student shall send to the department of education a 24824
copy of the student's acceptance from a college and an 24825
application. The application shall be made on forms provided by 24826
the state board of education and shall include information about 24827
the student's proposed participation, including the school year in 24828
which the student wishes to participate; and the semesters or 24829
terms the student wishes to enroll during such year. The 24830
department shall mark each application with the date and time of 24831
receipt. 24832

(ii) If the student is enrolled in a nonchartered nonpublic 24833

secondary school or is home-instructed, the parent or guardian of 24834
that student shall notify the department by the first day of April 24835
prior to the school year in which the student wishes to 24836
participate. 24837

(B) Except as provided for in division (C) of this section 24838
and in sections 3365.031 and 3365.032 of the Revised Code: 24839

(1) No public secondary school shall prohibit a student 24840
enrolled in that school from participating in the program if that 24841
student meets all of the criteria in division (A)(1) of this 24842
section. 24843

(2) No participating nonpublic secondary school shall 24844
prohibit a student enrolled in that school from participating in 24845
the program if the student meets all of the criteria in division 24846
(A)(2) of this section and, if the student is enrolled under 24847
division (B) of section 3365.06 of the Revised Code, the student 24848
is awarded funding from the department in accordance with rules 24849
adopted by the chancellor ~~of higher education~~, in consultation 24850
with the superintendent of public instruction, pursuant to section 24851
3365.071 of the Revised Code. 24852

(C) For purposes of this section, during the period of an 24853
expulsion imposed by a public secondary school, a student is 24854
ineligible to apply to enroll in a college under this section, 24855
unless the student is admitted to another public secondary or 24856
participating nonpublic secondary school. If a student is enrolled 24857
in a college under this section at the time the student is 24858
expelled, the student's status for the remainder of the college 24859
term in which the expulsion is imposed shall be determined under 24860
section 3365.032 of the Revised Code. 24861

(D) Upon a student's graduation from high school, 24862
participation in the college credit plus program shall not affect 24863
the student's eligibility at any public college for scholarships 24864

or for other benefits or opportunities that are available to 24865
first-time college students and are awarded by that college, 24866
regardless of the number of credit hours that the student 24867
completed under the program. 24868

(E) The college to which a student applies to participate 24869
under this section shall pay for one assessment used to determine 24870
that student's eligibility under this section. However, 24871
notwithstanding anything to the contrary in Chapter 3365. of the 24872
Revised Code, any additional assessments used to determine the 24873
student's eligibility shall be the financial responsibility of the 24874
student. 24875

Sec. 3501.12. (A) The annual compensation of members of the 24876
board of elections shall be determined on the basis of the 24877
population of the county according to the next preceding federal 24878
census, and shall be paid monthly out of the appropriations made 24879
to the board and upon vouchers or payrolls certified by the 24880
chairperson, or a member of the board designated by it, and 24881
countersigned by the director or in the director's absence by the 24882
deputy director. Upon presentation of any such voucher or payroll, 24883
the county auditor shall issue a warrant upon the county treasurer 24884
for the amount thereof as in the case of vouchers or payrolls for 24885
county offices and the treasurer shall pay such warrant. 24886

(B) In calendar year 2018, the amount of annual compensation 24887
of each member of the board of elections shall be ~~as follows~~ the 24888
greater of the following: 24889

(1) ~~One~~ The sum of the following: 24890

(a) One hundred two dollars and forty-one cents for each full 24891
one thousand of the first one hundred thousand population; 24892

~~(2)~~ (b) Forty-eight dollars and seventy-nine cents for each 24893
full one thousand of the second one hundred thousand population; 24894

~~(3)(c)~~ Twenty-six dollars and fifty cents for each full one 24895
thousand of the third one hundred thousand population; 24896

~~(4)(d)~~ Eight dollars and thirteen cents for each full one 24897
thousand above three hundred thousand population. 24898

(2) Six thousand dollars. 24899

(C) In calendar year 2019 and in each calendar year 24900
thereafter through calendar year 2028, the annual compensation of 24901
each member of the board shall be computed after increasing the 24902
dollar amounts specified in ~~division~~ divisions (B)(1) and (2) of 24903
this section by one and three-quarters per cent. 24904

~~Such compensation shall not be less than six thousand~~ 24905
~~dollars.~~ 24906

(D) For the purposes of this section, members of boards of 24907
elections shall be deemed to be appointed and not elected, and 24908
therefore not subject to Section 20 of Article II of the Ohio 24909
Constitution. 24910

Sec. 3701.044. When ~~the director of health or department of~~ 24911
~~health is~~ required or authorized to conduct or administer an 24912
examination or evaluation of ~~individuals~~ an individual for the 24913
purpose of determining competency or ~~for the purpose of~~ issuing a 24914
license, certificate, registration, or other authority to practice 24915
or perform duties, the director of health or department of health 24916
may ~~provide for the examination or evaluation by contracting~~ 24917
contract with ~~any public or private~~ an entity to conduct or 24918
administer the examination or evaluation. The contract may 24919
authorize the entity to collect and retain, as all or part of the 24920
entity's compensation under the contract, any fee paid by an 24921
individual for the examination or evaluation. ~~An~~ The entity 24922
~~authorized to collect and retain a fee~~ is not required to deposit 24923
the fee into the state treasury. 24924

The director or department shall post to the department's web 24925
site the dollar amounts for fees described in this section. Any 24926
changes in fee amounts shall be posted to the web site not later 24927
than thirty days before such changes are effective. 24928

Except when considered to be necessary by the director or 24929
department, the director or department shall not disclose test 24930
materials, examinations, or evaluation tools used in any 24931
examination or evaluation the director or department conducts, 24932
administers, or provides for by contract. The test materials, 24933
examinations, and evaluation tools are not public records for the 24934
purpose of section 149.43 of the Revised Code and are not subject 24935
to inspection or copying under section 1347.08 of the Revised 24936
Code. 24937

Sec. 3701.139. (A) Subject to division (B) of this section, 24938
the director of health shall convene meetings with staff of the 24939
department of health, department of medicaid, department of 24940
administrative services, and commission on minority health to do 24941
all of the following: 24942

(1) Assess the prevalence of all types of diabetes in this 24943
state, including disparities in that prevalence among various 24944
demographic populations and local jurisdictions; 24945

(2) Establish and reevaluate goals for each of the agencies 24946
to reduce that prevalence; 24947

(3) Identify how to measure the progress achieved toward 24948
attaining the goals established under division (A)(2) of this 24949
section; 24950

(4) Establish and monitor the implementation of plans for 24951
each agency to reduce the prevalence of all types of diabetes, 24952
improve diabetes care, and control complications associated with 24953
diabetes among the populations of concern to each agency; 24954

(5) Consider any other matter associated with reducing the 24955
prevalence of all types of diabetes in this state that the 24956
director considers appropriate; 24957

(6) Collect the information needed to prepare the reports 24958
required by division (C) of this section. 24959

(B) The director shall convene the meetings required by 24960
division (A) of this section at the director's discretion, but not 24961
less than twice each calendar year. 24962

(C) Not later than the thirty-first day of January of ~~each~~ 24963
~~even-numbered~~ every third year beginning in ~~2018~~ 2021, the 24964
director shall submit a report to the general assembly in 24965
accordance with section 101.68 of the Revised Code that addresses 24966
or contains all of the following for the ~~two-year~~ three-year 24967
period preceding the report's submission: 24968

(1) The results of the assessment required by division (A)(1) 24969
of this section; 24970

(2) The progress each agency has made toward achieving the 24971
goals established under division (A)(2) of this section and 24972
implementing the plans required by division (A)(4) of this 24973
section; 24974

(3) An assessment of the health and financial impacts that 24975
all types of diabetes have had on the state and local 24976
jurisdictions, and, subject to division (D) of this section, each 24977
agency specified in division (A) of this section; 24978

(4) A description of the efforts the agencies specified in 24979
division (A) of this section have taken to coordinate programs 24980
intended to prevent, treat, and manage all types of diabetes and 24981
associated complications; 24982

(5) Recommendations for legislative policies to reduce the 24983
impact that diabetes, pre-diabetes, and complications from 24984

diabetes have on the citizens of this state, including specific 24985
action steps that could be taken, the expected outcomes of the 24986
action steps, and benchmarks for measuring progress toward 24987
achieving the outcomes; 24988

(6) A budget proposal that identifies the needs and resources 24989
required to implement the recommendations described in division 24990
(C)(5) of this section, as well as estimates of the costs to 24991
implement the recommendations; 24992

(7) Any other information concerning diabetes prevention, 24993
treatment, or management in this state that the director considers 24994
appropriate. 24995

(D) An agency-specific assessment required by division (C) of 24996
this section shall include all of the following: 24997

(1) A list and description of each diabetes prevention or 24998
control program the agency administers, the number of individuals 24999
with each type of diabetes and their dependents who are impacted 25000
by each program, the expenses associated with administering each 25001
program, and the funds appropriated for each program, along with 25002
each funding source; 25003

(2) A comparison of the expenses described in division (D)(1) 25004
of this section with the expenses the agency incurs in 25005
administering programs to reduce the prevalence of other chronic 25006
diseases and conditions; 25007

(3) An evaluation of the benefits that have resulted from 25008
each program listed pursuant to division (D)(1) of this section. 25009

(E) Nothing in this section requires the agencies specified 25010
in division (A) of this section to establish programs for diabetes 25011
prevention, treatment, and management that had not been initiated 25012
or funded prior to ~~the effective date of this section~~ April 6, 25013
2017. 25014

Sec. 3701.24. (A) As used in this section and sections	25015
3701.241 to 3701.249 of the Revised Code:	25016
(1) "AIDS" means the illness designated as acquired	25017
immunodeficiency syndrome.	25018
(2) "HIV" means the human immunodeficiency virus identified	25019
as the causative agent of AIDS.	25020
(3) "AIDS-related condition" means symptoms of illness	25021
related to HIV infection, including AIDS-related complex, that are	25022
confirmed by a positive HIV test.	25023
(4) "HIV test" means any test for the antibody or antigen to	25024
HIV that has been approved by the director of health under	25025
division (B) of section 3701.241 of the Revised Code.	25026
(5) "Health care facility" has the same meaning as in section	25027
1751.01 of the Revised Code.	25028
(6) "Director" means the director of health or any employee	25029
of the department of health acting on the director's behalf.	25030
(7) "Physician" means a person who holds a current, valid	25031
certificate issued <u>authorized</u> under Chapter 4731. of the Revised	25032
Code authorizing the <u>to practice of medicine or</u> and <u>surgery and or</u>	25033
osteopathic medicine and surgery.	25034
(8) "Nurse" means a registered nurse or licensed practical	25035
nurse who holds a license or certificate issued under Chapter	25036
4723. of the Revised Code.	25037
(9) "Anonymous test" means an HIV test administered so that	25038
the individual to be tested can give informed consent to the test	25039
and receive the results by means of a code system that does not	25040
link the identity of the individual tested to the request for the	25041
test or the test results.	25042
(10) "Confidential test" means an HIV test administered so	25043

that the identity of the individual tested is linked to the test 25044
but is held in confidence to the extent provided by sections 25045
3701.24 to 3701.248 of the Revised Code. 25046

(11) "Health care provider" means an individual who provides 25047
diagnostic, evaluative, or treatment services. Pursuant to Chapter 25048
119. of the Revised Code, the director may adopt rules further 25049
defining the scope of the term "health care provider." 25050

(12) "Significant exposure to body fluids" means a 25051
percutaneous or mucous membrane exposure of an individual to the 25052
blood, semen, vaginal secretions, or spinal, synovial, pleural, 25053
peritoneal, pericardial, or amniotic fluid of another individual. 25054

(13) "Emergency medical services worker" means all of the 25055
following: 25056

(a) A peace officer; 25057

(b) An employee of an emergency medical service organization 25058
as defined in section 4765.01 of the Revised Code; 25059

(c) A firefighter employed by a political subdivision; 25060

(d) A volunteer firefighter, emergency operator, or rescue 25061
operator; 25062

(e) An employee of a private organization that renders rescue 25063
services, emergency medical services, or emergency medical 25064
transportation to accident victims and persons suffering serious 25065
illness or injury. 25066

(14) "Peace officer" has the same meaning as in division (A) 25067
of section 109.71 of the Revised Code, except that it also 25068
includes a sheriff and the superintendent and troopers of the 25069
state highway patrol. 25070

(B) Persons designated by rule adopted by the director under 25071
section 3701.241 of the Revised Code shall report promptly every 25072
case of AIDS, every AIDS-related condition, and every confirmed 25073

positive HIV test to the department of health on forms and in a 25074
manner prescribed by the director. In each county the director 25075
shall designate the health commissioner of a health district in 25076
the county to receive the reports. 25077

(C) No person shall fail to comply with the reporting 25078
requirements established under division (B) of this section. 25079

(D) Information reported under this section that identifies 25080
an individual is confidential and may be released only with the 25081
written consent of the individual except as the director 25082
determines necessary to ensure the accuracy of the information, as 25083
necessary to provide treatment to the individual, as ordered by a 25084
court pursuant to section 3701.243 or 3701.247 of the Revised 25085
Code, or pursuant to a search warrant or a subpoena issued by or 25086
at the request of a grand jury, prosecuting attorney, city 25087
director of law or similar chief legal officer of a municipal 25088
corporation, or village solicitor, in connection with a criminal 25089
investigation or prosecution. Information that does not identify 25090
an individual may be released in summary, statistical, or 25091
aggregate form. 25092

Sec. 3701.262. (A) As used in this section: 25093

(1) "Physician" means a person ~~who holds a valid certificate~~ 25094
~~issued~~ authorized under Chapter 4731. of the Revised Code 25095
~~authorizing the person~~ to practice medicine and surgery or 25096
osteopathic medicine and surgery. 25097

(2) "Dentist" means a person who is licensed under Chapter 25098
4715. of the Revised Code to practice dentistry. 25099

(3) "Hospital" has the same meaning as in section 3727.01 of 25100
the Revised Code. 25101

(4) "Cancer" includes those diseases specified by rule of the 25102
director of health under division (B)(2) of this section. 25103

(B) The director of health shall adopt rules in accordance 25104
with Chapter 119. of the Revised Code to do all of the following: 25105

(1) Establish the Ohio cancer incidence surveillance system 25106
required by section 3701.261 of the Revised Code; 25107

(2) Specify the types of cancer and other tumorous and 25108
precancerous diseases to be reported to the department of health 25109
under division (D) of this section; 25110

(3) Establish reporting requirements for information 25111
concerning diagnosed cancer cases as the director considers 25112
necessary to conduct epidemiologic surveys of cancer in this 25113
state; 25114

(4) Establish standards that must be met by research projects 25115
to be eligible to receive information concerning individual cancer 25116
patients from the department of health. 25117

(C) The department of health shall record in the registry all 25118
reports of cancer received by it. In the development and 25119
administration of the cancer registry the department may use 25120
information compiled by public or private cancer registries and 25121
may contract for the collection and analysis of, and research 25122
related to, the information recorded under this section. 25123

(D)(1) Each physician, dentist, hospital, or person providing 25124
diagnostic or treatment services to patients with cancer shall 25125
report each case of cancer to the department. Any person required 25126
to report pursuant to this section may elect to report to the 25127
department through an existing cancer registry if the registry 25128
meets the reporting standards established by the director and 25129
reports to the department. 25130

(2) No person shall fail to make the cancer reports required 25131
by division (D)(1) of this section. 25132

(E) All physicians, dentists, hospitals, or persons providing 25133

diagnostic or treatment services to patients with cancer shall 25134
grant to the department or its authorized representative access to 25135
all records that identify cases of cancer or establish 25136
characteristics of cancer, the treatment of cancer, or the medical 25137
status of any identified cancer patient. 25138

(F) The Arthur G. James cancer hospital and Richard J. Solove 25139
research institute of the Ohio state university, shall analyze and 25140
evaluate the cancer reports collected pursuant to this section. 25141
The department shall publish and make available to the public 25142
reports summarizing the information collected. Reports shall be 25143
made on a calendar year basis and published not later than ninety 25144
days after the end of each calendar year. 25145

(G) Furnishing information, including records, reports, 25146
statements, notes, memoranda, or other information, to the 25147
department of health, either voluntarily or as required by this 25148
section, or to a person or governmental entity designated as a 25149
medical research project by the department, does not subject a 25150
physician, dentist, hospital, or person providing diagnostic or 25151
treatment services to patients with cancer to liability in an 25152
action for damages or other relief for furnishing the information. 25153

(H) This section does not affect the authority of any person 25154
or facility providing diagnostic or treatment services to patients 25155
with cancer to maintain facility-based tumor registries, in 25156
addition to complying with the reporting requirements of this 25157
section. 25158

Sec. 3701.351. (A) The governing body of every hospital shall 25159
set standards and procedures to be applied by the hospital and its 25160
medical staff in considering and acting upon applications for 25161
staff membership or professional privileges. These standards and 25162
procedures shall be available for public inspection. 25163

(B) The governing body of any hospital, in considering and 25164

acting upon applications for staff membership or professional 25165
privileges within the scope of the applicants' respective 25166
licensures, shall not discriminate against a qualified person 25167
solely on the basis of whether that person is ~~certified~~ licensed 25168
to practice medicine, osteopathic medicine, or podiatry, is 25169
licensed to practice dentistry or psychology, or is licensed to 25170
practice nursing as an advanced practice registered nurse. Staff 25171
membership or professional privileges shall be considered and 25172
acted on in accordance with standards and procedures established 25173
under division (A) of this section. This section does not permit a 25174
psychologist to admit a patient to a hospital in violation of 25175
section 3727.06 of the Revised Code. 25176

(C) The governing body of any hospital that is licensed to 25177
provide maternity services, in considering and acting upon 25178
applications for clinical privileges, shall not discriminate 25179
against a qualified person solely on the basis that the person is 25180
authorized to practice nurse-midwifery. An application from a 25181
certified nurse-midwife who is not employed by the hospital shall 25182
contain the name of a physician member of the hospital's medical 25183
staff who holds clinical privileges in obstetrics at that hospital 25184
and who has agreed to be the collaborating physician for the 25185
applicant in accordance with section 4723.43 of the Revised Code. 25186

(D) Any person may apply to the court of common pleas for 25187
temporary or permanent injunctions restraining a violation of 25188
division (A), (B), or (C) of this section. This action is an 25189
additional remedy not dependent on the adequacy of the remedy at 25190
law. 25191

(E)(1) If a hospital does not provide or permit the provision 25192
of any diagnostic or treatment service for mental or emotional 25193
disorders or any other service that may be legally performed by a 25194
psychologist licensed under Chapter 4732. of the Revised Code, 25195
this section does not require the hospital to provide or permit 25196

the provision of any such service and the hospital shall be exempt 25197
from requirements of this section pertaining to psychologists. 25198

(2) This section does not impair the right of a hospital to 25199
enter into an employment, personal service, or any other kind of 25200
contract with a licensed psychologist, upon any such terms as the 25201
parties may mutually agree, for the provision of any service that 25202
may be legally performed by a licensed psychologist. 25203

Sec. 3701.36. (A) As used in this section and in sections 25204
3701.361 and 3701.362 of the Revised Code, "palliative care" has 25205
the same meaning as in section 3712.01 of the Revised Code. 25206

(B) There is hereby created the palliative care and quality 25207
of life interdisciplinary council. Subject to division (C) of this 25208
section, members of the council shall be appointed by the director 25209
of health and include individuals with expertise in palliative 25210
care who represent the following professions or constituencies: 25211

(1) Physicians authorized under Chapter 4731. of the Revised 25212
Code to practice medicine and surgery or osteopathic medicine and 25213
surgery, including those who are board-certified in pediatrics and 25214
those who are board-certified in psychiatry, as those designations 25215
are issued by a medical specialty certifying board recognized by 25216
the American board of medical specialties or American osteopathic 25217
association; 25218

(2) Physician assistants licensed under Chapter 4730. of the 25219
Revised Code; 25220

(3) Advanced practice registered nurses licensed under 25221
Chapter 4723. of the Revised Code who are designated as clinical 25222
nurse specialists or certified nurse practitioners; 25223

(4) Registered nurses and licensed practical nurses licensed 25224
under Chapter 4723. of the Revised Code; 25225

(5) Pharmacists licensed under Chapter 4729. of the Revised 25226

Code;	25227
(6) Psychologists licensed under Chapter 4732. of the Revised Code;	25228
Code;	25229
(7) Licensed professional clinical counselors or licensed professional counselors licensed under Chapter 4757. of the Revised Code;	25230
	25231
	25232
(8) Independent social workers or social workers licensed under Chapter 4757. of the Revised Code;	25233
	25234
(9) Marriage and family therapists licensed under Chapter 4757. of the Revised Code;	25235
	25236
(10) Child life specialists;	25237
(11) Clergy or spiritual advisers;	25238
(12) Exercise physiologists;	25239
(13) Health insurers;	25240
(14) Patients;	25241
(15) Family caregivers.	25242
The council's membership also may include employees of agencies of this state that administer programs pertaining to palliative care or are otherwise concerned with the delivery of palliative care in this state.	25243
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	25246
(C) The council's membership shall include individuals who have worked with various age groups, including children and the elderly. The council's membership also shall include individuals who have experience or expertise in various palliative care delivery models, including acute care, long-term care, hospice care, home health agency services, home-based care, and spiritual care. At least two members shall be physicians who are board-certified in hospice and palliative care by a medical specialty certifying board recognized by the American board of	25247
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medical specialties or American osteopathic association. At least 25256
one member shall be employed as an administrator of a hospital or 25257
system of hospitals in this state or be a professional specified 25258
in divisions (B)(1) to (10) or division (B)(12) of this section 25259
who treats patients as an employee or contractor of such a 25260
hospital or system of hospitals. 25261

Not more than twenty individuals shall serve as members of 25262
the council at any one time. Not more than two members shall be 25263
employed by the same health care facility or provider or practice 25264
at or for the same health care facility or provider. 25265

In making appointments to the council, the director shall 25266
seek to include as members individuals who represent underserved 25267
areas of the state and to have all geographic areas of the state 25268
represented. 25269

(D) The director shall make initial appointments to the 25270
council not later than ninety days after ~~the effective date of~~ 25271
~~this section~~ March 20, 2019. Terms of office shall be three years. 25272
Each member shall hold office from the date of appointment until 25273
the end of the term for which the member was appointed. In the 25274
event of death, removal, resignation, or incapacity of a council 25275
member, the director shall appoint a successor who shall hold 25276
office for the remainder of the term for which the successor's 25277
predecessor was appointed. A member shall continue in office 25278
subsequent to the expiration date of the member's term until the 25279
member's successor takes office or until a period of sixty days 25280
has elapsed, whichever occurs first. 25281

The council shall meet at the call of the director, but not 25282
less than twice annually. The council shall select annually from 25283
among its members a chairperson and vice-chairperson, whose duties 25284
shall be established by the council. 25285

Each member shall serve without compensation, except to the 25286

extent that serving on the council is considered part of the 25287
member's regular employment duties. 25288

(E) The council shall do all of the following: 25289

(1) Consult with and advise the director on matters related 25290
to the establishment, maintenance, operation, and evaluation of 25291
palliative care initiatives in this state; 25292

(2) Consult with the department of health for purposes of its 25293
implementation of section 3701.361 of the Revised Code; 25294

(3) Identify national organizations that have established 25295
standards of practice and best practice models for palliative 25296
care; 25297

(4) Identify initiatives established at the national and 25298
state levels aimed at integrating palliative care into the health 25299
care system and enhancing the use and development of palliative 25300
care; 25301

(5) Establish guidelines for health care facilities and 25302
providers to use under section 3701.362 of the Revised Code in 25303
identifying patients and residents who could benefit from 25304
palliative care; 25305

(6) On or before December 31 of each year, prepare and submit 25306
to the governor, general assembly, director of health, director of 25307
aging, superintendent of insurance, and medicaid director, ~~and~~ 25308
~~executive director of the office of health transformation~~ a report 25309
of recommendations for improving the provision of palliative care 25310
in this state. 25311

The council shall submit the report to the general assembly 25312
in accordance with section 101.68 of the Revised Code. 25313

(F) The department of health shall provide to the council the 25314
administrative support necessary to execute its duties. At the 25315
request of the council, the department shall examine potential 25316

sources of funding to assist with any duties described in this 25317
section or sections 3701.361 and 3701.362 of the Revised Code. 25318

(G) The council is not subject to sections 101.82 to 101.87 25319
of the Revised Code. 25320

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) 25321
of this section, all newborn children shall be screened for the 25322
presence of the genetic, endocrine, and metabolic disorders 25323
specified in rules, adopted pursuant to this section. 25324

(2) Division (A)(1) of this section does not apply in either 25325
of the following circumstances: 25326

(a) If the parents of the child object to the screening on 25327
the grounds that it conflicts with their religious tenets and 25328
practices; 25329

(b) With respect to the screening for Krabbe disease 25330
described in division (C)(1)(b) of this section, if the parents of 25331
the child communicate their decision to forgo the screening. 25332

(B) There is hereby created the newborn screening advisory 25333
council to advise the director of health regarding the screening 25334
of newborn children for genetic, endocrine, and metabolic 25335
disorders. The council shall engage in an ongoing review of the 25336
newborn screening requirements established under this section and 25337
shall provide recommendations and reports to the director as the 25338
director requests and as the council considers necessary. The 25339
director may assign other duties to the council, as the director 25340
considers appropriate. 25341

The council shall consist of fourteen members appointed by 25342
the director. In making appointments, the director shall select 25343
individuals and representatives of entities with interest and 25344
expertise in newborn screening, including such individuals and 25345
entities as health care professionals, hospitals, children's 25346

hospitals, regional genetic centers, regional sickle cell centers, 25347
newborn screening coordinators, and members of the public. 25348

The department of health shall provide meeting space, staff 25349
services, and other technical assistance required by the council 25350
in carrying out its duties. Members of the council shall serve 25351
without compensation, but shall be reimbursed for their actual and 25352
necessary expenses incurred in attending meetings of the council 25353
or performing assignments for the council. 25354

The council is not subject to sections 101.82 to 101.87 of 25355
the Revised Code. 25356

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 25357
director of health shall adopt rules in accordance with Chapter 25358
119. of the Revised Code specifying the disorders for which each 25359
newborn child must be screened. 25360

(b) In adopting the rules, the director shall specify Krabbe 25361
disease as a disorder for which a newborn child who is born on or 25362
after July 1, 2016, must be screened. ~~The rules shall limit the~~ 25363
~~screening requirement for Krabbe disease to the process known as~~ 25364
~~"first tier testing," which is a screening for Krabbe disease that~~ 25365
~~is accomplished by measuring galactocerebrosidase activity using~~ 25366
~~mass spectrometry.~~ 25367

(2) The newborn screening advisory council shall evaluate 25368
genetic, metabolic, and endocrine disorders to assist the director 25369
in determining which disorders should be included in the 25370
screenings required under this section. In determining whether a 25371
disorder should be included, the council shall consider all of the 25372
following: 25373

(a) The disorder's incidence, mortality, and morbidity; 25374

(b) Whether the disorder causes disability if diagnosis, 25375
treatment, and early intervention are delayed; 25376

(c) The potential for successful treatment of the disorder; 25377

(d) The expected benefits to children and society in relation 25378
to the risks and costs associated with screening for the disorder; 25379

(e) Whether a screening for the disorder can be conducted 25380
without taking an additional blood sample or specimen. 25381

(3) Based on the considerations specified in division (C)(2) 25382
of this section, the council shall make recommendations to the 25383
director of health for the adoption of rules under division (C)(1) 25384
of this section. The director shall promptly and thoroughly review 25385
each recommendation the council submits. 25386

(D) The director shall adopt rules in accordance with Chapter 25387
119. of the Revised Code establishing standards and procedures for 25388
the screenings required by this section. The rules shall include 25389
standards and procedures for all of the following: 25390

(1) Causing rescreenings to be performed when initial 25391
screenings have abnormal results; 25392

(2) Designating the person or persons who will be responsible 25393
for causing screenings and rescreenings to be performed; 25394

(3) Giving to the parents of a child notice of the required 25395
initial screening and the possibility that rescreenings may be 25396
necessary; 25397

(4) Communicating to the parents of a child the results of 25398
the child's screening and any rescreenings that are performed; 25399

(5) Giving notice of the results of an initial screening and 25400
any rescreenings to the person who caused the child to be screened 25401
or rescreened, or to another person or government entity when the 25402
person who caused the child to be screened or rescreened cannot be 25403
contacted; 25404

(6) Referring children who receive abnormal screening or 25405
rescreening results to providers of follow-up services, including 25406

the services made available through funds disbursed under division 25407
(F) of this section. 25408

(E)(1) Except as provided in divisions (E)(2) and (3) of this 25409
section, all newborn screenings required by this section shall be 25410
performed by the public health laboratory authorized under section 25411
3701.22 of the Revised Code. 25412

(2) If the director determines that the public health 25413
laboratory is unable to perform screenings for all of the 25414
disorders specified in the rules adopted under division (C) of 25415
this section, the director shall select another laboratory to 25416
perform the screenings. The director shall select the laboratory 25417
by issuing a request for proposals. The director may accept 25418
proposals submitted by laboratories located outside this state. At 25419
the conclusion of the selection process, the director shall enter 25420
into a written contract with the selected laboratory. If the 25421
director determines that the laboratory is not complying with the 25422
terms of the contract, the director shall immediately terminate 25423
the contract and another laboratory shall be selected and 25424
contracted with in the same manner. 25425

(3) Any rescreening caused to be performed pursuant to this 25426
section may be performed by the public health laboratory or one or 25427
more other laboratories designated by the director. Any laboratory 25428
the director considers qualified to perform rescreenings may be 25429
designated, including a laboratory located outside this state. If 25430
more than one laboratory is designated, the person responsible for 25431
causing a rescreening to be performed is also responsible for 25432
selecting the laboratory to be used. 25433

(F)(1) The director shall adopt rules in accordance with 25434
Chapter 119. of the Revised Code establishing a fee that shall be 25435
charged and collected in addition to or in conjunction with any 25436
laboratory fee that is charged and collected for performing the 25437
screenings required by this section. The fee, which shall be not 25438

less than fourteen dollars, shall be disbursed as follows: 25439

(a) Not less than ten dollars and twenty-five cents shall be 25440
deposited in the state treasury to the credit of the genetics 25441
services fund, which is hereby created. Not less than seven 25442
dollars and twenty-five cents of each fee credited to the genetics 25443
services fund shall be used to defray the costs of the programs 25444
authorized by section 3701.502 of the Revised Code. Not less than 25445
three dollars from each fee credited to the genetics services fund 25446
shall be used to defray costs of phenylketonuria programs. 25447

(b) Not less than three dollars and seventy-five cents shall 25448
be deposited into the state treasury to the credit of the sickle 25449
cell fund, which is hereby created. Money credited to the sickle 25450
cell fund shall be used to defray costs of programs authorized by 25451
section 3701.131 of the Revised Code. 25452

(2) In adopting rules under division (F)(1) of this section, 25453
the director shall not establish a fee that differs according to 25454
whether a screening is performed by the public health laboratory 25455
or by another laboratory selected by the director pursuant to 25456
division (E)(2) of this section. 25457

Sec. 3701.571. (A) The director of health shall adopt rules 25458
pursuant to Chapter 119. of the Revised Code that establish a 25459
graduated system of fines based on the scope and severity of 25460
violations and the history of compliance, not to exceed seven 25461
hundred fifty dollars per incident, and in an adjudication under 25462
Chapter 119. of the Revised Code, may impose a fine against any 25463
person who violates division (C) of section 3701.23, division (C) 25464
of section 3701.232, division (C) of section 3701.24, ~~division (B)~~ 25465
~~of section 3701.25,~~ or division (B) of section 3707.06 of the 25466
Revised Code or against any poison prevention and treatment center 25467
or other health-related entity that fails to comply with division 25468
(C) of section 3701.201 of the Revised Code. 25469

(B) On request of the director, the attorney general shall 25470
bring and prosecute to judgment a civil action to collect any fine 25471
imposed under division (A) of this section that remains unpaid. 25472

(C) All fines collected under this section shall be deposited 25473
into the state treasury to the credit of the general operations 25474
fund created under section 3701.83 of the Revised Code. 25475

Sec. 3701.601. There is hereby created in the state treasury 25476
the breast and cervical cancer project income tax contribution 25477
fund, which shall consist of money contributed to it under section 25478
5747.113 of the Revised Code and of contributions made directly to 25479
it. Any person may contribute directly to the fund in addition to 25480
or independently of the income tax refund contribution system 25481
established in section 5747.113 of the Revised Code. 25482

The director of health shall distribute the contributed funds 25483
to the Ohio breast and cervical cancer project administered under 25484
section 3701.144 of the Revised Code. The contributed funds shall 25485
be used specifically for the provision of breast and cervical 25486
cancer screening, diagnostic, and outreach services to uninsured 25487
and under-insured women who meet the eligibility requirements 25488
specified in that section. The breast and cervical cancer project, 25489
through its regional agencies, shall use the contributed funds to 25490
pay for services provided directly by personnel of ~~local~~ 25491
~~departments~~ health facilities operated by boards of health, free 25492
clinics as defined in section 3701.071 of the Revised Code, 25493
mammography services providers, radiology services providers, 25494
federally qualified health centers as defined by section 3701.047 25495
of the Revised Code, rural health centers, or other community 25496
health centers. 25497

Sec. 3701.611. (A) ~~Not later than six months after April 6,~~ 25498
~~2017, the~~ The department of health ~~and the department of~~ 25499

~~developmental disabilities~~ shall create a central intake and 25500
~~referral system for the state's part C early intervention services~~ 25501
~~program and~~ all home visiting programs operating in this state. 25502
~~The system shall comply with all regulations governing the part C~~ 25503
~~early intervention program for infants and toddlers with~~ 25504
~~disabilities that are promulgated under the "Individuals with~~ 25505
~~Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended.~~ 25506
Through a competitive bidding process, the department of health 25507
~~and department of developmental disabilities~~ may select one or 25508
more persons or government entities to operate the system. 25509

(B) If the department of health ~~and department of~~ 25510
~~developmental disabilities choose~~ chooses to select one or more 25511
system operators as described in division (A) of this section, a 25512
contract with any system operator shall require that the system do 25513
both of the following: 25514

(1) Serve as a single point of entry for access, assessment, 25515
and referral of families to appropriate home visiting services ~~and~~ 25516
~~part C early intervention services~~ based on each family's location 25517
of residence; 25518

(2) Use a standardized form or other mechanism to assess for 25519
each family member's risk factors and social determinants of 25520
health, as well as ensure that the family is referred to the 25521
appropriate home visiting ~~or part C early intervention program or~~ 25522
service, which may include a program that uses home visiting 25523
contractors who provide services within a community HUB that fully 25524
or substantially complies with the pathways community HUB 25525
certification standards developed by the pathways community HUB 25526
institute. 25527

(C) The standardized form or other mechanism described in 25528
division (B)(2) of this section shall be agreed to by the home 25529
visiting consortium created under section 3701.612 of the Revised 25530

~~Code and the early intervention services advisory council created~~ 25531
~~under section 5123.0422 of the Revised Code.~~ 25532

(D) A contract entered into under division (B) of this 25533
section shall require a system operator to issue an annual report 25534
to the department of health ~~and department of developmental~~ 25535
~~disabilities~~ that includes data regarding referrals made by the 25536
central intake and referral system, costs associated with the 25537
referrals, and the quality of services received by families who 25538
were referred to services through the system. The report shall be 25539
distributed to the home visiting consortium created under section 25540
3701.612 of the Revised Code ~~and the early intervention services~~ 25541
~~advisory council created under section 5123.0422 of the Revised~~ 25542
~~Code.~~ 25543

~~(E) The department of health and department of developmental~~ 25544
~~disabilities shall share any funding made available to each~~ 25545
~~department for local outreach and child find efforts after~~ 25546
~~creating the central intake and referral system described in~~ 25547
~~division (A) of this section.~~ 25548

~~(F)~~ Nothing in this section is intended to do any of the 25549
following: 25550

(1) Prohibit the department of health ~~or department of~~ 25551
~~developmental disabilities~~ from using alternative promotional 25552
materials or names for the central intake and referral system; 25553

(2) Require the use of help me grow program promotional 25554
materials or names; 25555

(3) Prohibit providers, central coordinators, the department 25556
of health, ~~the department of developmental disabilities,~~ or 25557
stakeholders from using the help me grow name for promotional 25558
materials for ~~both the home visiting and part C early intervention~~ 25559
~~services components.~~ 25560

Sec. 3701.612. (A) The Ohio home visiting consortium is 25561
hereby created. The purpose of the consortium is to ensure that 25562
home visiting services provided by home visiting programs 25563
operating in this state, as well as home visiting services 25564
provided or arranged for by medicaid managed care organizations, 25565
are high-quality and delivered through evidence-based or 25566
innovative, promising home visiting models, including models used 25567
by home visiting contractors who provide services within one or 25568
more community HUBs that fully or substantially comply with the 25569
pathways community HUB certification standards developed by the 25570
pathways community HUB institute. It is the intent of the general 25571
assembly that all home visiting services provided in this state do 25572
both of the following: 25573

(1) Improve health, educational, and social outcomes for 25574
expectant and new parents and young children; 25575

(2) Promote safe, connected families and communities in which 25576
children are able to grow up healthy and ready to learn. 25577

(B)(1) In furtherance of the consortium's purpose, the 25578
consortium shall do both of the following: 25579

(a) Make recommendations to the department of health, 25580
department of medicaid, department of mental health and addiction 25581
services, and department of developmental disabilities regarding 25582
how to leverage all funding sources available for home visiting 25583
services, including medicaid, to accomplish both of the following 25584
in this state: 25585

(i) Expand the use of evidence-based home visiting program 25586
models, including models used by home visiting contractors who 25587
provide services within one or more community HUBs that fully or 25588
substantially comply with the pathways community HUB certification 25589
standards developed by the pathways community HUB institute; 25590

(ii) Initiate, as pilot projects, innovative, promising home visiting models. 25591
25592

(b) Make recommendations to the department of medicaid on the terms to be included in contracts the department enters into with medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their ~~organizations~~ medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section. 25593
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(2) The consortium may recommend a standardized form or other mechanism to assess family risk factors and social determinants of health for purposes of the central intake and referral system described in section 3701.611 of the Revised Code. 25602
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(C) The consortium shall consist of the following members: 25606

(1) The director of health or the director's designee; 25607

(2) The medicaid director or the director's designee; 25608

(3) The director of mental health and addiction services or the director's designee; 25609
25610

(4) The director of developmental disabilities or the director's designee; 25611
25612

(5) The executive director of the commission on minority health or the executive director's designee; 25613
25614

(6) A member of the commission on infant mortality who is not a legislator or an individual specified under this division; 25615
25616

(7) One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio association of health plans; 25617
25618
25619

(8) One individual who represents county boards of 25620

developmental disabilities, recommended by the Ohio association of 25621
county boards of developmental disabilities; 25622

(9) A home visiting contractor who provides services within 25623
the help me grow program through a contract, grant, or other 25624
agreement with the department of health; 25625

(10) A home visiting contractor who provides services within 25626
one or more community HUBs that fully or substantially comply with 25627
the pathways community HUB certification standards developed by 25628
the pathways community HUB institute through a contract, grant, or 25629
other agreement with the commission on minority health; 25630

(11) An individual who receives home visiting services from 25631
the help me grow program; 25632

~~(11)~~(12) An individual who receives home visiting services 25633
from a home visiting contractor who provides services within one 25634
or more community HUBs that fully or substantially comply with the 25635
pathways community HUB certification standards developed by the 25636
pathways community HUB institute; 25637

(13) Two members of the senate, one from the majority party 25638
and one from the minority party, each appointed by the senate 25639
president; 25640

~~(12)~~(14) Two members of the house of representatives, one 25641
from the majority party and one from the minority party, each 25642
appointed by the speaker of the house of representatives. 25643

(D) The consortium members described in divisions (C)~~(6)~~~~to~~ 25644
~~(11)~~(10) and (12) of this section shall be appointed not later 25645
than thirty days after ~~the effective date of this section the~~ 25646
effective date of this amendment. An appointed member shall hold 25647
office until a successor is appointed. A vacancy shall be filled 25648
in the same manner as the original appointment. 25649

The director of health shall serve as the chairperson of the 25650

consortium. 25651

A member shall serve without compensation except to the 25652
extent that serving on the consortium is considered part of the 25653
member's regular duties of employment. 25654

(E) The consortium shall meet at the call of the director of 25655
health but not less than once each calendar quarter. The 25656
consortium's first meeting shall occur not later than sixty days 25657
after ~~the effective date of this section~~ April 6, 2017. 25658

(F) The department of health shall provide meeting space and 25659
staff and other administrative support for the consortium. 25660

(G) The consortium is not subject to sections 101.82 to 25661
101.87 of the Revised Code. 25662

Sec. 3701.68. (A) As used in this section: 25663

(1) "Academic medical center" means a medical school and its 25664
affiliated teaching hospitals. 25665

(2) "State registrar" has the same meaning as in section 25666
3705.01 of the Revised Code. 25667

(B) There is hereby created the commission on infant 25668
mortality. The commission shall do all of the following: 25669

(1) Conduct a complete inventory of services provided or 25670
administered by the state that are available to address the infant 25671
mortality rate in this state; 25672

(2) For each service identified under division (B)(1) of this 25673
section, determine both of the following: 25674

(a) The sources of the funds that are used to pay for the 25675
service; 25676

(b) Whether the service and its funding sources have a 25677
connection with programs provided or administered by local or 25678
community-based public or private entities and, to the extent they 25679

do not, whether they should. 25680

(3) With assistance from academic medical centers, track and 25681
analyze infant mortality rates by county for the purpose of 25682
determining the impact of state and local initiatives to reduce 25683
those rates. 25684

(C) The commission shall consist of the following members: 25685

(1) Two members of the senate, one from the majority party 25686
and one from the minority party, each appointed by the senate 25687
president; 25688

(2) Two members of the house of representatives, one from the 25689
majority party and one from the minority party, each appointed by 25690
the speaker of the house of representatives; 25691

(3) The ~~executive director of the office of health~~ 25692
~~transformation or the executive director's~~ governor or the 25693
governor's designee; 25694

(4) The medicaid director or the director's designee; 25695

(5) The director of health or the director's designee; 25696

(6) The director of developmental disabilities or the 25697
director's designee; 25698

(7) The executive director of the commission on minority 25699
health or the executive director's designee; 25700

(8) The attorney general or the attorney general's designee; 25701

(9) A health commissioner of a city or general health 25702
district, appointed by the governor; 25703

(10) A coroner, deputy coroner, or other person who conducts 25704
death scene investigations, appointed by the governor; 25705

(11) An individual who represents the Ohio hospital 25706
association, appointed by the association's president; 25707

(12) An individual who represents the Ohio children's 25708

hospital association, appointed by the association's president; 25709

(13) Two individuals who represent community-based programs 25710
that serve pregnant women or new mothers whose infants tend to be 25711
at a higher risk for infant mortality, appointed by the governor. 25712

(D) ~~The commission members described in divisions (C)(1),~~ 25713
~~(2), (9), (10), (11), (12), and (13) of this section shall be~~ 25714
~~appointed not later than thirty days after March 19, 2015.~~ An 25715
appointed commission member shall hold office until a successor is 25716
appointed. A vacancy shall be filled in the same manner as the 25717
original appointment. 25718

From among the members, the president of the senate and 25719
speaker of the house of representatives shall appoint two to serve 25720
as co-chairpersons of the commission. The co-chairpersons, upon 25721
mutual agreement, may appoint additional members to the 25722
commission. 25723

A member shall serve without compensation except to the 25724
extent that serving on the commission is considered part of the 25725
member's regular duties of employment. 25726

(E) The commission may request assistance from the staff of 25727
the legislative service commission. 25728

(F) For purposes of division (B)(3) of this section, the 25729
state registrar shall ensure that the commission and academic 25730
medical centers located in this state have access to any 25731
electronic system of vital records the state registrar or 25732
department of health maintains, including the Ohio public health 25733
information warehouse. Not later than six months after March 19, 25734
2015, the commission on infant mortality shall prepare a written 25735
report of its findings and recommendations concerning the matters 25736
described in division (B) of this section. On completion, the 25737
commission shall submit the report to the governor and, in 25738
accordance with section 101.68 of the Revised Code, the general 25739

assembly. 25740

(G) The president of the senate and speaker of the house of 25741
representatives shall determine the responsibilities of the 25742
commission following submission of the report under division (F) 25743
of this section. 25744

(H) The commission is not subject to sections 101.82 to 25745
101.87 of the Revised Code. 25746

(I) The commission shall provide information to the Ohio 25747
housing finance agency for the purposes of division (A) of section 25748
175.14 of the Revised Code. 25749

Sec. 3701.95. (A) ~~As used in this section, "government~~ 25750
~~program providing public benefits" has the same meaning as in~~ 25751
~~section 191.01 of the Revised Code.~~ 25752

~~(B)~~ The director of health shall identify each government 25753
program providing benefits, other than the help me grow program 25754
established by the department of health pursuant to section 25755
3701.61 of the Revised Code, that has the goal of reducing infant 25756
mortality and negative birth outcomes or the goal of reducing 25757
disparities among women who are pregnant or capable of becoming 25758
pregnant and who belong to a racial or ethnic minority. A program 25759
shall be identified only if it provides education, ~~training,~~ and 25760
support services related to those goals to program participants in 25761
their homes. The director may consult with the Ohio partnership to 25762
build stronger families for assistance with identifying the 25763
programs. 25764

~~(C)~~(B) An administrator of a program identified under 25765
division ~~(B)~~(A) of this section shall report to the director data 25766
on program performance indicators that are used to assess progress 25767
toward achieving program goals. The administrator shall report the 25768
data in the format and within the time frames specified in rules 25769

adopted under division ~~(D)~~(C) of this section. Using the data 25770
reported under this division, the director shall prepare an annual 25771
report assessing the performance of each government program 25772
identified pursuant to division ~~(B)~~(A) of this section during the 25773
immediately preceding twelve-month period. In addition, the report 25774
shall summarize and provide an analysis of the information 25775
contained in the "information for medical and health use only" 25776
section of the birth records for individuals born during the prior 25777
twelve-month period. 25778

The director shall provide a copy of the report to the 25779
general assembly and the joint medicaid oversight committee. The 25780
copy to the general assembly shall be provided in accordance with 25781
section 101.68 of the Revised Code. 25782

~~(D)~~(C) The director shall adopt rules specifying program 25783
performance indicators on which data must be reported by the 25784
administrators described in division ~~(C)~~(B) of this section as 25785
well as the format and time frames in which the data must be 25786
reported. To the extent possible, the program performance 25787
indicators specified in the rules shall be consistent with federal 25788
reporting requirements for federally funded home visiting 25789
services. The rules shall be adopted in accordance with Chapter 25790
119. of the Revised Code. 25791

Sec. 3701.99. (A) Whoever violates division (C) of section 25792
3701.23, division (C) of section 3701.232, division (C) of section 25793
3701.24, ~~division (B) of section 3701.25,~~ division (D)(2) of 25794
section 3701.262, or sections 3701.46 to 3701.55 of the Revised 25795
Code is guilty of a minor misdemeanor on a first offense; on each 25796
subsequent offense, the person is guilty of a misdemeanor of the 25797
fourth degree. 25798

(B) Whoever violates section 3701.82 of the Revised Code is 25799
guilty of a misdemeanor of the first degree. 25800

(C) Whoever violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree.

Sec. 3702.12. Initial rules for each activity specified in section 3702.11 of the Revised Code and for each health care facility listed as defined in ~~division (A)(4)~~ of section 3702.30 of the Revised Code shall be adopted using the procedure prescribed by this section.

The director of health shall file proposed rules in accordance with section 119.03 of the Revised Code. If, prior to expiration of the time for legislative review and invalidation under division (I) of that section, the joint committee on agency rule review recommends the adoption of a concurrent resolution invalidating a proposed rule, the director shall withdraw the proposed rule, revise it, and refile it as if it were a newly proposed rule; the director shall not file the proposed rule in final form. A proposed rule that the director refiles following a recommendation for a concurrent resolution of invalidation shall be treated, for purposes of determining the time for legislative review and invalidation under section 119.03 of the Revised Code, as if it were a newly proposed rule. If, after filing the revised proposed rule, the joint committee again recommends the adoption of a concurrent resolution of invalidation, the director shall file the revised proposed rule in final form in accordance with section 111.15 of the Revised Code, and the rule shall take effect in accordance with that section.

If, prior to expiration of the time for legislative review and invalidation, the joint committee does not recommend the adoption of a concurrent resolution invalidating a proposed rule or revised proposed rule filed in accordance with section 119.03 of the Revised Code, the director shall file the rule in final form in accordance with section 119.04 of the Revised Code, and

the rule shall take effect in accordance with that section. 25832

Initial rules adopted for each activity specified in section 25833
3702.11 of the Revised Code shall include rules pertaining to all 25834
of the matters required by section 3702.16 of the Revised Code. 25835

Initial rules shall not be adopted as emergency rules. 25836

Sec. 3702.13. After the adoption, in accordance with section 25837
3702.12 of the Revised Code, of initial rules applicable to an 25838
activity specified in section 3702.11 of the Revised Code or a 25839
health care facility listed as defined in division (A)(4) of 25840
section 3702.30 of the Revised Code, any amendments to the rules 25841
applicable to that activity or facility, including enactment of 25842
new rules or amendments or rescissions of existing rules, shall be 25843
adopted in accordance with Chapter 119. of the Revised Code. 25844

Sec. 3702.21. (A) As used in this section: 25845

(1) "Facility fee" means a fee for certain overhead costs 25846
associated with providing health care services. A fee is a 25847
facility fee only if both of the following apply: 25848

(a) The fee directly or indirectly pays for costs associated 25849
with the following: 25850

(i) Use of examination rooms, operating rooms, recovery 25851
rooms, preparation areas, and waiting rooms and lounges for 25852
patients and relatives; 25853

(ii) Administrative functions, record keeping, housekeeping, 25854
utilities, and rent. 25855

(b) The associated procedure code is a procedure code that is 25856
directly used for facility fees or is a procedure code that 25857
combines both facility fees and fees for other services. 25858

(2) "Health care facility" has the same meaning as in section 25859
3702.141 of the Revised Code, except that it includes the offices 25860

of private physicians. 25861

(3) "Trauma care" and "trauma center" have the same meanings 25862
as in section 4765.01 of the Revised Code. 25863

(B) A health care facility shall not charge a facility fee 25864
that is in addition to any fee for professional services unless 25865
both of the following apply: 25866

(1) The health care facility is a trauma center. 25867

(2) The professional services were provided not more than two 25868
hundred fifty yards from a building in which the health care 25869
facility provides trauma care. 25870

Sec. 3702.30. (A) As used in this section: 25871

(1) "Ambulatory surgical facility" means a facility, whether 25872
or not part of the same organization as a hospital, that is 25873
located in a building distinct from another in which inpatient 25874
care is provided surgical services are provided to patients who do 25875
not require hospitalization for inpatient care, the duration of 25876
services for any patient does not extend beyond twenty-four hours 25877
after the patient's admission, and to which any of the following 25878
apply: 25879

(a) Outpatient surgery is routinely performed in the 25880
facility, and the facility functions separately from a hospital's 25881
inpatient surgical service and from the offices of private 25882
physicians, podiatrists, and dentists The surgical services are 25883
provided in a building that is separate from another building in 25884
which inpatient care is provided, regardless of whether the 25885
separate building is part of the same organization as the building 25886
in which inpatient care is provided. 25887

(b) Anesthesia is administered in the facility by an 25888
anesthesiologist or certified registered nurse anesthetist, and 25889
the facility functions separately from a hospital's inpatient 25890

~~surgical service and from the offices of private physicians,~~ 25891
~~podiatrists, and dentists.~~ 25892

~~(c) The facility applies to be certified by the United States~~ 25893
~~centers for medicare and medicaid services as an ambulatory~~ 25894
~~surgical center for purposes of reimbursement under Part B of the~~ 25895
~~medicare program, Part B of Title XVIII of the "Social Security~~ 25896
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.~~ 25897

~~(d) The facility applies to be certified by a national~~ 25898
~~accrediting body approved by the centers for medicare and medicaid~~ 25899
~~services for purposes of deemed compliance with the conditions for~~ 25900
~~participating in the medicare program as an ambulatory surgical~~ 25901
~~center.~~ 25902

~~(e) The facility bills or receives from any third party~~ 25903
~~payer, governmental health care program, or other person or~~ 25904
~~government entity any ambulatory surgical facility fee that is~~ 25905
~~billed or paid in addition to any fee for professional services~~ 25906
The surgical services are provided within a building in which 25907
inpatient care is provided and the entity that operates the 25908
portion of the building where the surgical services are provided 25909
is not the entity that operates the remainder of the building. 25910

~~(f)~~(c) The facility is held out to any person or government 25911
entity as an ambulatory surgical facility or similar facility by 25912
means of signage, advertising, or other promotional efforts. 25913

"Ambulatory surgical facility" does not include a hospital 25914
emergency department or an office of a physician, podiatrist, or 25915
dentist. 25916

(2) ~~"Ambulatory surgical facility fee" means a fee for~~ 25917
~~certain overhead costs associated with providing surgical services~~ 25918
~~in an outpatient setting. A fee is an ambulatory surgical facility~~ 25919
~~fee only if it directly or indirectly pays for costs associated~~ 25920
~~with any of the following:~~ 25921

(a) Use of operating and recovery rooms, preparation areas,	25922
and waiting rooms and lounges for patients and relatives;	25923
(b) Administrative functions, record keeping, housekeeping,	25924
utilities, and rent;	25925
(c) Services provided by nurses, pharmacists, orderlies,	25926
technical personnel, and others involved in patient care related	25927
to providing surgery.	25928
"Ambulatory surgical facility fee" does not include any	25929
additional payment in excess of a professional fee that is	25930
provided to encourage physicians, podiatrists, and dentists to	25931
perform certain surgical procedures in their office or their group	25932
practice's office rather than a health care facility, if the	25933
purpose of the additional fee is to compensate for additional cost	25934
incurred in performing office-based surgery.	25935
(3) "Governmental health care program" has the same meaning	25936
as in section 4731.65 of the Revised Code.	25937
(4) "Health care facility" means any of the following:	25938
(a) An ambulatory surgical facility;	25939
(b) A freestanding dialysis center;	25940
(c) A freestanding inpatient rehabilitation facility;	25941
(d) A freestanding birthing center;	25942
(e) A freestanding radiation therapy center;	25943
(f) A freestanding or mobile diagnostic imaging center.	25944
(5) "Third party payer" has the same meaning as in section	25945
3901.38 of the Revised Code.	25946
(B) By rule adopted in accordance with sections 3702.12 and	25947
3702.13 of the Revised Code, the director of health shall	25948
establish quality standards for health care facilities. The	25949
standards may incorporate accreditation standards or other quality	25950

standards established by any entity recognized by the director. 25951

In the case of an ambulatory surgical facility, the standards 25952
shall require the ambulatory surgical facility to maintain an 25953
infection control program. The purposes of the program are to 25954
minimize infections and communicable diseases and facilitate a 25955
functional and sanitary environment consistent with standards of 25956
professional practice. To achieve these purposes, ambulatory 25957
surgical facility staff managing the program shall create and 25958
administer a plan designed to prevent, identify, and manage 25959
infections and communicable diseases; ensure that the program is 25960
directed by a qualified professional trained in infection control; 25961
ensure that the program is an integral part of the ambulatory 25962
surgical facility's quality assessment and performance improvement 25963
program; and implement in an expeditious manner corrective and 25964
preventive measures that result in improvement. 25965

(C) Every ambulatory surgical facility shall require that 25966
each physician who practices at the facility comply with all 25967
relevant provisions in the Revised Code that relate to the 25968
obtaining of informed consent from a patient. 25969

(D) The director shall issue a license to each health care 25970
facility that makes application for a license and demonstrates to 25971
the director that it meets the quality standards established by 25972
the rules adopted under division (B) of this section and satisfies 25973
the informed consent compliance requirements specified in division 25974
(C) of this section. 25975

(E)(1) Except as provided in division (H) of this section and 25976
in section 3702.301 of the Revised Code, no health care facility 25977
shall operate without a license issued under this section. 25978

The general assembly does not intend for the provisions of 25979
this section or section 3702.301 of the Revised Code that 25980
establish health care facility licensing requirements or 25981

exemptions to have an effect on any third-party payments that may 25982
be available for the services provided by either a licensed health 25983
care facility or an entity exempt from licensure. 25984

(2) If the department of health finds that a physician who 25985
practices at a health care facility is not complying with any 25986
provision of the Revised Code related to the obtaining of informed 25987
consent from a patient, the department shall report its finding to 25988
the state medical board, the physician, and the health care 25989
facility. 25990

(3) ~~This division~~ Division (E)(2) of this section does not 25991
create, and shall not be construed as creating, a new cause of 25992
action or substantive legal right against a health care facility 25993
and in favor of a patient who allegedly sustains harm as a result 25994
of the failure of the patient's physician to obtain informed 25995
consent from the patient prior to performing a procedure on or 25996
otherwise caring for the patient in the health care facility. 25997

(F) The rules adopted under division (B) of this section 25998
shall include all of the following: 25999

(1) Provisions governing application for, renewal, 26000
suspension, and revocation of a license under this section; 26001

(2) Provisions governing orders issued pursuant to section 26002
3702.32 of the Revised Code for a health care facility to cease 26003
its operations or to prohibit certain types of services provided 26004
by a health care facility; 26005

(3) Provisions governing the imposition under section 3702.32 26006
of the Revised Code of civil penalties for violations of this 26007
section or the rules adopted under this section, including a scale 26008
for determining the amount of the penalties; 26009

(4) Provisions specifying the form inspectors must use when 26010
conducting inspections of ambulatory surgical facilities. 26011

(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code.

(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section:

(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging;

(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging;

(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure.

Sec. 3702.967. The director of health may accept gifts of money from any source for the implementation and administration of sections 3702.96 to 3702.965 of the Revised Code.

The director shall pay all gifts accepted under this section ~~into the state treasury, to the credit of the dental hygiene resource shortage area fund, which is hereby created,~~ and all damages collected under division (C)(3) of section 3702.965 of the Revised Code~~7~~ into the state treasury~~7~~ to the credit of the dental hygienist loan repayment fund, which is hereby created.

The director shall use the ~~dental hygiene resource shortage area~~ and dental hygienist loan repayment ~~funds~~ fund for the implementation and administration of sections 3702.96 to 3702.967 of the Revised Code.

Sec. 3704.01. As used in this chapter:

(A) "Administrator" means the administrator of the United States environmental protection agency or the chief executive of

any successor federal agency responsible for implementation of the 26041
federal Clean Air Act. 26042

(B) "Air contaminant" means particulate matter, dust, fumes, 26043
gas, mist, radionuclides, smoke, vapor, or odorous substances, or 26044
any combination thereof, but does not mean emissions from 26045
agricultural production activities, as defined in section 929.01 26046
of the Revised Code, that are consistent with generally accepted 26047
agricultural practices, were established prior to adjacent 26048
nonagricultural activities, have no substantial, adverse effect on 26049
the public health, safety, or welfare, do not result from the 26050
negligent or other improper operations of any such agricultural 26051
activities, and would not be required to obtain a Title V permit. 26052
For the purposes of this chapter, agricultural production 26053
activities do not include the installation and operation of 26054
off-farm facilities for the storage or processing of agricultural 26055
products, including, but not limited to, alfalfa dehydrating 26056
facilities, rendering plants, and feed and grain mills, elevators, 26057
and terminals. 26058

(C) "Air contaminant source" means each separate operation or 26059
activity that results or may result in the emission of any air 26060
contaminant. 26061

(D) "Air pollution" means the presence in the ambient air of 26062
one or more air contaminants or any combination thereof in 26063
sufficient quantity and of such characteristics and duration as is 26064
or threatens to be injurious to human health or welfare, plant or 26065
animal life, or property, or as unreasonably interferes with the 26066
comfortable enjoyment of life or property. 26067

(E) "Ambient air" means that portion of the atmosphere 26068
outside of buildings and other enclosures, stacks, or ducts that 26069
surrounds human, plant, or animal life or property. 26070

(F) "Best available technology" means any combination of work 26071

practices, raw material specifications, throughput limitations, 26072
source design characteristics, an evaluation of the annualized 26073
cost per ton of pollutant removed, and air pollution control 26074
devices that have been previously demonstrated to the director of 26075
environmental protection to operate satisfactorily in this state 26076
or other states with similar air quality on substantially similar 26077
air pollution sources. 26078

(G) "Change within a permitted facility" means, within the 26079
context of the Title V permit program established under section 26080
3704.036 of the Revised Code, a change that is limited by a 26081
federally enforceable provision of an applicable Title V permit 26082
and that does not include physical, production, or other changes 26083
that are neither addressed nor limited by the federally 26084
enforceable portion of a Title V permit unless the change would 26085
result in a violation of a federally enforceable requirement or a 26086
modification under Title I of the federal Clean Air Act or would 26087
be subject to any requirements under Title IV of that act. 26088

(H) "Emit" or "emission" means the release into the ambient 26089
air of an air contaminant. 26090

(I) "Emission limitation" and "emission standard" mean a 26091
requirement that limits the quantity, rate, or concentration of 26092
emissions of air contaminants, including any requirement relating 26093
to the operation or maintenance of an air contaminant source. 26094

(J) "Facility," for the purposes of the Title V permit 26095
program established under section 3704.036 of the Revised Code, 26096
means all of the emitting activities that are located on 26097
contiguous or adjacent properties that are under the control of 26098
the same person or persons or are under common control and that 26099
are in the same major group as described in the standard 26100
Industrial Classification Manual, 1987. 26101

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 26102

81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 26103
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 26104
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 26105
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 26106
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 26107
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 26108
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 26109
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 26110
that have been or may hereafter be adopted, or any supplements to 26111
those acts and laws of the United States that have been or may 26112
hereafter be enacted in substitution therefor, together with any 26113
regulations that have been or may hereafter be adopted by the 26114
administrator by virtue of and in accordance with those acts and 26115
laws. Reference to a particular title or section of the federal 26116
Clean Air Act includes any amendments that have been or may 26117
hereafter be enacted in substitution therefor and any regulations 26118
pertaining to the title or section that have been or may hereafter 26119
be adopted by the administrator by virtue of and in accordance 26120
with the federal Clean Air Act. 26121

(L) "Hazardous air pollutant" means any pollutant listed 26122
under section 112(b) of the federal Clean Air Act. 26123

(M) "Implementation plan" means a program for the prevention 26124
and abatement of air pollution in the state that has been 26125
promulgated or approved by the administrator pursuant to the 26126
federal Clean Air Act. 26127

(N) "Local air pollution control authority" includes all of 26128
the following unless terminated by the political subdivisions 26129
represented thereby: 26130

(1) All of the following agencies representing the following 26131
political subdivisions, as those agencies existed on July 1, 1993: 26132

(a) The Akron regional air quality management district 26133

representing Medina, Summit, and Portage counties;	26134
(b) The Canton city health department representing Stark county;	26135 26136
(c) The Hamilton county department of environmental services, southwest Ohio air quality agency representing Butler, Warren, Hamilton, and Clermont counties;	26137 26138 26139
(d) The city of Cleveland division of the environment representing Cuyahoga county;	26140 26141
(e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;	26142 26143
(f) The Lake county general health district representing Lake and Geauga counties;	26144 26145
(g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;	26146 26147
(h) The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county+;	26148 26149
(i) The Mahoning-Trumbull air pollution control agency, city of Youngstown, representing Trumbull and Mahoning counties.	26150 26151
(2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to (i) of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;	26152 26153 26154 26155 26156 26157 26158 26159
(3) Any new local air pollution control authority established on or after July 1, 1993, by one or more political subdivisions of this state for the purposes of exercising the powers reserved to political subdivisions of this state under division (A) of section	26160 26161 26162 26163

3704.11 of the Revised Code. 26164

(O) "Person" means the federal government or any agency 26165
thereof, the state or any agency thereof, any political 26166
subdivision or any agency thereof, or any public or private 26167
corporation, individual, partnership, or other entity. 26168

(P) "Research and development sources" means sources whose 26169
activities are conducted for nonprofit scientific or educational 26170
purposes; sources whose activities are conducted to test more 26171
efficient production processes or methods for preventing or 26172
reducing adverse environmental impacts, provided that the 26173
activities do not include the production of an intermediate or 26174
final product for sale or exchange for commercial profit, except 26175
in a de minimis manner; a research or laboratory source the 26176
primary purpose of which is to conduct research and development 26177
into new processes and products, that is operated under the close 26178
supervision of technically trained personnel, and that is not 26179
engaged in the manufacture of products for sale or exchange for 26180
commercial profit, except in a de minimis manner; the temporary 26181
use of normal production sources in a research and development 26182
mode to test the technical or commercial viability of alternative 26183
raw materials or production processes, provided that the use does 26184
not include the production of an intermediate or final product for 26185
sale or exchange for commercial profit, except in a de minimis 26186
manner; the experimental firing of any fuel or combination of 26187
fuels in a boiler, heater, furnace, or dryer for the purpose of 26188
conducting research and development of more efficient combustion 26189
or more effective prevention or control of air pollutant 26190
emissions, provided that, during those periods of research and 26191
development, the heat generated is not used for normal production 26192
purposes or for producing a product for sale or exchange for 26193
commercial profit, except in a de minimis manner; and such other 26194
similar sources as the director may prescribe by rule. 26195

(Q) "Responsible official" means one of the following, as 26196
applicable: 26197

(1) For a corporation: a president, secretary, treasurer, or 26198
vice-president of the corporation in charge of a principal 26199
business function, any other person who performs similar policy or 26200
decision-making functions for the corporation, or a duly 26201
authorized representative of any such person if the representative 26202
is responsible for the overall operation of one or more 26203
manufacturing, production, or operating facilities applying for or 26204
subject to a Title V permit and if one of the following applies: 26205

(a) The facilities employ more than two hundred fifty 26206
individuals or have gross annual sales or expenditures exceeding 26207
twenty-five million dollars, in second quarter 1980 dollars; 26208

(b) The delegation of authority to the representative is 26209
approved in advance by the director. 26210

(2) For a partnership or sole proprietorship: a general 26211
partner or the proprietor, respectively. 26212

(3) For the federal government or any agency thereof, the 26213
state or any agency thereof, a political subdivision or any agency 26214
thereof, or any other public agency, either a principal executive 26215
officer or authorized elected official. For the purposes of this 26216
division, a principal executive officer of a federal agency 26217
includes the chief executive officer having responsibility for the 26218
overall operation of a principal geographic unit of the agency. 26219

(4) For affected sources, both of the following: 26220

(a) The designated representative insofar as actions, 26221
standards, requirements, or prohibitions under Title IV of the 26222
federal Clean Air Act or regulations adopted under it are 26223
concerned; 26224

(b) The designated representative for any other purposes 26225

under 40 C.F.R. part 70. 26226

(R) "Small business stationary source" means any building, 26227
structure, facility, or installation that emits any federally 26228
regulated air pollutant and is owned or operated by a person who 26229
employs one hundred or fewer individuals; is a small business 26230
concern as defined in the "Small Business Act," 72 Stat. 384 26231
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 26232
source as defined in section 302(j) of the federal Clean Air Act; 26233
does not emit fifty tons or more per year of any federally 26234
regulated air pollutant or any hazardous air pollutant; and emits 26235
less than seventy-five tons per year of all federally regulated 26236
air pollutants. 26237

(S) "Title V permit" means an operating permit required to be 26238
issued by the state under section 502 of the federal Clean Air Act 26239
and issued under section 3704.036 of the Revised Code and rules 26240
adopted under it. 26241

(T) For the purposes of the Title V permit program 26242
established under this chapter and rules adopted under it, all 26243
terms defined in 40 C.F.R. part 70 have the same meaning as in 26244
that part. 26245

Sec. 3704.111. (A) Not later than October 1, 1993, the 26246
director of environmental protection shall enter into a delegation 26247
agreement with each local air pollution control authority listed 26248
in divisions (N)(1)(a) to ~~(i)~~(h) of section 3704.01 of the Revised 26249
Code under which the local air pollution control authority agrees 26250
to perform on behalf of the environmental protection agency air 26251
pollution control regulatory services within the political 26252
subdivision represented by the local air pollution control 26253
authority. The director may enter into such a delegation agreement 26254
with a local air pollution control authority established on or 26255
after the effective date of this section, subject to the condition 26256

established in division (B) of this section. Each delegation 26257
agreement shall be self-renewing on an annual basis on the first 26258
day of October of each year. The terms of each such delegation 26259
agreement shall remain unchanged from year to year unless they are 26260
amended by mutual agreement of the director and the local air 26261
pollution control authority. 26262

(B) The director may conduct a periodic performance 26263
evaluation of the air pollution control program operated by each 26264
local air pollution control authority. Based upon the findings of 26265
such a performance evaluation, the director may terminate or 26266
refuse to renew the delegation agreement with a local air 26267
pollution control authority if the director determines that the 26268
local air pollution control authority is not adequately performing 26269
its obligations under the agreement. 26270

(C) The director may enter into contracts for payments to 26271
local air pollution control authorities from moneys credited to 26272
the clean air fund created in section 3704.035 of the Revised 26273
Code, subject to the limitation specified in that section, and any 26274
other moneys appropriated by the general assembly for that 26275
purpose. The director shall distribute the moneys available for 26276
making payments to the local air pollution control authorities 26277
pursuant to such contracts equitably among the local air pollution 26278
control authorities based upon the amount of local funding and the 26279
workload of each local air pollution control authority, including, 26280
without limitation, population served, number of air permits 26281
issued for both new and existing sources, land area, and number of 26282
air contaminant sources. The director biennially shall review the 26283
workload of each local air pollution control authority and shall 26284
determine the percentage of the moneys available for the purpose 26285
of making payments under the contracts. In determining the 26286
percentage of those moneys that is to be so distributed, the 26287
director shall consider the recommendations of the local air 26288

pollution control authorities. 26289

(D) The director may modify a contract between the director 26290
and a local air pollution control authority to authorize the local 26291
air pollution control authority to perform air pollution control 26292
activities outside the geographic boundaries of that local air 26293
pollution control authority. 26294

Sec. 3704.14. (A)(1) If the director of environmental 26295
protection determines that implementation of a motor vehicle 26296
inspection and maintenance program is necessary for the state to 26297
effectively comply with the federal Clean Air Act after June 30, 26298
~~2015~~ 2019, the director may provide for the implementation of the 26299
program in those counties in this state in which such a program is 26300
federally mandated. Upon making such a determination, the director 26301
of environmental protection may request the director of 26302
administrative services to extend the terms of the contract that 26303
was entered into under the authority of Am. Sub. H.B. ~~153~~ 64 of 26304
the ~~129th~~ 131st general assembly. Upon receiving the request, the 26305
director of administrative services shall extend the contract, 26306
beginning on July 1, ~~2015~~ 2019, in accordance with this section. 26307
The contract shall be extended for a period of up to twenty-four 26308
months with the contractor who conducted the motor vehicle 26309
inspection and maintenance program under that contract. 26310

(2) Prior to the expiration of the contract extension that is 26311
authorized by division (A)(1) of this section, the director of 26312
environmental protection shall request the director of 26313
administrative services to enter into a contract with a vendor to 26314
operate a decentralized motor vehicle inspection and maintenance 26315
program in each county in this state in which such a program is 26316
federally mandated through June 30, ~~2019~~ 2023, with an option for 26317
the state to renew the contract for a period of up to twenty-four 26318
months through June 30, ~~2021~~ 2025. The contract shall ensure that 26319

the decentralized motor vehicle inspection and maintenance program 26320
achieves at least the same emission reductions as achieved by the 26321
program operated under the authority of the contract that was 26322
extended under division (A)(1) of this section. The director of 26323
administrative services shall select a vendor through a 26324
competitive selection process in compliance with Chapter 125. of 26325
the Revised Code. 26326

(3) Notwithstanding any law to the contrary, the director of 26327
administrative services shall ensure that a competitive selection 26328
process regarding a contract to operate a decentralized motor 26329
vehicle inspection and maintenance program in this state 26330
incorporates the following, which shall be included in the 26331
contract: 26332

(a) For purposes of expanding the number of testing locations 26333
for consumer convenience, a requirement that the vendor utilize 26334
established local businesses, auto repair facilities, or leased 26335
properties to operate state-approved inspection and maintenance 26336
testing facilities; 26337

(b) A requirement that the vendor selected to operate the 26338
program provide notification of the program's requirements to each 26339
owner of a motor vehicle that is required to be inspected under 26340
the program. The contract shall require the notification to be 26341
provided not later than sixty days prior to the date by which the 26342
owner of the motor vehicle is required to have the motor vehicle 26343
inspected. The director of environmental protection and the vendor 26344
shall jointly agree on the content of the notice. However, the 26345
notice shall include at a minimum the locations of all inspection 26346
facilities within a specified distance of the address that is 26347
listed on the owner's motor vehicle registration; 26348

(c) A requirement that the vendor comply with testing 26349
methodology and supply the required equipment approved by the 26350
director of environmental protection as specified in the 26351

competitive selection process in compliance with Chapter 125. of 26352
the Revised Code. 26353

(4) A decentralized motor vehicle inspection and maintenance 26354
program operated under this section shall comply with division (B) 26355
of this section. The director of environmental protection shall 26356
administer the decentralized motor vehicle inspection and 26357
maintenance program operated under this section. 26358

(B) The decentralized motor vehicle inspection and 26359
maintenance program authorized by this section, at a minimum, 26360
shall do all of the following: 26361

(1) Comply with the federal Clean Air Act; 26362

(2) Provide for the issuance of inspection certificates; 26363

(3) Provide for a new car exemption for motor vehicles four 26364
years old or newer and provide that a new motor vehicle is exempt 26365
for four years regardless of whether legal title to the motor 26366
vehicle is transferred during that period. 26367

(C) The director of environmental protection shall adopt 26368
rules in accordance with Chapter 119. of the Revised Code that the 26369
director determines are necessary to implement this section. The 26370
director may continue to implement and enforce rules pertaining to 26371
the motor vehicle inspection and maintenance program previously 26372
implemented under former section 3704.14 of the Revised Code as 26373
that section existed prior to its repeal and reenactment by Am. 26374
Sub. H.B. 66 of the 126th general assembly, provided that the 26375
rules do not conflict with this section. 26376

(D) There is hereby created in the state treasury the auto 26377
emissions test fund, which shall consist of money received by the 26378
director from any cash transfers, state and local grants, and 26379
other contributions that are received for the purpose of funding 26380
the program established under this section. The director of 26381
environmental protection shall use money in the fund solely for 26382

the implementation, supervision, administration, operation, and 26383
enforcement of the motor vehicle inspection and maintenance 26384
program established under this section. Money in the fund shall 26385
not be used for either of the following: 26386

(1) To pay for the inspection costs incurred by a motor 26387
vehicle dealer so that the dealer may provide inspection 26388
certificates to an individual purchasing a motor vehicle from the 26389
dealer when that individual resides in a county that is subject to 26390
the motor vehicle inspection and maintenance program; 26391

(2) To provide payment for more than one free passing 26392
emissions inspection or a total of three emissions inspections for 26393
a motor vehicle in any three-hundred-sixty-five-day period. The 26394
owner or lessee of a motor vehicle is responsible for inspection 26395
fees that are related to emissions inspections beyond one free 26396
passing emissions inspection or three total emissions inspections 26397
in any three-hundred-sixty-five-day period. Inspection fees that 26398
are charged by a contractor conducting emissions inspections under 26399
a motor vehicle inspection and maintenance program shall be 26400
approved by the director of environmental protection. 26401

(E) The motor vehicle inspection and maintenance program 26402
established under this section expires upon the termination of all 26403
contracts entered into under this section and shall not be 26404
implemented beyond the final date on which termination occurs. 26405

Sec. 3705.07. (A) The local registrar of vital statistics 26406
shall number consecutively each fetal death and death certificate 26407
printed on paper that the local registrar receives from the 26408
electronic death registration system (EDRS) maintained by the 26409
department of health. The number assigned to each certificate 26410
shall be the one provided by EDRS. Such local registrar shall sign 26411
the local registrar's name in attest to the date of filing in the 26412
local office. The local registrar shall make a complete and 26413

accurate copy of each fetal death and death certificate printed on 26414
paper that is filed. Each paper copy shall be filed and preserved 26415
as the local record until the electronic information regarding the 26416
event has been completed and made available in EDRS and EDRS is 26417
capable of issuing a complete and accurate electronic copy of the 26418
certificate. The local record may be a photographic, electronic, 26419
or other reproduction. The local registrar shall transmit to the 26420
state office of vital statistics all original fetal death and 26421
death certificates received using the state transmittal schedule 26422
specified by the department of health. The local registrar shall 26423
immediately notify the health commissioner with jurisdiction in 26424
the registration district of the receipt of a death certificate 26425
attesting that death resulted from a communicable disease. 26426

The office of vital statistics shall carefully examine the 26427
records and certificates received from local registrars of vital 26428
statistics and shall secure any further information that may be 26429
necessary to make each record and certificate complete and 26430
satisfactory. It shall arrange and preserve the records and 26431
certificates, or reproductions of them produced pursuant to 26432
section 3705.03 of the Revised Code, in a systematic manner and 26433
shall maintain a permanent index of all births, fetal deaths, and 26434
deaths registered, which shall show the name of the child or 26435
deceased person, place and date of birth or death, and number of 26436
the certificate. 26437

(B)(1) The office of vital statistics shall make available to 26438
~~the division of child support in the department of job and family~~ 26439
~~services~~ all social security numbers that accompany a birth 26440
certificate submitted for filing under division (H) of section 26441
3705.09 or section 3705.10 of the Revised Code or that accompany a 26442
death certificate registered under section 3705.16 of the Revised 26443
Code to both of the following: 26444

(a) For the purpose of child support enforcement, the 26445

division of child support in the department of job and family 26446
services; 26447

(b) For the purpose of eligibility determinations for medical 26448
assistance programs as defined in section 5160.01 of the Revised 26449
Code, the department of medicaid. 26450

(2) The office of vital statistics also shall make available 26451
to the division of child support in the department of job and 26452
family services any other information recorded in the birth record 26453
that may enable the division to use the social security numbers 26454
provided under division (B)(1) of this section to obtain the 26455
location of the father of the child whose birth certificate was 26456
accompanied by the social security number or to otherwise enforce 26457
a child support order pertaining to that child or any other child. 26458

Sec. 3705.09. (A) A birth certificate for each live birth in 26459
this state shall be filed in the registration district in which it 26460
occurs within ten calendar days after such birth and shall be 26461
registered if it has been completed and filed in accordance with 26462
this section. 26463

(B) When a birth occurs in or en route to an institution, the 26464
person in charge of the institution or a designated representative 26465
shall obtain the personal data, prepare the certificate, and 26466
complete and certify the facts of birth on the certificate within 26467
ten calendar days. The physician or certified nurse-midwife in 26468
attendance shall be listed on the birth record. 26469

(C) When a birth occurs outside an institution, the birth 26470
certificate shall be prepared and filed by one of the following in 26471
the indicated order of priority: 26472

(1) The physician or certified nurse-midwife in attendance at 26473
or immediately after the birth; 26474

(2) Any other person in attendance at or immediately after 26475

the birth; 26476

(3) The father; 26477

(4) The mother; 26478

(5) The person in charge of the premises where the birth
occurred. 26479
26480

(D) Either of the parents of the child or other informant 26481
shall attest to the accuracy of the personal data entered on the 26482
birth certificate in time to permit the filing of the certificate 26483
within the ten days prescribed in this section. 26484

(E) When a birth occurs in a moving conveyance within the 26485
United States and the child is first removed from the conveyance 26486
in this state, the birth shall be registered in this state and the 26487
place where it is first removed shall be considered the place of 26488
birth. When a birth occurs on a moving conveyance while in 26489
international waters or air space or in a foreign country or its 26490
air space and the child is first removed from the conveyance in 26491
this state, the birth shall be registered in this state but the 26492
record shall show the actual place of birth insofar as can be 26493
determined. 26494

(F)(1) If the mother of a child was married at the time of 26495
either conception or birth or between conception and birth, the 26496
child shall be registered in the surname designated by the mother, 26497
and the name of the husband shall be entered on the certificate as 26498
the father of the child. The presumption of paternity shall be in 26499
accordance with section 3111.03 of the Revised Code. 26500

(2) If the mother was not married at the time of conception 26501
or birth or between conception and birth, the child shall be 26502
registered by the surname designated by the mother. The name of 26503
the father of such child shall also be inserted on the birth 26504
certificate if both the mother and the father sign an 26505
acknowledgement of paternity affidavit before the birth record has 26506

been sent to the local registrar. If the father is not named on 26507
the birth certificate pursuant to division (F)(1) or (2) of this 26508
section, no other information about the father shall be entered on 26509
the record. 26510

(G) When a man is presumed, found, or declared to be the 26511
father of a child, according to section 2105.26, sections 3111.01 26512
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 26513
of the Revised Code, or the father has acknowledged the child as 26514
his child in an acknowledgment of paternity, and the 26515
acknowledgment has become final pursuant to section 2151.232, 26516
3111.25, or 3111.821 of the Revised Code, and documentary evidence 26517
of such fact is submitted to the department of health in such form 26518
as the director may require, a new birth record shall be issued by 26519
the department which shall have the same overall appearance as the 26520
record which would have been issued under this section if a 26521
marriage had occurred before the birth of such child. Where 26522
handwriting is required to effect such appearance, the department 26523
shall supply it. Upon the issuance of such new birth record, the 26524
original birth record shall cease to be a public record. Except as 26525
provided in division (C) of section 3705.091 of the Revised Code, 26526
the original record and any documentary evidence supporting the 26527
new registration of birth shall be placed in an envelope which 26528
shall be sealed by the department and shall not be open to 26529
inspection or copy unless so ordered by a court of competent 26530
jurisdiction. 26531

(H) Every birth certificate filed under this section on or 26532
after July 1, 1990, shall be accompanied by all social security 26533
numbers that have been issued to the parents of the child, unless 26534
the division of child support in the department of job and family 26535
services, acting in accordance with regulations prescribed under 26536
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 26537
as amended, finds good cause for not requiring that the numbers be 26538

furnished with the certificate. The parents' social security 26539
numbers shall not be recorded on the certificate. No social 26540
security number obtained under this division shall be used for any 26541
purpose other than ~~child support enforcement~~ the purposes 26542
specified in division (B)(1) of section 3705.07 of the Revised 26543
Code. 26544

Sec. 3705.10. Any birth certificate submitted for filing 26545
eleven or more days after the birth occurred constitutes a delayed 26546
birth registration. A delayed birth certificate may be filed in 26547
accordance with rules which shall be adopted by the director of 26548
health. The rules shall include, but not be limited to, all of the 26549
following requirements for each delayed birth certificate filed on 26550
or after July 1, 1990: 26551

(A) The certificate shall be accompanied by all social 26552
security numbers that have been issued to the parents of the 26553
child, unless the division of child support in the department of 26554
job and family services, acting in accordance with regulations 26555
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 26556
42 U.S.C.A. 405, as amended, finds good cause for not requiring 26557
that the numbers be furnished with the certificate. 26558

(B) The parents' social security numbers shall not be 26559
recorded on the certificate. 26560

(C) No social security number obtained under this section 26561
shall be used for any purpose other than ~~child support enforcement~~ 26562
the purposes specified in division (B)(1) of section 3705.07 of 26563
the Revised Code. 26564

Sec. 3706.25. As used in sections 3706.25 to ~~3706.30~~ 3706.29 26565
of the Revised Code: 26566

(A) "Advanced energy project" means any technologies, 26567
products, activities, or management practices or strategies that 26568

facilitate the generation or use of electricity or energy and that 26569
reduce or support the reduction of energy consumption or support 26570
the production of clean, renewable energy for industrial, 26571
distribution, commercial, institutional, governmental, research, 26572
not-for-profit, or residential energy users including, but not 26573
limited to, advanced energy resources and renewable energy 26574
resources. "Advanced energy project" includes any project 26575
described in division (A), (B), or (C) of section 4928.621 of the 26576
Revised Code. 26577

(B) "Advanced energy resource" means any of the following: 26578

(1) Any method or any modification or replacement of any 26579
property, process, device, structure, or equipment that increases 26580
the generation output of an electric generating facility to the 26581
extent such efficiency is achieved without additional carbon 26582
dioxide emissions by that facility; 26583

(2) Any distributed generation system consisting of customer 26584
cogeneration technology, primarily to meet the energy needs of the 26585
customer's facilities; 26586

(3) Advanced nuclear energy technology consisting of 26587
generation III technology as defined by the nuclear regulatory 26588
commission; other, later technology; or significant improvements 26589
to existing facilities; 26590

(4) Any fuel cell used in the generation of electricity, 26591
including, but not limited to, a proton exchange membrane fuel 26592
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 26593
solid oxide fuel cell; 26594

(5) Advanced solid waste or construction and demolition 26595
debris conversion technology, including, but not limited to, 26596
advanced stoker technology, and advanced fluidized bed 26597
gasification technology, that results in measurable greenhouse gas 26598
emissions reductions as calculated pursuant to the United States 26599

environmental protection agency's waste reduction model (WARM). 26600

(C) "Air contaminant source" has the same meaning as in 26601
section 3704.01 of the Revised Code. 26602

(D) "Cogeneration technology" means technology that produces 26603
electricity and useful thermal output simultaneously. 26604

(E) "Renewable energy resource" means solar photovoltaic or 26605
solar thermal energy, wind energy, power produced by a 26606
hydroelectric facility, power produced by a run-of-the-river 26607
hydroelectric facility placed in service on or after January 1, 26608
1980, that is located within this state, relies upon the Ohio 26609
river, and operates, or is rated to operate, at an aggregate 26610
capacity of forty or more megawatts, geothermal energy, fuel 26611
derived from solid wastes, as defined in section 3734.01 of the 26612
Revised Code, through fractionation, biological decomposition, or 26613
other process that does not principally involve combustion, 26614
biomass energy, energy produced by cogeneration technology that is 26615
placed into service on or before December 31, 2015, and for which 26616
more than ninety per cent of the total annual energy input is from 26617
combustion of a waste or byproduct gas from an air contaminant 26618
source in this state, which source has been in operation since on 26619
or before January 1, 1985, provided that the cogeneration 26620
technology is a part of a facility located in a county having a 26621
population of more than three hundred sixty-five thousand but less 26622
than three hundred seventy thousand according to the most recent 26623
federal decennial census, biologically derived methane gas, heat 26624
captured from a generator of electricity, boiler, or heat 26625
exchanger fueled by biologically derived methane gas, or energy 26626
derived from nontreated by-products of the pulping process or wood 26627
manufacturing process, including bark, wood chips, sawdust, and 26628
lignin in spent pulping liquors. "Renewable energy resource" 26629
includes, but is not limited to, any fuel cell used in the 26630
generation of electricity, including, but not limited to, a proton 26631

exchange membrane fuel cell, phosphoric acid fuel cell, molten 26632
carbonate fuel cell, or solid oxide fuel cell; wind turbine 26633
located in the state's territorial waters of Lake Erie; methane 26634
gas emitted from an abandoned coal mine; storage facility that 26635
will promote the better utilization of a renewable energy resource 26636
that primarily generates off peak; or distributed generation 26637
system used by a customer to generate electricity from any such 26638
energy. As used in this division, "hydroelectric facility" means a 26639
hydroelectric generating facility that is located at a dam on a 26640
river, or on any water discharged to a river, that is within or 26641
bordering this state or within or bordering an adjoining state and 26642
meets all of the following standards: 26643

(1) The facility provides for river flows that are not 26644
detrimental for fish, wildlife, and water quality, including 26645
seasonal flow fluctuations as defined by the applicable licensing 26646
agency for the facility. 26647

(2) The facility demonstrates that it complies with the water 26648
quality standards of this state, which compliance may consist of 26649
certification under Section 401 of the "Clean Water Act of 1977," 26650
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 26651
not contributed to a finding by this state that the river has 26652
impaired water quality under Section 303(d) of the "Clean Water 26653
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 26654

(3) The facility complies with mandatory prescriptions 26655
regarding fish passage as required by the federal energy 26656
regulatory commission license issued for the project, regarding 26657
fish protection for riverine, anadromous, and catadromous fish. 26658

(4) The facility complies with the recommendations of the 26659
Ohio environmental protection agency and with the terms of its 26660
federal energy regulatory commission license regarding watershed 26661
protection, mitigation, or enhancement, to the extent of each 26662
agency's respective jurisdiction over the facility. 26663

(5) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(6) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(7) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(8) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

Sec. 3706.29. The Ohio air quality development authority shall, in accordance with Chapter 119. of the Revised Code, adopt any rules necessary to implement ~~section 166.30 and~~ sections 3706.25 to 3706.28 of the Revised Code.

Sec. 3710.01. As used in this chapter:

(A) "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite as determined using the method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM).

(B) "Asbestos hazard abatement activity" means any activity 26694
involving the removal, renovation, enclosure, repair, ~~or~~ 26695
~~encapsulation, or operations and maintenance~~ of reasonably related 26696
friable asbestos-containing materials in an amount greater than 26697
~~fifty three~~ linear feet or ~~fifty three~~ square feet. "Asbestos 26698
~~hazard abatement activity~~" ~~also includes any such activity~~ 26699
~~involving such asbestos-containing materials in an amount of fifty~~ 26700
~~linear or fifty square feet or less if, when combined with any~~ 26701
~~other reasonably related activity in terms of time and location of~~ 26702
~~the activity, the total amount is in an amount greater than fifty~~ 26703
~~linear or fifty square feet.~~ 26704

(C) "Asbestos hazard abatement contractor" means a business 26705
entity or public entity that engages in or intends to engage in 26706
asbestos hazard abatement ~~activities~~ projects and that employs or 26707
supervises one or more asbestos hazard abatement specialists for 26708
asbestos hazard abatement activities. "Asbestos hazard abatement 26709
contractor" does not mean an employee of an asbestos hazard 26710
abatement contractor, a general contractor who subcontracts to an 26711
asbestos hazard abatement contractor an asbestos hazard abatement 26712
~~activity~~ project, or any individual who engages in an asbestos 26713
hazard abatement ~~activity~~ project in the individual's own home. 26714

(D) "Asbestos hazard abatement project" means one or more 26715
asbestos hazard abatement activities ~~that are the sum total of~~ 26716
which is greater than fifty linear feet or fifty square feet of 26717
friable asbestos-containing materials and is conducted by one 26718
asbestos hazard abatement contractor ~~and that are reasonably~~ 26719
~~related to each other.~~ "Asbestos hazard abatement project" 26720
includes any such activity involving such friable 26721
asbestos-containing materials in an amount of fifty linear feet or 26722
fifty square feet or less if, when combined with any other 26723
reasonably related activity in terms of time or location of the 26724
activity, the total amount is in an amount greater than fifty 26725

linear feet or fifty square feet. 26726

(E) "Asbestos hazard abatement specialist" means a person 26727
with responsibility for the oversight or supervision of asbestos 26728
hazard abatement activities, including asbestos hazard abatement 26729
project managers, hazard abatement project supervisors and 26730
foremen, and employees of school districts or other governmental 26731
or public entities who coordinate or directly supervise or oversee 26732
asbestos hazard abatement activities performed by school district, 26733
governmental, or other public employees in school district, 26734
governmental, or other public buildings. 26735

(F) "Asbestos hazard evaluation specialist" means a person 26736
responsible for the inspection, identification, detection, and 26737
assessment of asbestos-containing materials or suspect 26738
asbestos-containing materials, the determination of appropriate 26739
response actions, or the preparation of asbestos management plans 26740
for the purpose of protecting the public health from the hazards 26741
associated with exposure to asbestos, including the performance of 26742
air and bulk sampling. This category of specialists includes 26743
inspectors, management planners, health professionals, industrial 26744
hygienists, private consultants, or other individuals involved in 26745
asbestos risk identification or assessment or regulatory 26746
activities. 26747

(G) "Business entity" means a partnership, firm, association, 26748
corporation, sole proprietorship, or other business concern. 26749

(H) "Public entity" means the state or any of its political 26750
subdivisions or any agency or instrumentality of either. 26751

(I) "License" means a document issued by the director of 26752
environmental protection to a business entity or public entity 26753
affirming that the entity has met the requirements set forth in 26754
this chapter to engage in asbestos hazard abatement ~~activities~~ 26755
projects as an asbestos hazard abatement contractor. 26756

(J) "Certificate" means: 26757

(1) A document issued by the director to an individual 26758
affirming that the individual has successfully completed the 26759
training and other requirements set forth in this chapter to 26760
qualify as an asbestos hazard abatement specialist, an asbestos 26761
hazard evaluation specialist, an asbestos hazard abatement worker, 26762
an asbestos hazard abatement project designer, an asbestos hazard 26763
abatement air-monitoring technician, an approved asbestos hazard 26764
training provider, or other category of asbestos hazard specialist 26765
that the director establishes by rule; or 26766

(2) A document issued by a training institution in accordance 26767
with rules adopted by the director affirming that an individual 26768
has successfully completed the instruction required in all 26769
categories as provided in sections 3710.07 and 3710.10 of the 26770
Revised Code. 26771

(K) "Person" means any individual, business entity, 26772
governmental body, or other public or private entity. 26773

(L) "Encapsulate" means to coat, bind, or resurface walls, 26774
ceilings, pipes, or other structures for asbestos-containing 26775
materials with suitable products to prevent friable asbestos from 26776
becoming airborne. 26777

(M) "Friable asbestos-containing material" means friable 26778
asbestos material as defined in rules adopted under Chapter 3704. 26779
of the Revised Code. 26780

(N) "Enclosure" means the permanent confinement of friable 26781
asbestos-containing materials with an airtight barrier in an area 26782
not used as an air plenum. 26783

(O) "Renovation" means altering a facility or one or more 26784
facility components in any way, including the stripping or removal 26785
of friable asbestos-containing material from a facility component. 26786

(P) "Asbestos hazard abatement worker" means the person 26787
responsible in a nonsupervisory capacity for the performance of an 26788
asbestos hazard abatement activity. 26789

(Q) "Asbestos hazard abatement project designer" means the 26790
person responsible for the oversight of an asbestos hazard 26791
abatement activity or the determination of the workscope, work 26792
sequence, or performance standards for an asbestos hazard 26793
abatement activity, including preparation of specifications, 26794
plans, and contract documents. 26795

(R) "Clearance air sampling" means an air sampling performed 26796
after the completion of any asbestos hazard abatement ~~activity~~ 26797
project and prior to the reoccupation of the contained work area 26798
by the public and conducted for the purpose of protecting the 26799
public from the health hazards associated with exposure to friable 26800
asbestos-containing material. 26801

(S) "Asbestos hazard abatement air-monitoring technician" 26802
means the person who is responsible for environmental monitoring 26803
or work area clearance air sampling, including air monitoring 26804
performed to determine completion of response actions under the 26805
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 26806
States environmental protection agency pursuant to the "Asbestos 26807
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 26808
2970. "Asbestos hazard abatement air-monitoring technician" does 26809
not mean an industrial hygienist ~~or industrial hygienist in~~ 26810
~~training~~, certified by the American board of industrial hygiene. 26811

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 26812
contractor's license, a business entity or public entity shall 26813
meet the requirements of this section. 26814

(B) Each employee or agent of the business entity or public 26815
entity applying for a license who will come in contact with 26816
asbestos or will be responsible for an asbestos hazard abatement 26817

~~project~~ activity shall: 26818

(1) Be familiar with all applicable state and federal 26819
standards for asbestos hazard abatement projects; 26820

(2) Have successfully completed the course of instruction on 26821
asbestos hazard abatement activities, for their particular 26822
certification, approved by the Ohio environmental protection 26823
agency pursuant to section 3710.10 of the Revised Code, have 26824
passed an examination approved by the agency, and demonstrate to 26825
the agency that the employee or agent is capable of complying with 26826
all applicable standards of this state, the United States 26827
environmental protection agency, and the United States 26828
occupational safety and health administration. 26829

(C) A business entity or public entity applying for an 26830
asbestos hazard abatement contractor's license shall, in addition 26831
to the other requirements of this section, provide at least one 26832
asbestos hazard abatement specialist, certified pursuant to this 26833
chapter and the rules adopted under it, for each asbestos hazard 26834
abatement project, and demonstrate to the satisfaction of the Ohio 26835
environmental protection agency that the applicant: 26836

(1) Has access to at least one asbestos disposal site 26837
approved by the agency that is sufficient for the deposit of all 26838
asbestos waste that the applicant will generate during the term of 26839
the license; 26840

(2) Is sufficiently qualified to safely remove asbestos, 26841
demonstrated by reliability as an asbestos hazard abatement 26842
contractor, possesses a work program that prevents the 26843
contamination or recontamination of the environment and protects 26844
the public health from the hazards of exposure to asbestos, 26845
possesses evidence of certification of each individual employee or 26846
agent who will be responsible for others who may come in contact 26847
with friable asbestos-containing materials, possesses evidence of 26848

training of workers required by section 3710.07 of the Revised 26849
Code, and has prior successful experience in asbestos hazard 26850
abatement projects or equivalent qualifications as determined in 26851
accordance with rules adopted by the director of environmental 26852
protection; 26853

(3) Possesses a worker protection program consistent with 26854
requirements established by the director if the contractor is a 26855
public entity, and a worker protection program consistent with the 26856
requirements of the United States occupational safety and health 26857
administration if the contractor is a business entity; 26858

(4) Is registered as a business entity with the secretary of 26859
state. 26860

(D) No applicant for licensure as an asbestos hazard 26861
abatement contractor, in order to meet the requirements of this 26862
chapter, shall list an employee of another contractor. 26863

(E) The business entity or public entity shall meet any other 26864
standards that the director, by rule, sets. 26865

(F) Nothing in this chapter or the rules adopted pursuant 26866
thereto relating to asbestos hazard abatement project designers 26867
shall be interpreted as authorizing or permitting an individual 26868
who is certified as an asbestos hazard abatement project designer 26869
to perform the services of a registered architect or professional 26870
engineer unless that person is registered under Chapter 4703. or 26871
4733. of the Revised Code to perform such services. 26872

Sec. 3710.05. (A) Except as otherwise provided in this 26873
chapter, no person shall engage in any asbestos hazard abatement 26874
activities in this state unless licensed or certified pursuant to 26875
this chapter. 26876

(B) To apply for licensure as an asbestos hazard abatement 26877
contractor or certification as an asbestos hazard abatement 26878

specialist, an asbestos hazard evaluation specialist, an asbestos 26879
hazard abatement project designer, or an asbestos hazard abatement 26880
air-monitoring technician, a person shall do all of the following: 26881

(1) Submit a completed application to the director of 26882
environmental protection, on a form provided by the agency; 26883

(2) Pay the requisite fee as provided in division (D) of this 26884
section; 26885

(3) Submit any other information the director by rule 26886
requires. 26887

(C) The application form for a business entity or public 26888
entity applying for an asbestos hazard abatement contractor's 26889
license shall include all of the following: 26890

(1) A description of the protective clothing and respirators 26891
that the public entity will use to comply with rules adopted by 26892
the director and that the business entity will use to comply with 26893
requirements of the United States occupational safety and health 26894
administration; 26895

(2) A description of procedures the business entity or public 26896
entity will use for the selection, utilization, handling, removal, 26897
and disposal of clothing to prevent contamination or 26898
recontamination of the environment and to protect the public 26899
health from the hazards associated with exposure to asbestos; 26900

(3) The name and address of each asbestos disposal site that 26901
the business entity or public entity might use during the year; 26902

(4) A description of the site decontamination procedures that 26903
the business entity or public entity will use; 26904

(5) A description of the asbestos hazard abatement procedures 26905
that the business entity or public entity will use; 26906

(6) A description of the procedures that the business entity 26907
or public entity will use for handling waste containing asbestos; 26908

(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;

(8) A description of the final clean-up procedures that the business entity or public entity will use;

(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;

(10) The federal tax identification number of the business entity or the public entity.

(D) The fees to be charged to each public entity, except for the agency, and each business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:

(1) Seven hundred fifty dollars for asbestos hazard abatement contractors;

(2) Two hundred dollars for asbestos hazard abatement project designers;

(3) Fifty dollars for asbestos hazard abatement workers;

(4) Two hundred dollars for asbestos hazard abatement specialists;

(5) Two hundred dollars for asbestos hazard evaluation specialists; and

(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.

(E) Notwithstanding division (A) of this section, no business entity ~~which that~~ engages in asbestos hazard abatement ~~activities~~ projects solely at its own place of business is required to be

licensed as an asbestos hazard abatement contractor provided that 26939
the business entity is required to and does comply with all 26940
applicable standards of the United States environmental protection 26941
agency and the United States occupational safety and health 26942
administration and provided further that all persons employed by 26943
the business entity on the ~~activity~~ project meet the requirements 26944
of this chapter. 26945

Sec. 3710.051. No ~~person~~ asbestos hazard abatement contractor 26946
shall enter into an agreement to perform any aspect of an asbestos 26947
hazard abatement project unless the agreement is written and 26948
contains at least all of the following: 26949

(A) A requirement that all persons working on the project are 26950
licensed or certified by the director of environmental protection 26951
as required by this chapter; 26952

(B) A requirement that all project clearance levels and 26953
sampling be in accordance with rules adopted by the director; 26954

(C) A requirement that all clearance air-monitoring be 26955
conducted by asbestos hazard abatement air-monitoring technicians 26956
or asbestos hazard evaluation specialists certified by the 26957
director. 26958

Sec. 3710.06. (A) Within fifteen business days after 26959
receiving an application, the director of environmental protection 26960
shall acknowledge receipt of the application and notify the 26961
applicant of any deficiency in the application. Within sixty 26962
calendar days after receiving a completed application, including 26963
all additional information requested by the director, the director 26964
shall issue a license or certificate or deny the application. The 26965
director shall issue only one license or certificate that is in 26966
effect at one time to a business entity and its principal officers 26967
and a public entity and its principal officers. 26968

(B)(1) The director shall deny an application if it 26969
determines that the applicant has not demonstrated the ability to 26970
comply fully with all applicable federal and state requirements 26971
and all requirements, procedures, and standards established by the 26972
director in this chapter, Chapter 3704. of the Revised Code, or 26973
rules adopted under those chapters, as those chapters and rules 26974
pertain to asbestos. 26975

(2) The director shall deny any application for an asbestos 26976
hazard abatement contractor's license if the applicant or an 26977
officer or employee of the applicant has been convicted of a 26978
felony or found liable in a civil proceeding under any state or 26979
federal law designed to protect the environment. 26980

(3) The director shall send all denials of an application by 26981
certified mail to the applicant. If the director receives a timely 26982
request for a hearing from the applicant on the proposed denial of 26983
an application, the director shall hold a hearing in accordance 26984
with Chapter 119. of the Revised Code, as provided in division (A) 26985
of section 3710.13 of the Revised Code. 26986

(C) In an emergency that results from a sudden, unexpected 26987
event that is not a planned asbestos hazard abatement project, the 26988
director may waive the requirements for a license ~~or certificate~~. 26989
For the purposes of this division, "emergency" includes operations 26990
necessitated by nonroutine failures of equipment or by actions of 26991
fire and emergency medical personnel pursuant to duties within 26992
their official capacities. Any person who performs an asbestos 26993
hazard abatement ~~activity~~ project under emergency conditions shall 26994
notify the director within three days after performance thereof. 26995

(D) Each license or certificate issued under this chapter 26996
expires one year after the date of issue, but each licensee or 26997
certificate holder may apply to the environmental protection 26998
agency for the extension of the holder's license or certificate 26999
under the standard renewal procedures of Chapter 4745. of the 27000

Revised Code. 27001

To qualify for renewal of a license or certificate issued 27002
under this chapter, each licensee or certificate holder shall send 27003
the appropriate renewal fee set forth in division (D) of section 27004
3710.05 of the Revised Code or as adopted by rule by the director 27005
pursuant to division (A)(4) of section 3710.02 of the Revised 27006
Code. 27007

Certificate holders also shall successfully complete an 27008
annual renewal course approved by the agency pursuant to section 27009
3710.10 of the Revised Code. 27010

(E) The director may charge a fee in addition to those 27011
specified in division (D) of section 3710.05 of the Revised Code 27012
or in rules adopted by the director pursuant to division (A)(4) of 27013
section 3710.02 of the Revised Code if the licensee or certificate 27014
holder applies for renewal after the expiration thereof or 27015
requests a reissuance of any license or certificate, provided that 27016
no such fee shall exceed the original fees by more than fifty per 27017
cent. 27018

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard 27019
abatement project, an asbestos hazard abatement contractor shall 27020
do all of the following: 27021

(1) Prepare a written respiratory protection program as 27022
defined by the director of environmental protection pursuant to 27023
rule, and make the program available to the environmental 27024
protection agency, and workers at the job site if the contractor 27025
is a public entity or prepare a written respiratory protection 27026
program, consistent with 29 C.F.R. 1910.134 and make the program 27027
available to the agency, and workers at the job site if the 27028
contractor is a business entity; 27029

(2) Ensure that each worker who will be involved in any 27030

asbestos hazard abatement project has been examined within the 27031
preceding year and has been declared by a physician to be 27032
physically capable of working while wearing a respirator; 27033

(3) Ensure that each of the contractor's employees or agents 27034
who will come in contact with asbestos-containing materials or 27035
will be responsible for an asbestos hazard abatement project 27036
receives the appropriate certification or licensure required by 27037
this chapter and the following training: 27038

(a) An initial course approved by the agency pursuant to 27039
section 3710.10 of the Revised Code, completed before engaging in 27040
any asbestos hazard abatement ~~project~~ activity; and 27041

(b) An annual review course approved by the agency pursuant 27042
to section 3710.10 of the Revised Code. 27043

(B) After obtaining or renewing a license, an asbestos hazard 27044
abatement contractor shall notify the agency, on a form approved 27045
by the director, at least ten working days before beginning each 27046
asbestos hazard abatement project conducted during the term of the 27047
contractor's license. 27048

(C) In addition to any other fee imposed under this chapter, 27049
an asbestos hazard abatement contractor shall pay, at the time of 27050
providing notice under division (B) of this section, the agency a 27051
fee of sixty-five dollars for each asbestos hazard abatement 27052
project conducted. 27053

Sec. 3710.08. (A) An asbestos hazard abatement contractor 27054
engaging in any asbestos hazard abatement project shall, during 27055
the course of the project: 27056

(1) Conduct each project in a manner that is in compliance 27057
with the requirements the director of environmental protection 27058
adopts pursuant to section 3704.03 of the Revised Code and the 27059
asbestos requirements of the United States occupational safety and 27060

health administration set forth in 29 C.F.R. 1926.1101; 27061

(2) Comply with all applicable rules adopted by the director 27062
of environmental protection pursuant to sections 3704.03 and 27063
3710.02 of the Revised Code. 27064

(B) An asbestos hazard abatement contractor that is a public 27065
entity shall: 27066

(1) Provide workers with protective clothing and equipment 27067
and ensure that the workers involved in any asbestos hazard 27068
abatement project use the items properly. Protective clothing and 27069
equipment shall include: 27070

(a) Respirators approved by the national institute of 27071
occupational safety and health. These respirators shall be fit 27072
tested in accordance with requirements of the United States 27073
occupational safety and health administration set forth in 29 27074
C.F.R. 1926.1101. At the request of an employee, the asbestos 27075
hazard abatement contractor shall provide the employee with a 27076
powered air purifying respirator, in which case, the testing 27077
requirements of division (B)(1)(a) of this section do not apply. 27078

(b) Items required by the director by rule as provided in 27079
division (A)(7) of section 3710.02 of the Revised Code. 27080

(2) Comply with all applicable standards of conduct and 27081
requirements adopted by the director pursuant to section 3710.02 27082
of the Revised Code. 27083

(C) An asbestos hazard abatement specialist engaging in any 27084
asbestos hazard abatement ~~project~~ activity shall, during the 27085
course of the ~~project~~ activity: 27086

(1) Conduct each ~~project~~ activity in a manner that will meet 27087
decontamination procedures, project containment procedures, and 27088
asbestos fiber dispersal methods as provided in division (A)(6) of 27089
section 3710.02 of the Revised Code; 27090

(2) Ensure that workers utilize, handle, remove, and dispose 27091
of the disposable clothing provided by abatement contractors in a 27092
manner that will prevent contamination or recontamination of the 27093
environment and protect the public health from the hazards of 27094
exposure to asbestos; 27095

(3) Ensure that workers utilize protective clothing and 27096
equipment and comply with the applicable health and safety 27097
standards set forth in division (A) of section 3710.08 of the 27098
Revised Code; 27099

(4) Ensure that there is no smoking, eating, or drinking in 27100
the work area; 27101

(5) Comply with all applicable standards of conduct and 27102
requirements adopted by the director pursuant to sections 3704.03 27103
and 3710.02 of the Revised Code. 27104

(D) An asbestos hazard evaluation specialist engaged in the 27105
identification, detection, and assessment of asbestos-containing 27106
materials, the determination of appropriate response actions, or 27107
other activities associated with an abatement project or the 27108
preparation of management plans, shall comply with the applicable 27109
standards of conduct and requirements adopted by the director 27110
pursuant to sections 3704.03 and 3710.02 of the Revised Code. 27111

(E) Every asbestos hazard abatement worker shall comply with 27112
all applicable standards adopted by the director pursuant to 27113
sections 3704.03 and 3710.02 of the Revised Code. 27114

~~(F) The director may, on a case-by-case basis, approve an 27115
alternative to the worker protection requirements of divisions 27116
(A), (B), and (C) of this section for an asbestos hazard abatement 27117
project conducted by a public entity, provided that the asbestos 27118
hazard abatement contractor submits the alternative procedure to 27119
the director in writing and demonstrates to the satisfaction of 27120
the director that the proposed alternative procedure provides 27121~~

~~equivalent worker protection.~~ 27122

Sec. 3710.12. Subject to section 3710.13 of the Revised Code, 27123
the director of environmental protection may deny, suspend, or 27124
revoke any license or certificate, or renewal thereof, if the 27125
licensee or certificate holder: 27126

(A) Fraudulently or deceptively obtains or attempts to obtain 27127
a license or certificate; 27128

(B) Fails at any time to meet the qualifications for a 27129
license or certificate; 27130

(C) Is violating or threatening to violate any provisions of 27131
any of the following: 27132

(1) This chapter, Chapters 3704. and 3745. of the Revised 27133
Code, or the rules of the director adopted pursuant to those 27134
chapters, as those chapters and rules pertain to asbestos; 27135

(2) The "National Emission Standard for Hazardous Air 27136
Pollutants" regulations of the United States environmental 27137
protection agency as the regulations pertain to asbestos; 27138

(3) The regulations of the United States occupational safety 27139
and health administration as the regulations pertain to asbestos; 27140

(4) The regulations adopted by the United States 27141
environmental protection agency pursuant to the "Asbestos Hazard 27142
Emergency Response Act," Title II of the "Federal Toxic Substances 27143
Control Act," 90 Stat. 2003, 15 U.S.C. 2641 et seq. (1986). 27144

Sec. 3711.02. (A) Except as provided in division (B) of this 27145
section, no person shall operate any of the following, unless the 27146
person holds the appropriate license issued under this chapter and 27147
the license is valid: 27148

(1) A maternity unit; 27149

(2) A newborn care nursery; 27150

(3) A maternity home. 27151

(B) Division (A) of this section does not apply to a health 27152
care facility, as defined in ~~division (A)(4)~~ of section 3702.30 of 27153
the Revised Code. 27154

Sec. 3713.022. (A) No person shall recklessly manufacture, 27155
offer for sale, sell, deliver, or possess for the purpose of 27156
manufacturing, selling, or delivering a mesh crib liner intended 27157
for placement between a crib mattress and one or more of the 27158
crib's inner sides that does not comply with consumer product 27159
safety standards governing such liners that are promulgated after 27160
October 9, 2016, by the United States consumer product safety 27161
commission (pursuant to section 104 of the "Consumer Product 27162
Safety Improvement Act of 2008," 15 U.S.C. 2056a, as amended) for 27163
the purpose of ensuring sufficient permeability and breathability 27164
so as to prevent infant suffocation. 27165

(B) In the absence of standards described in division (A) of 27166
this section, ~~no person shall, beginning three years after the~~ 27167
~~effective date of this section, recklessly~~ a person may 27168
manufacture, offer for sale, sell, deliver, or possess for the 27169
purpose of manufacturing, selling, or delivering a mesh crib 27170
liner. 27171

(C) The superintendent of industrial compliance shall issue a 27172
notice of violation to any person found to have violated division 27173
(A) ~~or (B)~~ of this section. 27174

Sec. 3713.99. (A) Whoever violates division (A), (B), or (D) 27175
of section 3713.02 of the Revised Code is guilty of a misdemeanor 27176
of the fourth degree. 27177

(B) Whoever violates division (C) of section 3713.02 of the 27178
Revised Code is guilty of a misdemeanor of the third degree. 27179

(C) A person who, after receiving a notice issued under 27180
division (B) of section 3713.021 of the Revised Code or division 27181
(~~B~~) or (C) of section 3713.022 of the Revised Code, continues to 27182
violate the applicable division of either of those sections is 27183
subject to a fine of not more than five hundred dollars. Each day 27184
of violation constitutes a separate offense. 27185

Sec. 3721.022. (A) As used in this section: 27186

(1) "Nursing facility" ~~has~~ and "skilled nursing facility" 27187
have the same ~~meaning~~ meanings as in section 5165.01 of the 27188
Revised Code. 27189

(2) "Deficiency" and "survey" have the same meanings as in 27190
section 5165.60 of the Revised Code. 27191

(3) "Title XIX" and "Title XVIII" have the same meanings as 27192
in section 5165.01 of the Revised Code. 27193

(B) The department of health is hereby designated the state 27194
agency responsible for establishing and maintaining health 27195
standards and serving as the state survey agency for the purposes 27196
of Title XVIII and Title XIX. The department shall carry out these 27197
functions in accordance with the regulations, guidelines, and 27198
procedures issued under Title XVIII and Title XIX by the United 27199
States secretary of health and human services and with sections 27200
5165.60 to 5165.89 of the Revised Code. The director of health 27201
shall enter into agreements with regard to these functions with 27202
the department of medicaid and the United States department of 27203
health and human services. The director may also enter into 27204
agreements with the department of medicaid under which the 27205
department of health is designated to perform functions under 27206
sections 5165.60 to 5165.89 of the Revised Code. 27207

The director, in accordance with Chapter 119. of the Revised 27208
Code, shall adopt rules necessary to implement the survey and 27209

certification requirements for skilled nursing facilities and 27210
nursing facilities established by the United States secretary of 27211
health and human services under Title XVIII and Title XIX and the 27212
survey requirements established under sections 5165.60 to 5165.89 27213
of the Revised Code. The rules shall include an informal process 27214
by which a facility may obtain up to two reviews of any 27215
deficiencies that have been cited on a statement of deficiencies 27216
made by the department of health under 42 C.F.R. Part 488 and 27217
cause the facility to be in noncompliance as defined in 42 C.F.R. 27218
488.301. The first review shall be conducted by an employee of the 27219
department who did not participate in and was not otherwise 27220
involved in any way with the survey. A The employee shall complete 27221
the first review and provide the facility with a written statement 27222
outlining the results of the review and the rationale for those 27223
results not later than ten days after the department receives the 27224
facility's request for the first review. 27225

A facility that is not satisfied with the results of a first 27226
review may receive a second review on payment of a fee to the 27227
department. The amount of the fee shall be specified in rules 27228
adopted under this section. The fee shall be deposited into the 27229
state treasury to the credit of the general operations fund 27230
created in section 3701.83 of the Revised Code for use in the 27231
implementation of this section. The second review shall be 27232
conducted by either of the following as selected by the facility: 27233
a hearing officer employed by the department or a hearing officer 27234
included on a list the department shall provide the facility. A 27235
The hearing officer shall complete the second review and provide 27236
the facility with a written statement outlining the results of the 27237
review and the rationale for those results not later than twenty 27238
days after the department receives the facility's request for the 27239
second review. The department shall not overturn the hearing 27240
officer's decision. 27241

A final determination that any deficiency citation is 27242
unjustified shall be reflected clearly in all records relating to 27243
the survey. 27244

The director need not adopt as rules any of the regulations, 27245
guidelines, or procedures issued under Title XVIII and Title XIX 27246
by the United States secretary of health and human services. 27247

(C) The director, in collaboration with trade associations 27248
that represent skilled nursing facilities and nursing facilities, 27249
shall establish a program that does all of the following: 27250

(1) Before new rules, guidelines, interpretations, program 27251
letters, memoranda, and other materials used in the training of 27252
individuals who conduct surveys begin to be implemented, makes 27253
training and education about them available to the staff of 27254
skilled nursing facilities and nursing facilities; 27255

(2) Facilitates the immediate implementation of revisions to 27256
any course curriculum for nurse aides that reflects any new 27257
standard of care practices adopted or referenced by the 27258
department; 27259

(3) Makes available to the staff of skilled nursing 27260
facilities and nursing facilities, the staff of trade associations 27261
that represent such facilities, and individuals who conduct 27262
surveys joint training on new expectations the department has 27263
regarding the matters specified in divisions (C)(1) and (2) of 27264
this section; 27265

(4) Develops or makes available to skilled nursing facilities 27266
and nursing facilities, after the department consults with 27267
experts, training resources regarding the standards of practice 27268
for, and use of technology at, those facilities. 27269

Sec. 3721.026. (A) If the operation of a nursing home is 27270
assigned or transferred to a different person, the person to whom 27271

the operation is assigned or transferred must, before the director 27272
of health may issue a license authorizing the person to operate 27273
the nursing home, submit to the director documentation showing 27274
that the person meets all of the following requirements: 27275

(1) Unless the assignment or transfer is in the form of a 27276
lease of the nursing home, the person has financial resources that 27277
the director determines are sufficient to cover any reasonably 27278
anticipated revenue shortfall for at least twelve months after the 27279
assignment or transfer. 27280

(2) If the assignment or transfer is in the form of a lease 27281
of the nursing home, either of the following applies to the 27282
person: 27283

(a) The person has obtained a bond that has a term of at 27284
least twelve months, has an annual renewal, and is for an amount 27285
not less than one million dollars. 27286

(b) If the person is unable to obtain a bond that meets the 27287
requirements of division (A)(2)(a) of this section at a cost the 27288
director determines to be reasonable or operates other nursing 27289
homes in this state, the person has financial resources that the 27290
director determines are sufficient to cover any reasonably 27291
anticipated revenue shortfall for at least twelve months after the 27292
assignment or transfer. 27293

(3) The person has at least five years of experience as an 27294
operator, manager, or administrator of a nursing home. 27295

(4) The person has plans for quality assurance and risk 27296
management for the nursing home. 27297

(5) The person has general and professional liability 27298
insurance coverage that provides coverage of at least one million 27299
dollars per occurrence and three million dollars aggregate. 27300

(B) The documentation required by divisions (A)(1) and (2)(b) 27301

of this section shall include projected financial statements for 27302
the nursing home for the twelve-month period after the assignment 27303
or transfer of the operation of the nursing home. 27304

The documentation required by division (A)(3) of this section 27305
shall include a list of each currently or previously licensed 27306
nursing home located in this or another state in which the person 27307
has or previously had any percentage of ownership. The percentage 27308
of ownership may have been in the operation, real property, or 27309
both of the nursing home. 27310

(C) The requirements established by this section are in 27311
addition to the other requirements established by this chapter and 27312
the rules adopted under it for a license to operate a nursing 27313
home. 27314

Sec. 3721.027. (A) As used in this section, ~~"survey" has the~~ 27315
~~same meaning as in section 5165.60 of the Revised Code~~ "complaint" 27316
means an allegation that a nursing facility or skilled nursing 27317
facility has violated a federal medicare or medicaid regulation. 27318

(B) The department of health shall investigate ~~within ten~~ 27319
~~working days after referral,~~ a complaint in accordance with 27320
~~procedures and criteria to be established by the department of~~ 27321
~~health and the department of aging, any unresolved complaint that~~ 27322
~~the office of the state long-term care ombudsman has investigated~~ 27323
~~and found to be valid and refers to the department of health. This~~ 27324
~~requirement does not supersede federal requirements for survey~~ 27325
agency complaint investigations and the time frames the department 27326
shall establish. 27327

(C)(1) In establishing time frames for investigating 27328
complaints under this section, the department shall comply with 27329
the following limits: 27330

(a) Not more than two per cent of the complaints shall be 27331

classified as requiring investigation within two days. 27332

(b) Not more than ten per cent of the complaints shall be 27333
classified as requiring investigation within ten days. 27334

(2) The department may temporarily exceed the limits 27335
specified in division (C) of this section during a calendar year 27336
so long as it does not exceed the limits for that calendar year in 27337
the aggregate. 27338

Sec. 3723.081. The director of health shall not require a 27339
licensed radon mitigation specialist to be physically present for 27340
supervision purposes when radon mitigation is performed. However, 27341
the director may require such a specialist to be physically 27342
present immediately before and after radon mitigation is 27343
performed. 27344

Sec. 3727.49. (A) As used in this section: 27345

(1) "Facility fee" means an amount charged for the overhead 27346
or operating costs of a freestanding emergency department. A 27347
facility fee is separate and distinct from a professional fee. 27348

(2) "Freestanding emergency department" means a facility that 27349
provides emergency care and is structurally separate and distinct 27350
from a hospital, as defined in section 3727.01 of the Revised 27351
Code. 27352

(3) "Health benefit plan" has the same meaning as in section 27353
3922.01 of the Revised Code. 27354

(4) "Professional fee" means an amount charged for health 27355
care services provided in a freestanding emergency department by a 27356
health care professional who is licensed or otherwise authorized 27357
to provide the services. 27358

(B)(1) Unless a freestanding emergency department chooses to 27359
act under division (B)(2) of this section, the freestanding 27360

emergency department shall post, in a conspicuous place in an area 27361
of the facility accessible to the public, a notice that does all 27362
of the following: 27363

(a) Identifies the facility as a freestanding emergency 27364
department; 27365

(b) Specifies that the facility or a health care professional 27366
providing services at the facility may not be a participating 27367
provider in the provider network established by the patient's 27368
health benefit plan; 27369

(c) Specifies that a health care professional providing 27370
services at the facility may charge separately from the facility 27371
for the services provided to the patient; 27372

(d) Lists each health benefit plan in which the facility is a 27373
participating provider in the provider network established by the 27374
plan or states that the facility is not a participating provider 27375
in any provider network established by any health benefit plan. 27376

(2) If a freestanding emergency department is a participating 27377
provider in one or more health benefit plan provider networks, the 27378
freestanding emergency department may do both of the following in 27379
lieu of posting the notice described in division (B)(1) of this 27380
section: 27381

(a) Post a notice on the facility's internet web site listing 27382
each health benefit plan in which the facility is a participating 27383
provider in the provider network established by the plan; 27384

(b) Provide each patient with written confirmation specifying 27385
whether the facility is a participating provider in the provider 27386
network established by the patient's health benefit plan. 27387

(C) A freestanding emergency department shall use the 27388
national provider identifier, as assigned to the freestanding 27389
emergency department by the national provider system pursuant to 27390

45 C.F.R. 162.408, on all claims for payment for health care 27391
services or goods. 27392

A freestanding emergency department shall not charge a 27393
facility fee. 27394

(D) The director of health may apply to the court of common 27395
pleas of the county in which a freestanding emergency department 27396
is located for a temporary or permanent injunction restraining the 27397
freestanding emergency department from failure to comply with this 27398
section. 27399

Sec. 3734.01. As used in this chapter: 27400

(A) "Board of health" means the board of health of a city or 27401
general health district or the authority having the duties of a 27402
board of health in any city as authorized by section 3709.05 of 27403
the Revised Code. 27404

(B) "Director" means the director of environmental 27405
protection. 27406

(C) "Health district" means a city or general health district 27407
as created by or under authority of Chapter 3709. of the Revised 27408
Code. 27409

(D) "Agency" means the environmental protection agency. 27410

(E) "Solid wastes" means such unwanted residual solid or 27411
semisolid material as results from industrial, commercial, 27412
agricultural, and community operations, excluding earth or 27413
material from construction, mining, or demolition operations, or 27414
other waste materials of the type that normally would be included 27415
in demolition debris, nontoxic fly ash and bottom ash, including 27416
at least ash that results from the combustion of coal and ash that 27417
results from the combustion of coal in combination with scrap 27418
tires where scrap tires comprise not more than fifty per cent of 27419
heat input in any month, spent nontoxic foundry sand, nontoxic, 27420

nonhazardous, unwanted fired and unfired, glazed and unglazed, 27421
structural products made from shale and clay products, and slag 27422
and other substances that are not harmful or inimical to public 27423
health, and includes, but is not limited to, garbage, scrap tires, 27424
combustible and noncombustible material, street dirt, and debris. 27425
"Solid wastes" does not include any material that is an infectious 27426
waste or a hazardous waste. 27427

(F) "Disposal" means the discharge, deposit, injection, 27428
dumping, spilling, leaking, emitting, or placing of any solid 27429
wastes or hazardous waste into or on any land or ground or surface 27430
water or into the air, except if the disposition or placement 27431
constitutes storage or treatment or, if the solid wastes consist 27432
of scrap tires, the disposition or placement constitutes a 27433
beneficial use or occurs at a scrap tire recovery facility 27434
licensed under section 3734.81 of the Revised Code. "Disposal" 27435
does not include the process of converting post-use polymers and 27436
recoverable feedstocks using gasification or pyrolysis. 27437

(G) "Person" includes the state, any political subdivision 27438
and other state or local body, the United States and any agency or 27439
instrumentality thereof, and any legal entity defined as a person 27440
under section 1.59 of the Revised Code. 27441

(H) "Open burning" means the burning of solid wastes in an 27442
open area or burning of solid wastes in a type of chamber or 27443
vessel that is not approved or authorized in rules adopted by the 27444
director under section 3734.02 of the Revised Code or, if the 27445
solid wastes consist of scrap tires, in rules adopted under 27446
division (V) of this section or section 3734.73 of the Revised 27447
Code, or the burning of treated or untreated infectious wastes in 27448
an open area or in a type of chamber or vessel that is not 27449
approved in rules adopted by the director under section 3734.021 27450
of the Revised Code. 27451

(I) "Open dumping" means the depositing of solid wastes into 27452

a body or stream of water or onto the surface of the ground at a 27453
site that is not licensed as a solid waste facility under section 27454
3734.05 of the Revised Code or, if the solid wastes consist of 27455
scrap tires, as a scrap tire collection, storage, monocell, 27456
monofill, or recovery facility licensed under section 3734.81 of 27457
the Revised Code; the depositing of solid wastes that consist of 27458
scrap tires onto the surface of the ground at a site or in a 27459
manner not specifically identified in divisions (C)(2) to (5), 27460
(7), or (10) of section 3734.85 of the Revised Code; the 27461
depositing of untreated infectious wastes into a body or stream of 27462
water or onto the surface of the ground; or the depositing of 27463
treated infectious wastes into a body or stream of water or onto 27464
the surface of the ground at a site that is not licensed as a 27465
solid waste facility under section 3734.05 of the Revised Code. 27466

(J) "Hazardous waste" means any waste or combination of 27467
wastes in solid, liquid, semisolid, or contained gaseous form that 27468
in the determination of the director, because of its quantity, 27469
concentration, or physical or chemical characteristics, may do 27470
either of the following: 27471

(1) Cause or significantly contribute to an increase in 27472
mortality or an increase in serious irreversible or incapacitating 27473
reversible illness; 27474

(2) Pose a substantial present or potential hazard to human 27475
health or safety or to the environment when improperly stored, 27476
treated, transported, disposed of, or otherwise managed. 27477

"Hazardous waste" includes any substance identified by 27478
regulation as hazardous waste under the "Resource Conservation and 27479
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 27480
amended, and does not include any substance that is subject to the 27481
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 27482
amended. 27483

(K) "Treat" or "treatment," when used in connection with 27484
hazardous waste, means any method, technique, or process, 27485
including neutralization, designed to change the physical, 27486
chemical, or biological character or composition of any hazardous 27487
waste so as to neutralize the waste; recover energy or material 27488
resources from the waste; render the waste nonhazardous or less 27489
hazardous, safer to transport, store, or dispose of, or amenable 27490
for recovery or storage; or reduce the volume of the waste. When 27491
used in connection with infectious wastes, "treat" or "treatment" 27492
means any method, technique, or process that renders the wastes 27493
noninfectious so that it is no longer an infectious waste and is 27494
no longer an infectious substance as defined in applicable federal 27495
law, including, without limitation, steam sterilization and 27496
incineration, and, in the instance of wastes identified in 27497
division (R)(7) of this section, to substantially reduce or 27498
eliminate the potential for the wastes to cause lacerations or 27499
puncture wounds. 27500

(L) "Manifest" means the form used for identifying the 27501
quantity, composition, origin, routing, and destination of 27502
hazardous waste during its transportation from the point of 27503
generation to the point of disposal, treatment, or storage. 27504

(M) ~~"Storage," when~~ (1) When used in connection with 27505
hazardous waste, "storage" means the holding of hazardous waste 27506
for a temporary period in such a manner that it remains 27507
retrievable and substantially unchanged physically and chemically 27508
and, at the end of the period, is treated; disposed of; stored 27509
elsewhere; or reused, recycled, or reclaimed in a beneficial 27510
manner. ~~When~~ 27511

(2) When used in connection with ~~solid wastes that consist of~~ 27512
scrap tires, "storage" means the holding of scrap tires for a 27513
temporary period in such a manner that they remain retrievable 27514
and, at the end of that period, are beneficially used; stored 27515

elsewhere; placed in a scrap tire monocell or monofill facility 27516
licensed under section 3734.81 of the Revised Code; processed at a 27517
scrap tire recovery facility licensed under that section or a 27518
solid waste incineration or energy recovery facility subject to 27519
regulation under this chapter; or transported to a scrap tire 27520
monocell, monofill, or recovery facility, any other solid waste 27521
facility authorized to dispose of scrap tires, or a facility that 27522
will beneficially use the scrap tires, that is located in another 27523
state and is operating in compliance with the laws of the state in 27524
which the facility is located. 27525

(3) When used in connection with recoverable feedstocks or 27526
post-use polymers, "storage" means holding recoverable feedstocks 27527
or post-use polymers for a period of less than ninety days, 27528
provided all of the following apply: 27529

(a) The recoverable feedstocks or post-use polymers remain 27530
retrievable and substantially unchanged physically and chemically. 27531

(b) The storage of recoverable feedstocks or post-use 27532
polymers does not cause a nuisance. 27533

(c) The storage of recoverable feedstocks or post-use 27534
polymers does not pose a threat from vectors. 27535

(d) The storage of recoverable feedstocks or post-use 27536
polymers does not adversely impact public health, safety, or the 27537
environment. 27538

(e) Prior to the end of the storage period of less than 27539
ninety days, the recoverable feedstocks or post-use polymers are 27540
converted using gasification or pyrolysis. 27541

(N) "Facility" means any site, location, tract of land, 27542
installation, or building used for incineration, composting, 27543
sanitary landfilling, or other methods of disposal of solid wastes 27544
or, if the solid wastes consist of scrap tires, for the 27545
collection, storage, or processing of the solid wastes; for the 27546

transfer of solid wastes; for the treatment of infectious wastes; 27547
or for the storage, treatment, or disposal of hazardous waste. 27548

(O) "Closure" means the time at which a hazardous waste 27549
facility will no longer accept hazardous waste for treatment, 27550
storage, or disposal, the time at which a solid waste facility 27551
will no longer accept solid wastes for transfer or disposal or, if 27552
the solid wastes consist of scrap tires, for storage or 27553
processing, or the effective date of an order revoking the permit 27554
for a hazardous waste facility or the registration certificate, 27555
permit, or license for a solid waste facility, as applicable. 27556
"Closure" includes measures performed to protect public health or 27557
safety, to prevent air or water pollution, or to make the facility 27558
suitable for other uses, if any, including, but not limited to, 27559
the removal of processing residues resulting from solid wastes 27560
that consist of scrap tires; the establishment and maintenance of 27561
a suitable cover of soil and vegetation over cells in which 27562
hazardous waste or solid wastes are buried; minimization of 27563
erosion, the infiltration of surface water into such cells, the 27564
production of leachate, and the accumulation and runoff of 27565
contaminated surface water; the final construction of facilities 27566
for the collection and treatment of leachate and contaminated 27567
surface water runoff, except as otherwise provided in this 27568
division; the final construction of air and water quality 27569
monitoring facilities, except as otherwise provided in this 27570
division; the final construction of methane gas extraction and 27571
treatment systems; or the removal and proper disposal of hazardous 27572
waste or solid wastes from a facility when necessary to protect 27573
public health or safety or to abate or prevent air or water 27574
pollution. With regard to a solid waste facility that is a scrap 27575
tire facility, "closure" includes the final construction of 27576
facilities for the collection and treatment of leachate and 27577
contaminated surface water runoff and the final construction of 27578
air and water quality monitoring facilities only if those actions 27579

are determined to be necessary. 27580

(P) "Premises" means either of the following: 27581

(1) Geographically contiguous property owned by a generator; 27582

(2) Noncontiguous property that is owned by a generator and 27583
connected by a right-of-way that the generator controls and to 27584
which the public does not have access. Two or more pieces of 27585
property that are geographically contiguous and divided by public 27586
or private right-of-way or rights-of-way are a single premises. 27587

(Q) "Post-closure" means that period of time following 27588
closure during which a hazardous waste facility is required to be 27589
monitored and maintained under this chapter and rules adopted 27590
under it, including, without limitation, operation and maintenance 27591
of methane gas extraction and treatment systems, or the period of 27592
time after closure during which a scrap tire monocell or monofill 27593
facility licensed under section 3734.81 of the Revised Code is 27594
required to be monitored and maintained under this chapter and 27595
rules adopted under it. 27596

(R) "Infectious wastes" means any wastes or combination of 27597
wastes that include cultures and stocks of infectious agents and 27598
associated biologicals, human blood and blood products, and 27599
substances that were or are likely to have been exposed to or 27600
contaminated with or are likely to transmit an infectious agent or 27601
zoonotic agent, including all of the following: 27602

(1) Laboratory wastes; 27603

(2) Pathological wastes; 27604

(3) Animal blood and blood products; 27605

(4) Animal carcasses and parts; 27606

(5) Waste materials from the rooms of humans, or the 27607
enclosures of animals, that have been isolated because of 27608
diagnosed communicable disease that are likely to transmit 27609

infectious agents. Such waste materials from the rooms of humans 27610
do not include any wastes of patients who have been placed on 27611
blood and body fluid precautions under the universal precaution 27612
system established by the centers for disease control in the 27613
public health service of the United States department of health 27614
and human services, except to the extent specific wastes generated 27615
under the universal precautions system have been identified as 27616
infectious wastes by rules adopted under division (R)(7) of this 27617
section. 27618

(6) Sharp wastes used in the treatment, diagnosis, or 27619
inoculation of human beings or animals; 27620

(7) Any other waste materials generated in the diagnosis, 27621
treatment, or immunization of human beings or animals, in research 27622
pertaining thereto, or in the production or testing of 27623
biologicals, that the director of health, by rules adopted in 27624
accordance with Chapter 119. of the Revised Code, identifies as 27625
infectious wastes after determining that the wastes present a 27626
substantial threat to human health when improperly managed because 27627
they are contaminated with, or are likely to be contaminated with, 27628
infectious agents. 27629

As used in this division, "blood products" does not include 27630
patient care waste such as bandages or disposable gowns that are 27631
lightly soiled with blood or other body fluids unless those wastes 27632
are soiled to the extent that the generator of the wastes 27633
determines that they should be managed as infectious wastes. 27634

(S) "Infectious agent" means a type of microorganism, 27635
pathogen, virus, or proteinaceous infectious particle that can 27636
cause or significantly contribute to disease in or death of human 27637
beings. 27638

(T) "Zoonotic agent" means a type of microorganism, pathogen, 27639
or virus that causes disease in vertebrate animals, is 27640

transmissible to human beings, and can cause or significantly 27641
contribute to disease in or death of human beings. 27642

(U) "Solid waste transfer facility" means any site, location, 27643
tract of land, installation, or building that is used or intended 27644
to be used primarily for the purpose of transferring solid wastes 27645
that were generated off the premises of the facility from vehicles 27646
or containers into other vehicles for transportation to a solid 27647
waste disposal facility. "Solid waste transfer facility" does not 27648
include any facility that consists solely of portable containers 27649
that have an aggregate volume of fifty cubic yards or less nor any 27650
facility where legitimate recycling activities are conducted. 27651

(V) "Beneficially use" includes: 27652

(1) With regard to scrap tires, to use a scrap tire in a 27653
manner that results in a commodity for sale or exchange or in any 27654
other manner authorized as a beneficial use in rules adopted by 27655
the director in accordance with Chapter 119. of the Revised Code; 27656

(2) With regard to material from a horizontal well that has 27657
come in contact with a refined oil-based substance and that is not 27658
technologically enhanced naturally occurring radioactive material, 27659
to use the material in any manner authorized as a beneficial use 27660
in rules adopted by the director under section 3734.125 of the 27661
Revised Code. 27662

(W) "Commercial car," "commercial tractor," "farm machinery," 27663
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 27664
the same meanings as in section 4501.01 of the Revised Code. 27665

(X) "Construction equipment" means road rollers, traction 27666
engines, power shovels, power cranes, and other equipment used in 27667
construction work, or in mining or producing or processing 27668
aggregates, and not designed for or used in general highway 27669
transportation. 27670

(Y) "Motor vehicle salvage dealer" has the same meaning as in 27671

section 4738.01 of the Revised Code. 27672

(Z) "Scrap tire" means an unwanted or discarded tire. 27673

(AA) "Scrap tire collection facility" means any facility that 27674
meets all of the following qualifications: 27675

(1) The facility is used for the receipt and storage of whole 27676
scrap tires from the public prior to their transportation to a 27677
scrap tire storage, monocell, monofill, or recovery facility 27678
licensed under section 3734.81 of the Revised Code; a solid waste 27679
incineration or energy recovery facility subject to regulation 27680
under this chapter; a premises within the state where the scrap 27681
tires will be beneficially used; or a scrap tire storage, 27682
monocell, monofill, or recovery facility, any other solid waste 27683
disposal facility authorized to dispose of scrap tires, or a 27684
facility that will beneficially use the scrap tires, that is 27685
located in another state, and that is operating in compliance with 27686
the laws of the state in which the facility is located. 27687

(2) The facility exclusively stores scrap tires in portable 27688
containers. 27689

(3) The aggregate storage of the portable containers in which 27690
the scrap tires are stored does not exceed five thousand cubic 27691
feet. 27692

(BB) "Scrap tire monocell facility" means an individual site 27693
within a solid waste landfill that is used exclusively for the 27694
environmentally sound storage or disposal of whole scrap tires or 27695
scrap tires that have been shredded, chipped, or otherwise 27696
mechanically processed. 27697

(CC) "Scrap tire monofill facility" means an engineered 27698
facility used or intended to be used exclusively for the storage 27699
or disposal of scrap tires, including at least facilities for the 27700
submergence of whole scrap tires in a body of water. 27701

(DD) "Scrap tire recovery facility" means any facility, or 27702
portion thereof, for the processing of scrap tires for the purpose 27703
of extracting or producing usable products, materials, or energy 27704
from the scrap tires through a controlled combustion process, 27705
mechanical process, or chemical process. "Scrap tire recovery 27706
facility" includes any facility that uses the controlled 27707
combustion of scrap tires in a manufacturing process to produce 27708
process heat or steam or any facility that produces usable heat or 27709
electric power through the controlled combustion of scrap tires in 27710
combination with another fuel, but does not include any solid 27711
waste incineration or energy recovery facility that is designed, 27712
constructed, and used for the primary purpose of incinerating 27713
mixed municipal solid wastes and that burns scrap tires in 27714
conjunction with mixed municipal solid wastes, or any tire 27715
retreading business, tire manufacturing finishing center, or tire 27716
adjustment center having on the premises of the business a single, 27717
covered scrap tire storage area at which not more than four 27718
thousand scrap tires are stored. 27719

(EE) "Scrap tire storage facility" means any facility where 27720
whole scrap tires are stored prior to their transportation to a 27721
scrap tire monocell, monofill, or recovery facility licensed under 27722
section 3734.81 of the Revised Code; a solid waste incineration or 27723
energy recovery facility subject to regulation under this chapter; 27724
a premises within the state where the scrap tires will be 27725
beneficially used; or a scrap tire storage, monocell, monofill, or 27726
recovery facility, any other solid waste disposal facility 27727
authorized to dispose of scrap tires, or a facility that will 27728
beneficially use the scrap tires, that is located in another 27729
state, and that is operating in compliance with the laws of the 27730
state in which the facility is located. 27731

(FF) "Used oil" means any oil that has been refined from 27732
crude oil, or any synthetic oil, that has been used and, as a 27733

result of that use, is contaminated by physical or chemical 27734
impurities. "Used oil" includes only those substances identified 27735
as used oil by the United States environmental protection agency 27736
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 27737
U.S.C.A. 6901a, as amended. 27738

(GG) "Accumulated speculatively" has the same meaning as in 27739
rules adopted by the director under section 3734.12 of the Revised 27740
Code. 27741

(HH) "Horizontal well" has the same meaning as in section 27742
1509.01 of the Revised Code. 27743

(II) "Technologically enhanced naturally occurring 27744
radioactive material" has the same meaning as in section 3748.01 27745
of the Revised Code. 27746

(JJ) "Post-use polymer" means a plastic polymer to which both 27747
of the following apply: 27748

(1) It is derived from any source and is not being used for 27749
its original intended purpose. 27750

(2) Its use or intended use is to manufacture crude oil, 27751
fuels, other raw materials, intermediate products, or final 27752
products using pyrolysis or gasification. "Post-use polymer" may 27753
contain incidental contaminants or impurities, such as paper 27754
labels or metal rings. 27755

(KK) "Pyrolysis" means a process through which post-use 27756
polymers are heated in the absence of oxygen until melted and 27757
thermally decomposed, and are then cooled, condensed, and 27758
converted to one of the following: 27759

(1) Crude oil, diesel, gasoline, home heating oil, or another 27760
fuel; 27761

(2) Feedstocks; 27762

(3) Diesel and gasoline blendstocks; 27763

<u>(4) Chemicals, waxes, or lubricants;</u>	27764
<u>(5) Other raw materials, intermediate products, or final</u>	27765
<u>products.</u>	27766
<u>(LL) "Gasification" means a process through which recoverable</u>	27767
<u>feedstocks are heated and converted into a fuel-gas mixture in an</u>	27768
<u>oxygen-deficient atmosphere, and the mixture is converted into</u>	27769
<u>fuel, including ethanol and transportation fuel, chemicals, or</u>	27770
<u>other chemical feedstocks.</u>	27771
<u>(MM) "Recoverable feedstock" means one or more of the</u>	27772
<u>following materials, derived from nonrecycled waste, that have</u>	27773
<u>been processed for use as a feedstock in a gasification facility:</u>	27774
<u>(1) Post-use polymers;</u>	27775
<u>(2) Materials concerning which the United States</u>	27776
<u>environmental protection agency has made a non-waste determination</u>	27777
<u>under 40 C.F.R. 241.3(c) or has otherwise determined are not solid</u>	27778
<u>waste.</u>	27779
Sec. 3734.57. (A) The following fees are hereby levied on the	27780
transfer or disposal of solid wastes in this state:	27781
(1) Ninety cents per ton through June 30, 2020 <u>2022</u> , twenty	27782
cents of the proceeds of which shall be deposited in the state	27783
treasury to the credit of the hazardous waste facility management	27784
fund created in section 3734.18 of the Revised Code and seventy	27785
cents of the proceeds of which shall be deposited in the state	27786
treasury to the credit of the hazardous waste clean-up fund	27787
created in section 3734.28 of the Revised Code;	27788
(2) An additional seventy-five cents per ton through June 30,	27789
2020 <u>2022</u> , the proceeds of which shall be deposited in the state	27790
treasury to the credit of the waste management fund created in	27791
section 3734.061 of the Revised Code.	27792
(3) An additional two dollars and eighty-five cents per ton	27793

through June 30, ~~2020~~ 2022, the proceeds of which shall be 27794
deposited in the state treasury to the credit of the environmental 27795
protection fund created in section 3745.015 of the Revised Code; 27796

(4) An additional twenty-five cents per ton through June 30, 27797
~~2020~~ 2022, the proceeds of which shall be deposited in the state 27798
treasury to the credit of the soil and water conservation district 27799
assistance fund created in section 940.15 of the Revised Code. 28000

In the case of solid wastes that are taken to a solid waste 28001
transfer facility located in this state prior to being transported 28002
for disposal at a solid waste disposal facility located in this 28003
state or outside of this state, the fees levied under this 28004
division shall be collected by the owner or operator of the 28005
transfer facility as a trustee for the state. The amount of fees 28006
required to be collected under this division at such a transfer 28007
facility shall equal the total tonnage of solid wastes received at 28008
the facility multiplied by the fees levied under this division. In 28009
the case of solid wastes that are not taken to a solid waste 28010
transfer facility located in this state prior to being transported 28011
to a solid waste disposal facility, the fees shall be collected by 28012
the owner or operator of the solid waste disposal facility as a 28013
trustee for the state. The amount of fees required to be collected 28014
under this division at such a disposal facility shall equal the 28015
total tonnage of solid wastes received at the facility that was 28016
not previously taken to a solid waste transfer facility located in 28017
this state multiplied by the fees levied under this division. Fees 28018
levied under this division do not apply to materials separated 28019
from a mixed waste stream for recycling by a generator or 28020
materials removed from the solid waste stream through recycling, 28021
as "recycling" is defined in rules adopted under section 3734.02 28022
of the Revised Code. 28023

The owner or operator of a solid waste transfer facility or 28024
disposal facility, as applicable, shall prepare and file with the 28025

director of environmental protection each month a return 27826
indicating the total tonnage of solid wastes received at the 27827
facility during that month and the total amount of the fees 27828
required to be collected under this division during that month. In 27829
addition, the owner or operator of a solid waste disposal facility 27830
shall indicate on the return the total tonnage of solid wastes 27831
received from transfer facilities located in this state during 27832
that month for which the fees were required to be collected by the 27833
transfer facilities. The monthly returns shall be filed on a form 27834
prescribed by the director. Not later than thirty days after the 27835
last day of the month to which a return applies, the owner or 27836
operator shall mail to the director the return for that month 27837
together with the fees required to be collected under this 27838
division during that month as indicated on the return or may 27839
submit the return and fees electronically in a manner approved by 27840
the director. If the return is filed and the amount of the fees 27841
due is paid in a timely manner as required in this division, the 27842
owner or operator may retain a discount of three-fourths of one 27843
per cent of the total amount of the fees that are required to be 27844
paid as indicated on the return. 27845

The owner or operator may request an extension of not more 27846
than thirty days for filing the return and remitting the fees, 27847
provided that the owner or operator has submitted such a request 27848
in writing to the director together with a detailed description of 27849
why the extension is requested, the director has received the 27850
request not later than the day on which the return is required to 27851
be filed, and the director has approved the request. If the fees 27852
are not remitted within thirty days after the last day of the 27853
month to which the return applies or are not remitted by the last 27854
day of an extension approved by the director, the owner or 27855
operator shall not retain the three-fourths of one per cent 27856
discount and shall pay an additional ten per cent of the amount of 27857
the fees for each month that they are late. For purposes of 27858

calculating the late fee, the first month in which fees are late 27859
begins on the first day after the deadline has passed for timely 27860
submitting the return and fees, and one additional month shall be 27861
counted every thirty days thereafter. 27862

The owner or operator of a solid waste facility may request a 27863
refund or credit of fees levied under this division and remitted 27864
to the director that have not been paid to the owner or operator. 27865
Such a request shall be made only if the fees have not been 27866
collected by the owner or operator, have become a debt that has 27867
become worthless or uncollectable for a period of six months or 27868
more, and may be claimed as a deduction, including a deduction 27869
claimed if the owner or operator keeps accounts on an accrual 27870
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 27871
U.S.C. 166, as amended, and regulations adopted under it. Prior to 27872
making a request for a refund or credit, an owner or operator 27873
shall make reasonable efforts to collect the applicable fees. A 27874
request for a refund or credit shall not include any costs 27875
resulting from those efforts to collect unpaid fees. 27876

A request for a refund or credit of fees shall be made in 27877
writing, on a form prescribed by the director, and shall be 27878
supported by evidence that may be required in rules adopted by the 27879
director under this chapter. After reviewing the request, and if 27880
the request and evidence submitted with the request indicate that 27881
a refund or credit is warranted, the director shall grant a refund 27882
to the owner or operator or shall permit a credit to be taken by 27883
the owner or operator on a subsequent monthly return submitted by 27884
the owner or operator. The amount of a refund or credit shall not 27885
exceed an amount that is equal to ninety days' worth of fees owed 27886
to an owner or operator by a particular debtor of the owner or 27887
operator. A refund or credit shall not be granted by the director 27888
to an owner or operator more than once in any twelve-month period 27889
for fees owed to the owner or operator by a particular debtor. 27890

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located 27923
in the district of solid wastes generated within the district; 27924

(2) The disposal at a solid waste disposal facility within 27925
the district of solid wastes generated outside the boundaries of 27926
the district, but inside this state; 27927

(3) The disposal at a solid waste disposal facility within 27928
the district of solid wastes generated outside the boundaries of 27929
this state. 27930

The solid waste management plan of the county or joint 27931
district approved under section 3734.521 or 3734.55 of the Revised 27932
Code and any amendments to it, or the resolution adopted under 27933
this division, as appropriate, shall establish the rates of the 27934
fees levied under divisions (B)(1), (2), and (3) of this section, 27935
if any, and shall specify whether the fees are levied on the basis 27936
of tons or cubic yards as the unit of measurement. A solid waste 27937
management district that levies fees under this division on the 27938
basis of cubic yards shall do so in accordance with division (A) 27939
of this section. 27940

The fee levied under division (B)(1) of this section shall be 27941
not less than one dollar per ton nor more than two dollars per 27942
ton, the fee levied under division (B)(2) of this section shall be 27943
not less than two dollars per ton nor more than four dollars per 27944
ton, and the fee levied under division (B)(3) of this section 27945
shall be not more than the fee levied under division (B)(1) of 27946
this section. 27947

Prior to the approval of the solid waste management plan of a 27948
district under section 3734.55 of the Revised Code, the solid 27949
waste management policy committee of a district may levy fees 27950
under this division by adopting a resolution establishing the 27951
proposed amount of the fees. Upon adopting the resolution, the 27952
committee shall deliver a copy of the resolution to the board of 27953

county commissioners of each county forming the district and to 27954
the legislative authority of each municipal corporation and 27955
township under the jurisdiction of the district and shall prepare 27956
and publish the resolution and a notice of the time and location 27957
where a public hearing on the fees will be held. Upon adopting the 27958
resolution, the committee shall deliver written notice of the 27959
adoption of the resolution; of the amount of the proposed fees; 27960
and of the date, time, and location of the public hearing to the 27961
director and to the fifty industrial, commercial, or institutional 27962
generators of solid wastes within the district that generate the 27963
largest quantities of solid wastes, as determined by the 27964
committee, and to their local trade associations. The committee 27965
shall make good faith efforts to identify those generators within 27966
the district and their local trade associations, but the 27967
nonprovision of notice under this division to a particular 27968
generator or local trade association does not invalidate the 27969
proceedings under this division. The publication shall occur at 27970
least thirty days before the hearing. After the hearing, the 27971
committee may make such revisions to the proposed fees as it 27972
considers appropriate and thereafter, by resolution, shall adopt 27973
the revised fee schedule. Upon adopting the revised fee schedule, 27974
the committee shall deliver a copy of the resolution doing so to 27975
the board of county commissioners of each county forming the 27976
district and to the legislative authority of each municipal 27977
corporation and township under the jurisdiction of the district. 27978
Within sixty days after the delivery of a copy of the resolution 27979
adopting the proposed revised fees by the policy committee, each 27980
such board and legislative authority, by ordinance or resolution, 27981
shall approve or disapprove the revised fees and deliver a copy of 27982
the ordinance or resolution to the committee. If any such board or 27983
legislative authority fails to adopt and deliver to the policy 27984
committee an ordinance or resolution approving or disapproving the 27985
revised fees within sixty days after the policy committee 27986

delivered its resolution adopting the proposed revised fees, it 27987
shall be conclusively presumed that the board or legislative 27988
authority has approved the proposed revised fees. The committee 27989
shall determine if the resolution has been ratified in the same 27990
manner in which it determines if a draft solid waste management 27991
plan has been ratified under division (B) of section 3734.55 of 27992
the Revised Code. 27993

The committee may amend the schedule of fees levied pursuant 27994
to a resolution adopted and ratified under this division by 27995
adopting a resolution establishing the proposed amount of the 27996
amended fees. The committee may repeal the fees levied pursuant to 27997
such a resolution by adopting a resolution proposing to repeal 27998
them. Upon adopting such a resolution, the committee shall proceed 27999
to obtain ratification of the resolution in accordance with this 28000
division. 28001

Not later than fourteen days after declaring the new fees to 28002
be ratified or the fees to be repealed under this division, the 28003
committee shall notify by certified mail the owner or operator of 28004
each solid waste disposal facility that is required to collect the 28005
fees of the ratification and the amount of the fees or of the 28006
repeal of the fees. Collection of any fees shall commence or 28007
collection of repealed fees shall cease on the first day of the 28008
second month following the month in which notification is sent to 28009
the owner or operator. 28010

Fees levied under this division also may be established, 28011
amended, or repealed by a solid waste management policy committee 28012
through the adoption of a new district solid waste management 28013
plan, the adoption of an amended plan, or the amendment of the 28014
plan or amended plan in accordance with sections 3734.55 and 28015
3734.56 of the Revised Code or the adoption or amendment of a 28016
district plan in connection with a change in district composition 28017
under section 3734.521 of the Revised Code. 28018

Not later than fourteen days after the director issues an 28019
order approving a district's solid waste management plan, amended 28020
plan, or amendment to a plan or amended plan that establishes, 28021
amends, or repeals a schedule of fees levied by the district, the 28022
committee shall notify by certified mail the owner or operator of 28023
each solid waste disposal facility that is required to collect the 28024
fees of the approval of the plan or amended plan, or the amendment 28025
to the plan, as appropriate, and the amount of the fees, if any. 28026
In the case of an initial or amended plan approved under section 28027
3734.521 of the Revised Code in connection with a change in 28028
district composition, other than one involving the withdrawal of a 28029
county from a joint district, the committee, within fourteen days 28030
after the change takes effect pursuant to division (G) of that 28031
section, shall notify by certified mail the owner or operator of 28032
each solid waste disposal facility that is required to collect the 28033
fees that the change has taken effect and of the amount of the 28034
fees, if any. Collection of any fees shall commence or collection 28035
of repealed fees shall cease on the first day of the second month 28036
following the month in which notification is sent to the owner or 28037
operator. 28038

If, in the case of a change in district composition involving 28039
the withdrawal of a county from a joint district, the director 28040
completes the actions required under division (G)(1) or (3) of 28041
section 3734.521 of the Revised Code, as appropriate, forty-five 28042
days or more before the beginning of a calendar year, the policy 28043
committee of each of the districts resulting from the change that 28044
obtained the director's approval of an initial or amended plan in 28045
connection with the change, within fourteen days after the 28046
director's completion of the required actions, shall notify by 28047
certified mail the owner or operator of each solid waste disposal 28048
facility that is required to collect the district's fees that the 28049
change is to take effect on the first day of January immediately 28050
following the issuance of the notice and of the amount of the fees 28051

or amended fees levied under divisions (B)(1) to (3) of this 28052
section pursuant to the district's initial or amended plan as so 28053
approved or, if appropriate, the repeal of the district's fees by 28054
that initial or amended plan. Collection of any fees set forth in 28055
such a plan or amended plan shall commence on the first day of 28056
January immediately following the issuance of the notice. If such 28057
an initial or amended plan repeals a schedule of fees, collection 28058
of the fees shall cease on that first day of January. 28059

If, in the case of a change in district composition involving 28060
the withdrawal of a county from a joint district, the director 28061
completes the actions required under division (G)(1) or (3) of 28062
section 3734.521 of the Revised Code, as appropriate, less than 28063
forty-five days before the beginning of a calendar year, the 28064
director, on behalf of each of the districts resulting from the 28065
change that obtained the director's approval of an initial or 28066
amended plan in connection with the change proceedings, shall 28067
notify by certified mail the owner or operator of each solid waste 28068
disposal facility that is required to collect the district's fees 28069
that the change is to take effect on the first day of January 28070
immediately following the mailing of the notice and of the amount 28071
of the fees or amended fees levied under divisions (B)(1) to (3) 28072
of this section pursuant to the district's initial or amended plan 28073
as so approved or, if appropriate, the repeal of the district's 28074
fees by that initial or amended plan. Collection of any fees set 28075
forth in such a plan or amended plan shall commence on the first 28076
day of the second month following the month in which notification 28077
is sent to the owner or operator. If such an initial or amended 28078
plan repeals a schedule of fees, collection of the fees shall 28079
cease on the first day of the second month following the month in 28080
which notification is sent to the owner or operator. 28081

If the schedule of fees that a solid waste management 28082
district is levying under divisions (B)(1) to (3) of this section 28083

is amended or repealed, the fees in effect immediately prior to 28084
the amendment or repeal shall continue to be collected until 28085
collection of the amended fees commences or collection of the 28086
repealed fees ceases, as applicable, as specified in this 28087
division. In the case of a change in district composition, money 28088
so received from the collection of the fees of the former 28089
districts shall be divided among the resulting districts in 28090
accordance with division (B) of section 343.012 of the Revised 28091
Code and the agreements entered into under division (B) of section 28092
343.01 of the Revised Code to establish the former and resulting 28093
districts and any amendments to those agreements. 28094

For the purposes of the provisions of division (B) of this 28095
section establishing the times when newly established or amended 28096
fees levied by a district are required to commence and the 28097
collection of fees that have been amended or repealed is required 28098
to cease, "fees" or "schedule of fees" includes, in addition to 28099
fees levied under divisions (B)(1) to (3) of this section, those 28100
levied under section 3734.573 or 3734.574 of the Revised Code. 28101

(C) For the purposes of defraying the added costs to a 28102
municipal corporation or township of maintaining roads and other 28103
public facilities and of providing emergency and other public 28104
services, and compensating a municipal corporation or township for 28105
reductions in real property tax revenues due to reductions in real 28106
property valuations resulting from the location and operation of a 28107
solid waste disposal facility within the municipal corporation or 28108
township, a municipal corporation or township in which such a 28109
solid waste disposal facility is located may levy a fee of not 28110
more than twenty-five cents per ton on the disposal of solid 28111
wastes at a solid waste disposal facility located within the 28112
boundaries of the municipal corporation or township regardless of 28113
where the wastes were generated. 28114

The legislative authority of a municipal corporation or 28115

township may levy fees under this division by enacting an 28116
ordinance or adopting a resolution establishing the amount of the 28117
fees. Upon so doing the legislative authority shall mail a 28118
certified copy of the ordinance or resolution to the board of 28119
county commissioners or directors of the county or joint solid 28120
waste management district in which the municipal corporation or 28121
township is located or, if a regional solid waste management 28122
authority has been formed under section 343.011 of the Revised 28123
Code, to the board of trustees of that regional authority, the 28124
owner or operator of each solid waste disposal facility in the 28125
municipal corporation or township that is required to collect the 28126
fee by the ordinance or resolution, and the director of 28127
environmental protection. Although the fees levied under this 28128
division are levied on the basis of tons as the unit of 28129
measurement, the legislative authority, in its ordinance or 28130
resolution levying the fees under this division, may direct that 28131
the fees be levied on the basis of cubic yards as the unit of 28132
measurement based upon a conversion factor of three cubic yards 28133
per ton generally or one cubic yard per ton for baled wastes. 28134

Not later than five days after enacting an ordinance or 28135
adopting a resolution under this division, the legislative 28136
authority shall so notify by certified mail the owner or operator 28137
of each solid waste disposal facility that is required to collect 28138
the fee. Collection of any fee levied on or after March 24, 1992, 28139
shall commence on the first day of the second month following the 28140
month in which notification is sent to the owner or operator. 28141

(D)(1) The fees levied under divisions (A), (B), and (C) of 28142
this section do not apply to the disposal of solid wastes that: 28143

(a) Are disposed of at a facility owned by the generator of 28144
the wastes when the solid waste facility exclusively disposes of 28145
solid wastes generated at one or more premises owned by the 28146
generator regardless of whether the facility is located on a 28147

premises where the wastes are generated; 28148

(b) Are generated from the combustion of coal, or from the 28149
combustion of primarily coal, regardless of whether the disposal 28150
facility is located on the premises where the wastes are 28151
generated; 28152

(c) Are asbestos or asbestos-containing materials or products 28153
disposed of at a construction and demolition debris facility that 28154
is licensed under Chapter 3714. of the Revised Code or at a solid 28155
waste facility that is licensed under this chapter. 28156

(2) Except as provided in section 3734.571 of the Revised 28157
Code, any fees levied under division (B)(1) of this section apply 28158
to solid wastes originating outside the boundaries of a county or 28159
joint district that are covered by an agreement for the joint use 28160
of solid waste facilities entered into under section 343.02 of the 28161
Revised Code by the board of county commissioners or board of 28162
directors of the county or joint district where the wastes are 28163
generated and disposed of. 28164

(3) When solid wastes, other than solid wastes that consist 28165
of scrap tires, are burned in a disposal facility that is an 28166
incinerator or energy recovery facility, the fees levied under 28167
divisions (A), (B), and (C) of this section shall be levied upon 28168
the disposal of the fly ash and bottom ash remaining after burning 28169
of the solid wastes and shall be collected by the owner or 28170
operator of the sanitary landfill where the ash is disposed of. 28171

(4) When solid wastes are delivered to a solid waste transfer 28172
facility, the fees levied under divisions (B) and (C) of this 28173
section shall be levied upon the disposal of solid wastes 28174
transported off the premises of the transfer facility for disposal 28175
and shall be collected by the owner or operator of the solid waste 28176
disposal facility where the wastes are disposed of. 28177

(5) The fees levied under divisions (A), (B), and (C) of this 28178

section do not apply to sewage sludge that is generated by a waste 28179
water treatment facility holding a national pollutant discharge 28180
elimination system permit and that is disposed of through 28181
incineration, land application, or composting or at another 28182
resource recovery or disposal facility that is not a landfill. 28183

(6) The fees levied under divisions (A), (B), and (C) of this 28184
section do not apply to solid wastes delivered to a solid waste 28185
composting facility for processing. When any unprocessed solid 28186
waste or compost product is transported off the premises of a 28187
composting facility and disposed of at a landfill, the fees levied 28188
under divisions (A), (B), and (C) of this section shall be 28189
collected by the owner or operator of the landfill where the 28190
unprocessed waste or compost product is disposed of. 28191

(7) When solid wastes that consist of scrap tires are 28192
processed at a scrap tire recovery facility, the fees levied under 28193
divisions (A), (B), and (C) of this section shall be levied upon 28194
the disposal of the fly ash and bottom ash or other solid wastes 28195
remaining after the processing of the scrap tires and shall be 28196
collected by the owner or operator of the solid waste disposal 28197
facility where the ash or other solid wastes are disposed of. 28198

(8) The director of environmental protection may issue an 28199
order exempting from the fees levied under this section solid 28200
wastes, including, but not limited to, scrap tires, that are 28201
generated, transferred, or disposed of as a result of a contract 28202
providing for the expenditure of public funds entered into by the 28203
administrator or regional administrator of the United States 28204
environmental protection agency, the director of environmental 28205
protection, or the director of administrative services on behalf 28206
of the director of environmental protection for the purpose of 28207
remediating conditions at a hazardous waste facility, solid waste 28208
facility, or other location at which the administrator or regional 28209
administrator or the director of environmental protection has 28210

reason to believe that there is a substantial threat to public 28211
health or safety or the environment or that the conditions are 28212
causing or contributing to air or water pollution or soil 28213
contamination. An order issued by the director of environmental 28214
protection under division (D)(8) of this section shall include a 28215
determination that the amount of the fees not received by a solid 28216
waste management district as a result of the order will not 28217
adversely impact the implementation and financing of the 28218
district's approved solid waste management plan and any approved 28219
amendments to the plan. Such an order is a final action of the 28220
director of environmental protection. 28221

(E) The fees levied under divisions (B) and (C) of this 28222
section shall be collected by the owner or operator of the solid 28223
waste disposal facility where the wastes are disposed of as a 28224
trustee for the county or joint district and municipal corporation 28225
or township where the wastes are disposed of. Moneys from the fees 28226
levied under division (B) of this section shall be forwarded to 28227
the board of county commissioners or board of directors of the 28228
district in accordance with rules adopted under division (H) of 28229
this section. Moneys from the fees levied under division (C) of 28230
this section shall be forwarded to the treasurer or such other 28231
officer of the municipal corporation as, by virtue of the charter, 28232
has the duties of the treasurer or to the fiscal officer of the 28233
township, as appropriate, in accordance with those rules. 28234

(F) Moneys received by the treasurer or other officer of the 28235
municipal corporation under division (E) of this section shall be 28236
paid into the general fund of the municipal corporation. Moneys 28237
received by the fiscal officer of the township under that division 28238
shall be paid into the general fund of the township. The treasurer 28239
or other officer of the municipal corporation or the township 28240
fiscal officer, as appropriate, shall maintain separate records of 28241
the moneys received from the fees levied under division (C) of 28242

this section. 28243

(G) Moneys received by the board of county commissioners or 28244
board of directors under division (E) of this section or section 28245
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 28246
shall be paid to the county treasurer, or other official acting in 28247
a similar capacity under a county charter, in a county district or 28248
to the county treasurer or other official designated by the board 28249
of directors in a joint district and kept in a separate and 28250
distinct fund to the credit of the district. If a regional solid 28251
waste management authority has been formed under section 343.011 28252
of the Revised Code, moneys received by the board of trustees of 28253
that regional authority under division (E) of this section shall 28254
be kept by the board in a separate and distinct fund to the credit 28255
of the district. Moneys in the special fund of the county or joint 28256
district arising from the fees levied under division (B) of this 28257
section and the fee levied under division (A) of section 3734.573 28258
of the Revised Code shall be expended by the board of county 28259
commissioners or directors of the district in accordance with the 28260
district's solid waste management plan or amended plan approved 28261
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 28262
exclusively for the following purposes: 28263

(1) Preparation of the solid waste management plan of the 28264
district under section 3734.54 of the Revised Code, monitoring 28265
implementation of the plan, and conducting the periodic review and 28266
amendment of the plan required by section 3734.56 of the Revised 28267
Code by the solid waste management policy committee; 28268

(2) Implementation of the approved solid waste management 28269
plan or amended plan of the district, including, without 28270
limitation, the development and implementation of solid waste 28271
recycling or reduction programs; 28272

(3) Providing financial assistance to boards of health within 28273
the district, if solid waste facilities are located within the 28274

district, for enforcement of this chapter and rules, orders, and 28275
terms and conditions of permits, licenses, and variances adopted 28276
or issued under it, other than the hazardous waste provisions of 28277
this chapter and rules adopted and orders and terms and conditions 28278
of permits issued under those provisions; 28279

(4) Providing financial assistance to each county within the 28280
district to defray the added costs of maintaining roads and other 28281
public facilities and of providing emergency and other public 28282
services resulting from the location and operation of a solid 28283
waste facility within the county under the district's approved 28284
solid waste management plan or amended plan; 28285

(5) Pursuant to contracts entered into with boards of health 28286
within the district, if solid waste facilities contained in the 28287
district's approved plan or amended plan are located within the 28288
district, for paying the costs incurred by those boards of health 28289
for collecting and analyzing samples from public or private water 28290
wells on lands adjacent to those facilities; 28291

(6) Developing and implementing a program for the inspection 28292
of solid wastes generated outside the boundaries of this state 28293
that are disposed of at solid waste facilities included in the 28294
district's approved solid waste management plan or amended plan; 28295

(7) Providing financial assistance to boards of health within 28296
the district for the enforcement of section 3734.03 of the Revised 28297
Code or to local law enforcement agencies having jurisdiction 28298
within the district for enforcing anti-littering laws and 28299
ordinances; 28300

(8) Providing financial assistance to boards of health of 28301
health districts within the district that are on the approved list 28302
under section 3734.08 of the Revised Code to defray the costs to 28303
the health districts for the participation of their employees 28304
responsible for enforcement of the solid waste provisions of this 28305

chapter and rules adopted and orders and terms and conditions of 28306
permits, licenses, and variances issued under those provisions in 28307
the training and certification program as required by rules 28308
adopted under division (L) of section 3734.02 of the Revised Code; 28309

(9) Providing financial assistance to individual municipal 28310
corporations and townships within the district to defray their 28311
added costs of maintaining roads and other public facilities and 28312
of providing emergency and other public services resulting from 28313
the location and operation within their boundaries of a 28314
composting, energy or resource recovery, incineration, or 28315
recycling facility that either is owned by the district or is 28316
furnishing solid waste management facility or recycling services 28317
to the district pursuant to a contract or agreement with the board 28318
of county commissioners or directors of the district; 28319

(10) Payment of any expenses that are agreed to, awarded, or 28320
ordered to be paid under section 3734.35 of the Revised Code and 28321
of any administrative costs incurred pursuant to that section. In 28322
the case of a joint solid waste management district, if the board 28323
of county commissioners of one of the counties in the district is 28324
negotiating on behalf of affected communities, as defined in that 28325
section, in that county, the board shall obtain the approval of 28326
the board of directors of the district in order to expend moneys 28327
for administrative costs incurred. 28328

Prior to the approval of the district's solid waste 28329
management plan under section 3734.55 of the Revised Code, moneys 28330
in the special fund of the district arising from the fees shall be 28331
expended for those purposes in the manner prescribed by the solid 28332
waste management policy committee by resolution. 28333

Notwithstanding division (G)(6) of this section as it existed 28334
prior to October 29, 1993, or any provision in a district's solid 28335
waste management plan prepared in accordance with division 28336
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 28337

prior to that date, any moneys arising from the fees levied under 28338
division (B)(3) of this section prior to January 1, 1994, may be 28339
expended for any of the purposes authorized in divisions (G)(1) to 28340
(10) of this section. 28341

(H) The director shall adopt rules in accordance with Chapter 28342
119. of the Revised Code prescribing procedures for collecting and 28343
forwarding the fees levied under divisions (B) and (C) of this 28344
section to the boards of county commissioners or directors of 28345
county or joint solid waste management districts and to the 28346
treasurers or other officers of municipal corporations and the 28347
fiscal officers of townships. The rules also shall prescribe the 28348
dates for forwarding the fees to the boards and officials and may 28349
prescribe any other requirements the director considers necessary 28350
or appropriate to implement and administer divisions (A), (B), and 28351
(C) of this section. 28352

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 28353
defray the cost of administering and enforcing the scrap tire 28354
provisions of this chapter, rules adopted under those provisions, 28355
and terms and conditions of orders, variances, and licenses issued 28356
under those provisions; to abate accumulations of scrap tires; to 28357
make grants supporting market development activities for scrap 28358
tires and synthetic rubber from tire manufacturing processes and 28359
tire recycling processes and to support scrap tire amnesty and 28360
cleanup events; to make loans to promote the recycling or recovery 28361
of energy from scrap tires; and to defray the costs of 28362
administering and enforcing sections 3734.90 to 3734.9014 of the 28363
Revised Code, a fee of fifty cents per tire is hereby levied on 28364
the sale of tires. The proceeds of the fee shall be deposited in 28365
the state treasury to the credit of the scrap tire management fund 28366
created in section 3734.82 of the Revised Code. The fee is levied 28367
from the first day of the calendar month that begins next after 28368
thirty days from October 29, 1993, through June 30, ~~2020~~ 2022. 28369

(2) Beginning on July 1, 2011, and ending on June 30, ~~2020~~ 28370
2022, there is hereby levied an additional fee of fifty cents per 28371
tire on the sale of tires the proceeds of which shall be deposited 28372
in the state treasury to the credit of the soil and water 28373
conservation district assistance fund created in section 940.15 of 28374
the Revised Code. 28375

(B) Only one sale of the same article shall be used in 28376
computing the amount of the fee due. 28377

Sec. 3742.03. The director of health shall adopt rules in 28378
accordance with Chapter 119. of the Revised Code for the 28379
administration and enforcement of sections 3742.01 to 3742.19 and 28380
3742.99 of the Revised Code. The rules shall specify all of the 28381
following: 28382

(A) Procedures to be followed by a lead abatement contractor, 28383
lead abatement project designer, lead abatement worker, lead 28384
inspector, or lead risk assessor licensed under section 3742.05 of 28385
the Revised Code for undertaking lead abatement activities and 28386
procedures to be followed by a clearance technician, lead 28387
inspector, or lead risk assessor in performing a clearance 28388
examination; 28389

(B)(1) Requirements for training and licensure, in addition 28390
to those established under section 3742.08 of the Revised Code, to 28391
include levels of training and periodic refresher training for 28392
each class of worker, and to be used for licensure under section 28393
3742.05 of the Revised Code. Except in the case of clearance 28394
technicians, these requirements shall include at least twenty-four 28395
classroom hours of training based on the Occupational Safety and 28396
Health Act training program for lead set forth in 29 C.F.R. 28397
1926.62. For clearance technicians, the training requirements to 28398
obtain an initial license shall not exceed six hours and the 28399
requirements for refresher training shall not exceed two hours 28400

every four years. In establishing the training and licensure 28401
requirements, the director shall consider the core of information 28402
that is needed by all licensed persons, and establish the training 28403
requirements so that persons who would seek licenses in more than 28404
one area would not have to take duplicative course work. 28405

(2) Persons certified by the American board of industrial 28406
hygiene as a certified industrial hygienist or as an industrial 28407
hygienist-in-training, and persons registered as a sanitarian or 28408
sanitarian-in-training under Chapter 4736. of the Revised Code, 28409
shall be exempt from any training requirements for initial 28410
licensure established under this chapter, but shall be required to 28411
take any examinations for licensure required under section 3742.05 28412
of the Revised Code. 28413

(C) Fees for licenses issued under section 3742.05 of the 28414
Revised Code and for their renewal; 28415

(D) Procedures to be followed by lead inspectors, lead 28416
abatement contractors, environmental lead analytical laboratories, 28417
lead risk assessors, lead abatement project designers, and lead 28418
abatement workers to prevent public exposure to lead hazards and 28419
ensure worker protection during lead abatement projects; 28420

(E)(1) Record-keeping and reporting requirements for clinical 28421
laboratories, environmental lead analytical laboratories, lead 28422
inspectors, lead abatement contractors, lead risk assessors, lead 28423
abatement project designers, and lead abatement workers for lead 28424
abatement projects and record-keeping and reporting requirements 28425
for clinical laboratories, environmental lead analytical 28426
laboratories, and clearance technicians for clearance 28427
examinations; 28428

(2) Record-keeping and reporting requirements regarding lead 28429
poisoning for physicians, ~~in addition to the requirements of~~ 28430
~~section 3701.25 of the Revised Code;~~ 28431

(3) Information that is required to be reported under rules 28432
based on divisions (E)(1) and (2) of this section and that is a 28433
medical record is not a public record under section 149.43 of the 28434
Revised Code and shall not be released, except in aggregate 28435
statistical form. 28436

(F) Environmental sampling techniques for use in collecting 28437
samples of air, water, dust, paint, and other materials; 28438

(G) Requirements for a respiratory protection plan prepared 28439
in accordance with section 3742.07 of the Revised Code; 28440

(H) Requirements under which a manufacturer of encapsulants 28441
must demonstrate evidence of the safety and durability of its 28442
encapsulants by providing results of testing from an independent 28443
laboratory indicating that the encapsulants meet the standards 28444
developed by the "E06.23.30 task group on encapsulants," which is 28445
the task group of the lead hazards associated with buildings 28446
subcommittee of the performance of buildings committee of the 28447
American society for testing and materials. 28448

Sec. 3742.04. (A) The director of health shall do all of the 28449
following: 28450

(1) Administer and enforce the requirements of sections 28451
3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules 28452
adopted pursuant to those sections; 28453

(2) Examine records and reports submitted by lead inspectors, 28454
lead abatement contractors, lead risk assessors, lead abatement 28455
project designers, lead abatement workers, and clearance 28456
technicians in accordance with section 3742.05 of the Revised Code 28457
to determine whether the requirements of this chapter are being 28458
met; 28459

(3) Examine records and reports submitted by physicians, 28460
pursuant to rules adopted under section 3742.03 of the Revised 28461

Code and by clinical laboratories, and environmental lead 28462
analytical laboratories under section ~~3701.25~~ or 3742.09 of the 28463
Revised Code; 28464

(4) Issue approval to manufacturers of encapsulants that have 28465
done all of the following: 28466

(a) Submitted an application for approval to the director on 28467
a form prescribed by the director; 28468

(b) Paid the application fee established by the director; 28469

(c) Submitted results from an independent laboratory 28470
indicating that the manufacturer's encapsulants satisfy the 28471
requirements established in rules adopted under division (H) of 28472
section 3742.03 of the Revised Code; 28473

(d) Complied with rules adopted by the director regarding 28474
durability and safety to workers and residents. 28475

(5) Establish liaisons and cooperate with the directors or 28476
agencies in states having lead abatement, licensing, 28477
accreditation, certification, and approval programs to promote 28478
consistency between the requirements of this chapter and those of 28479
other states in order to facilitate reciprocity of the programs 28480
among states; 28481

(6) Establish a program to monitor and audit the quality of 28482
work of lead inspectors, lead risk assessors, lead abatement 28483
project designers, lead abatement contractors, lead abatement 28484
workers, and clearance technicians. The director may refer 28485
improper work discovered through the program to the attorney 28486
general for appropriate action. 28487

(B) In addition to any other authority granted by this 28488
chapter, the director of health may do any of the following: 28489

(1) Employ persons who have received training from a program 28490
the director has determined provides the necessary background. The 28491

appropriate training may be obtained in a state that has an 28492
ongoing lead abatement program under which it conducts educational 28493
programs. 28494

(2) Cooperate with the United States environmental protection 28495
agency in any joint oversight procedures the agency may propose 28496
for laboratories that offer lead analysis services and are 28497
accredited under the agency's laboratory accreditation program; 28498

(3) Advise, consult, cooperate with, or enter into contracts 28499
or cooperative agreements with any person, government entity, 28500
interstate agency, or the federal government as the director 28501
considers necessary to fulfill the requirements of this chapter 28502
and the rules adopted under it. 28503

Sec. 3742.18. (A)(1) At the request of the director of 28504
health, the attorney general may commence a civil action for civil 28505
penalties and injunctive and other equitable relief against any 28506
person who violates section 3742.02, 3742.06, or 3742.07 of the 28507
Revised Code. The action shall be commenced in the court of common 28508
pleas of the county in which the violation occurred or is about to 28509
occur. 28510

(2) The court shall grant injunctive and other equitable 28511
relief on a showing that the person has violated or is about to 28512
violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. 28513
On a finding of a violation, the court shall assess a civil 28514
penalty of not more than one thousand dollars. Each day a 28515
violation continues is a separate violation. All civil penalties 28516
collected by the court under this section shall be deposited into 28517
the state treasury to the credit of the lead abatement personnel 28518
licensing fund created under section 3742.19 of the Revised Code. 28519

(B) At the request of the director or a board of health, a 28520
prosecuting attorney, city director of law, village solicitor, or 28521
similar chief legal officer may commence a civil action for 28522

injunctive and other equitable relief against any person who 28523
violates or is about to violate an order issued by the director or 28524
board of health under section 3742.40 of the Revised Code. The 28525
court shall grant injunctive or other equitable relief on a 28526
showing that the person has violated or is about to violate the 28527
order. 28528

Sec. 3742.32. (A) The director of health shall appoint an 28529
advisory council to assist in the ongoing development and 28530
implementation of the child lead poisoning prevention program 28531
created under section 3742.31 of the Revised Code. The advisory 28532
council shall consist of the following members: 28533

(1) A representative of the department of medicaid; 28534

(2) A representative of the bureau of child care in the 28535
department of job and family services; 28536

(3) A representative of the department of environmental 28537
protection; 28538

(4) A representative of the department of education; 28539

(5) A representative of the development services agency; 28540

(6) A representative of the Ohio apartment owner's 28541
association; 28542

(7) A representative of the Ohio ~~help-end lead poisoning~~ 28543
~~coalition~~ healthy homes network; 28544

(8) A representative of the Ohio environmental health 28545
association; 28546

(9) An Ohio representative of the ~~national paint and~~ American 28547
coatings association; 28548

(10) A representative from Ohio realtors; 28549

(11) A representative of the Ohio housing finance agency; 28550

<u>(12) A physician knowledgeable in the field of lead poisoning</u>	28551
<u>prevention;</u>	28552
<u>(13) A representative of the public.</u>	28553
(B) The advisory council shall do both of the following:	28554
(1) Provide the director with advice regarding the policies	28555
the child lead poisoning prevention program should emphasize,	28556
preferred methods of financing the program, and any other matter	28557
relevant to the program's operation;	28558
(2) Submit a report of the state's activities to the	28559
governor, president of the senate, and speaker of the house of	28560
representatives on or before the first day of March each year.	28561
(C) The advisory council is not subject to sections 101.82 to	28562
101.87 of the Revised Code.	28563
Sec. 3742.40. If the owner and manager of a residential unit,	28564
child care facility, or school fails or refuses for any reason to	28565
comply with a lead hazard control order issued under section	28566
3742.37 of the Revised Code, the director of health or board of	28567
health that issued the order shall issue an order prohibiting the	28568
owner and manager from permitting the unit, facility, or school to	28569
be used as a residential unit, child care facility, or school <u>for</u>	28570
<u>any purpose</u> until the unit, facility, or school passes a clearance	28571
examination. On receipt of the order, the owner or manager shall	28572
take appropriate measures to notify each occupant, in the case of	28573
a residential unit, and the parent, guardian, or custodian of each	28574
child attending the facility or school, in the case of a child	28575
care facility or school, to vacate the unit, facility, or school	28576
until the unit, facility, or school passes a clearance	28577
examination. The director or board shall post a sign at the unit,	28578
facility, or school that warns the public that the unit, facility,	28579
or school has a lead hazard. The sign shall include a declaration	28580

that the unit, facility, or school is unsafe for human occupation, 28581
especially for children under six years of age and pregnant women. 28582
The director or board shall ensure that the sign remains posted at 28583
the unit, facility, or school and that the unit, facility, or 28584
school is not used ~~as a residential unit, child care facility, or~~ 28585
~~school~~ until the unit, facility, or school passes a clearance 28586
examination. 28587

Sec. 3742.50. (A) As used in this section: 28588

(1) "Lead abatement costs" means costs incurred by a taxpayer 28589
for either of the following: 28590

(a) A lead abatement specialist to conduct a lead risk 28591
assessment, a lead abatement project, or a clearance examination, 28592
provided the specialist is authorized under this chapter to 28593
conduct the respective task; 28594

(b) Relocation costs incurred in the relocation of occupants 28595
of an eligible dwelling to achieve occupant protection, as 28596
described in 24 C.F.R. 35.1345(a). 28597

"Lead abatement costs" do not include such costs for which 28598
the taxpayer is reimbursed or such costs the taxpayer deducts or 28599
excludes in computing the taxpayer's federal adjusted gross income 28600
for federal income tax purposes or Ohio adjusted gross income as 28601
determined under section 5747.01 of the Revised Code. 28602

(2) "Eligible dwelling" means a residential unit constructed 28603
in this state before 1978. 28604

(3) "Lead abatement specialist" means an individual who holds 28605
a valid license issued under section 3742.05 of the Revised Code. 28606

(4) "Taxable year" and "taxpayer" have the same meanings as 28607
in section 5747.01 of the Revised Code. 28608

(B) A taxpayer who incurs lead abatement costs on an eligible 28609

dwelling during a taxable year may apply to the director of health 28610
for a lead abatement tax credit certificate. The applicant shall 28611
list on the application the amount of lead abatement costs the 28612
applicant incurred for the eligible dwelling during the taxable 28613
year. The director, in consultation with the tax commissioner, 28614
shall prescribe the form of a lead abatement tax credit 28615
certificate, the manner by which an applicant shall apply for the 28616
certificate, and requirements for the submission of any record or 28617
other information an applicant must furnish with the application 28618
to verify the lead abatement costs. 28619

(C)(1) Upon receipt of an application under division (B) of 28620
this section, the director of health shall verify all of the 28621
following: 28622

(a) The residential unit that is the subject of the 28623
application is an eligible dwelling. 28624

(b) The taxpayer incurred lead abatement costs during the 28625
taxable year related to the eligible dwelling. 28626

(c) The eligible dwelling has passed a clearance examination 28627
in accordance with standards prescribed in rules adopted by the 28628
director under section 3742.03 or 3742.45 of the Revised Code. 28629

(2) After verifying the conditions described in division 28630
(C)(1) of this section, the director shall issue a lead abatement 28631
tax credit certificate to the applicant equal to the lesser of (a) 28632
the lead abatement costs incurred by the taxpayer on the eligible 28633
dwelling during the taxable year, (b) the amount of lead abatement 28634
costs listed on the application, or (c) ten thousand dollars, 28635
subject to the limitation in division (C)(3) of this section. 28636

(3) The director may not issue more than five million dollars 28637
in lead abatement tax credit certificates in any fiscal year. 28638

(D) The director of health, in consultation with the tax 28639
commissioner, may adopt rules in accordance with Chapter 119. of 28640

the Revised Code as necessary for the administration of this 28641
section. 28642

Sec. 3745.11. (A) Applicants for and holders of permits, 28643
licenses, variances, plan approvals, and certifications issued by 28644
the director of environmental protection pursuant to Chapters 28645
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 28646
to the environmental protection agency for each such issuance and 28647
each application for an issuance as provided by this section. No 28648
fee shall be charged for any issuance for which no application has 28649
been submitted to the director. 28650

(B) Except as otherwise provided in division (C)(2) of this 28651
section, beginning July 1, 1994, each person who owns or operates 28652
an air contaminant source and who is required to apply for and 28653
obtain a Title V permit under section 3704.036 of the Revised Code 28654
shall pay the fees set forth in this division. For the purposes of 28655
this division, total emissions of air contaminants may be 28656
calculated using engineering calculations, emissions factors, 28657
material balance calculations, or performance testing procedures, 28658
as authorized by the director. 28659

The following fees shall be assessed on the total actual 28660
emissions from a source in tons per year of the regulated 28661
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 28662
organic compounds, and lead: 28663

(1) Fifteen dollars per ton on the total actual emissions of 28664
each such regulated pollutant during the period July through 28665
December 1993, to be collected no sooner than July 1, 1994; 28666

(2) Twenty dollars per ton on the total actual emissions of 28667
each such regulated pollutant during calendar year 1994, to be 28668
collected no sooner than April 15, 1995; 28669

(3) Twenty-five dollars per ton on the total actual emissions 28670

of each such regulated pollutant in calendar year 1995, and each 28671
subsequent calendar year, to be collected no sooner than the 28672
fifteenth day of April of the year next succeeding the calendar 28673
year in which the emissions occurred. 28674

The fees levied under this division do not apply to that 28675
portion of the emissions of a regulated pollutant at a facility 28676
that exceed four thousand tons during a calendar year. 28677

(C)(1) The fees assessed under division (B) of this section 28678
are for the purpose of providing funding for the Title V permit 28679
program. 28680

(2) The fees assessed under division (B) of this section do 28681
not apply to emissions from any electric generating unit 28682
designated as a Phase I unit under Title IV of the federal Clean 28683
Air Act prior to calendar year 2000. Those fees shall be assessed 28684
on the emissions from such a generating unit commencing in 28685
calendar year 2001 based upon the total actual emissions from the 28686
generating unit during calendar year 2000 and shall continue to be 28687
assessed each subsequent calendar year based on the total actual 28688
emissions from the generating unit during the preceding calendar 28689
year. 28690

(3) The director shall issue invoices to owners or operators 28691
of air contaminant sources who are required to pay a fee assessed 28692
under division (B) or (D) of this section. Any such invoice shall 28693
be issued no sooner than the applicable date when the fee first 28694
may be collected in a year under the applicable division, shall 28695
identify the nature and amount of the fee assessed, and shall 28696
indicate that the fee is required to be paid within thirty days 28697
after the issuance of the invoice. 28698

(D)(1) Except as provided in division (D)(3) of this section, 28699
from January 1, 1994, through December 31, 2003, each person who 28700
owns or operates an air contaminant source; who is required to 28701

apply for a permit to operate pursuant to rules adopted under 28702
division (G), or a variance pursuant to division (H), of section 28703
3704.03 of the Revised Code; and who is not required to apply for 28704
and obtain a Title V permit under section 3704.036 of the Revised 28705
Code shall pay a single fee based upon the sum of the actual 28706
annual emissions from the facility of the regulated pollutants 28707
particulate matter, sulfur dioxide, nitrogen oxides, organic 28708
compounds, and lead in accordance with the following schedule: 28709

Total tons per year		28710
of regulated pollutants	Annual fee	28711
emitted	per facility	28712
More than 0, but less than 50	\$ 75	28713
50 or more, but less than 100	300	28714
100 or more	700	28715

(2) Except as provided in division (D)(3) of this section, 28716
beginning January 1, 2004, each person who owns or operates an air 28717
contaminant source; who is required to apply for a permit to 28718
operate pursuant to rules adopted under division (G), or a 28719
variance pursuant to division (H), of section 3704.03 of the 28720
Revised Code; and who is not required to apply for and obtain a 28721
Title V permit under section 3704.03 of the Revised Code shall pay 28722
a single fee based upon the sum of the actual annual emissions 28723
from the facility of the regulated pollutants particulate matter, 28724
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 28725
accordance with the following schedule: 28726

Total tons per year		28727
of regulated pollutants	Annual fee	28728
emitted	per facility	28729
More than 0, but less than 10	\$ 100	28730
10 or more, but less than 50	200	28731
50 or more, but less than 100	300	28732
100 or more	700	28733

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2020~~ 2022, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons		
per year of all regulated	Annual fee	
pollutants emitted	per facility	
Less than 10	\$ 170	
10 or more, but less than 20	340	
20 or more, but less than 30	670	
30 or more, but less than 40	1,010	
40 or more, but less than 50	1,340	
50 or more, but less than 60	1,680	
60 or more, but less than 70	2,010	
70 or more, but less than 80	2,350	
80 or more, but less than 90	2,680	
90 or more, but less than 100	3,020	
100 or more	3,350	

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed

under division (D)(3) of this section shall be collected no sooner 28766
than the fifteenth day of April, commencing in 2000. The fees 28767
assessed under division (D) of this section in a calendar year 28768
shall be based upon the sum of the actual emissions of those 28769
regulated pollutants during the preceding calendar year. For the 28770
purpose of division (D) of this section, emissions of air 28771
contaminants may be calculated using engineering calculations, 28772
emission factors, material balance calculations, or performance 28773
testing procedures, as authorized by the director. The director, 28774
by rule, may require persons who are required to pay the fees 28775
assessed under division (D) of this section to pay those fees 28776
biennially rather than annually. 28777

(E)(1) Consistent with the need to cover the reasonable costs 28778
of the Title V permit program, the director annually shall 28779
increase the fees prescribed in division (B) of this section by 28780
the percentage, if any, by which the consumer price index for the 28781
most recent calendar year ending before the beginning of a year 28782
exceeds the consumer price index for calendar year 1989. Upon 28783
calculating an increase in fees authorized by division (E)(1) of 28784
this section, the director shall compile revised fee schedules for 28785
the purposes of division (B) of this section and shall make the 28786
revised schedules available to persons required to pay the fees 28787
assessed under that division and to the public. 28788

(2) For the purposes of division (E)(1) of this section: 28789

(a) The consumer price index for any year is the average of 28790
the consumer price index for all urban consumers published by the 28791
United States department of labor as of the close of the 28792
twelve-month period ending on the thirty-first day of August of 28793
that year. 28794

(b) If the 1989 consumer price index is revised, the director 28795
shall use the revision of the consumer price index that is most 28796
consistent with that for calendar year 1989. 28797

(F) Each person who is issued a permit to install pursuant to 28798
rules adopted under division (F) of section 3704.03 of the Revised 28799
Code on or after July 1, 2003, shall pay the fees specified in the 28800
following schedules: 28801

(1) Fuel-burning equipment (boilers, furnaces, or process 28802
heaters used in the process of burning fuel for the primary 28803
purpose of producing heat or power by indirect heat transfer) 28804
Input capacity (maximum) 28805
(million British thermal units per hour) Permit to install 28806
Greater than 0, but less than 10 \$ 200 28807
10 or more, but less than 100 400 28808
100 or more, but less than 300 1000 28809
300 or more, but less than 500 2250 28810
500 or more, but less than 1000 3750 28811
1000 or more, but less than 5000 6000 28812
5000 or more 9000 28813

Units burning exclusively natural gas, number two fuel oil, 28814
or both shall be assessed a fee that is one-half the applicable 28815
amount shown in division (F)(1) of this section. 28816

(2) Combustion turbines and stationary internal combustion 28817
engines designed to generate electricity 28818
Generating capacity (mega watts) Permit to install 28819
0 or more, but less than 10 \$ 25 28820
10 or more, but less than 25 150 28821
25 or more, but less than 50 300 28822
50 or more, but less than 100 500 28823
100 or more, but less than 250 1000 28824
250 or more 2000 28825

(3) Incinerators 28826
Input capacity (pounds per hour) Permit to install 28827
0 to 100 \$ 100 28828

101 to 500	500	28829
501 to 2000	1000	28830
2001 to 20,000	1500	28831
more than 20,000	3750	28832

(4)(a) Process 28833

Process weight rate (pounds per hour)	Permit to install	28834
0 to 1000	\$ 200	28835
1001 to 5000	500	28836
5001 to 10,000	750	28837
10,001 to 50,000	1000	28838
more than 50,000	1250	28839

In any process where process weight rate cannot be 28840
ascertained, the minimum fee shall be assessed. A boiler, furnace, 28841
combustion turbine, stationary internal combustion engine, or 28842
process heater designed to provide direct heat or power to a 28843
process not designed to generate electricity shall be assessed a 28844
fee established in division (F)(4)(a) of this section. A 28845
combustion turbine or stationary internal combustion engine 28846
designed to generate electricity shall be assessed a fee 28847
established in division (F)(2) of this section. 28848

(b) Notwithstanding division (F)(4)(a) of this section, any 28849
person issued a permit to install pursuant to rules adopted under 28850
division (F) of section 3704.03 of the Revised Code shall pay the 28851
fees set forth in division (F)(4)(c) of this section for a process 28852
used in any of the following industries, as identified by the 28853
applicable two-digit, three-digit, or four-digit standard 28854
industrial classification code according to the Standard 28855
Industrial Classification Manual published by the United States 28856
office of management and budget in the executive office of the 28857
president, 1987, as revised: 28858

Major group 10, metal mining; 28859

Major group 12, coal mining; 28860

Major group 14, mining and quarrying of nonmetallic minerals;	28861
Industry group 204, grain mill products;	28862
2873 Nitrogen fertilizers;	28863
2874 Phosphatic fertilizers;	28864
3281 Cut stone and stone products;	28865
3295 Minerals and earth, ground or otherwise treated;	28866
4221 Grain elevators (storage only);	28867
5159 Farm related raw materials;	28868
5261 Retail nurseries and lawn and garden supply stores.	28869

(c) The fees set forth in the following schedule apply to the
issuance of a permit to install pursuant to rules adopted under
division (F) of section 3704.03 of the Revised Code for a process
identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	28875
10,001 to 50,000	400	28876
50,001 to 100,000	500	28877
100,001 to 200,000	600	28878
200,001 to 400,000	750	28879
400,001 or more	900	28880

(5) Storage tanks 28881

Gallons (maximum useful capacity)	Permit to install	
0 to 20,000	\$ 100	28883
20,001 to 40,000	150	28884
40,001 to 100,000	250	28885
100,001 to 500,000	400	28886
500,001 or greater	750	28887

(6) Gasoline/fuel dispensing facilities 28888

For each gasoline/fuel		28889
dispensing facility (includes all	Permit to install	28890
units at the facility)	\$ 100	28891
(7) Dry cleaning facilities		28892
For each dry cleaning		28893
facility (includes all units	Permit to install	28894
at the facility)	\$ 100	28895
(8) Registration status		28896
For each source covered	Permit to install	28897
by registration status	\$ 75	28898
(G) An owner or operator who is responsible for an asbestos		28899
demolition or renovation project pursuant to rules adopted under		28900
section 3704.03 of the Revised Code shall pay, upon submitting a		28901
notification pursuant to rules adopted under that section, the		28902
fees set forth in the following schedule:		28903
Action	Fee	28904
Each notification	\$75	28905
Asbestos removal	\$3/unit	28906
Asbestos cleanup	\$4/cubic yard	28907
For purposes of this division, "unit" means any combination of		28908
linear feet or square feet equal to fifty.		28909
(H) A person who is issued an extension of time for a permit		28910
to install an air contaminant source pursuant to rules adopted		28911
under division (F) of section 3704.03 of the Revised Code shall		28912
pay a fee equal to one-half the fee originally assessed for the		28913
permit to install under this section, except that the fee for such		28914
an extension shall not exceed two hundred dollars.		28915
(I) A person who is issued a modification to a permit to		28916
install an air contaminant source pursuant to rules adopted under		28917
section 3704.03 of the Revised Code shall pay a fee equal to		28918
one-half of the fee that would be assessed under this section to		28919

obtain a permit to install the source. The fee assessed by this 28920
division only applies to modifications that are initiated by the 28921
owner or operator of the source and shall not exceed two thousand 28922
dollars. 28923

(J) Notwithstanding division (F) of this section, a person 28924
who applies for or obtains a permit to install pursuant to rules 28925
adopted under division (F) of section 3704.03 of the Revised Code 28926
after the date actual construction of the source began shall pay a 28927
fee for the permit to install that is equal to twice the fee that 28928
otherwise would be assessed under the applicable division unless 28929
the applicant received authorization to begin construction under 28930
division (W) of section 3704.03 of the Revised Code. This division 28931
only applies to sources for which actual construction of the 28932
source begins on or after July 1, 1993. The imposition or payment 28933
of the fee established in this division does not preclude the 28934
director from taking any administrative or judicial enforcement 28935
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 28936
of the Revised Code, or a rule adopted under any of them, in 28937
connection with a violation of rules adopted under division (F) of 28938
section 3704.03 of the Revised Code. 28939

As used in this division, "actual construction of the source" 28940
means the initiation of physical on-site construction activities 28941
in connection with improvements to the source that are permanent 28942
in nature, including, without limitation, the installation of 28943
building supports and foundations and the laying of underground 28944
pipework. 28945

(K)(1) Money received under division (B) of this section 28946
shall be deposited in the state treasury to the credit of the 28947
Title V clean air fund created in section 3704.035 of the Revised 28948
Code. Annually, not more than fifty cents per ton of each fee 28949
assessed under division (B) of this section on actual emissions 28950
from a source and received by the environmental protection agency 28951

pursuant to that division may be transferred by the director using 28952
an interstate transfer voucher to the state treasury to the credit 28953
of the small business assistance fund created in section 3706.19 28954
of the Revised Code. In addition, annually, the amount of money 28955
necessary for the operation of the office of ombudsperson as 28956
determined under division (B) of that section shall be transferred 28957
to the state treasury to the credit of the small business 28958
ombudsperson fund created by that section. 28959

(2) Money received by the agency pursuant to divisions (D), 28960
(F), (G), (H), (I), and (J) of this section shall be deposited in 28961
the state treasury to the credit of the non-Title V clean air fund 28962
created in section 3704.035 of the Revised Code. 28963

(L)(1) A person applying for a plan approval for a wastewater 28964
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 28965
of the Revised Code shall pay a nonrefundable fee of one hundred 28966
dollars plus sixty-five one-hundredths of one per cent of the 28967
estimated project cost through June 30, ~~2020~~ 2022, and a 28968
nonrefundable application fee of one hundred dollars plus 28969
two-tenths of one per cent of the estimated project cost on and 28970
after July 1, ~~2020~~ 2022, except that the total fee shall not 28971
exceed fifteen thousand dollars through June 30, ~~2020~~ 2022, and 28972
five thousand dollars on and after July 1, ~~2020~~ 2022. The fee 28973
shall be paid at the time the application is submitted. 28974

(2) A person who has entered into an agreement with the 28975
director under section 6111.14 of the Revised Code shall pay an 28976
administrative service fee for each plan submitted under that 28977
section for approval that shall not exceed the minimum amount 28978
necessary to pay administrative costs directly attributable to 28979
processing plan approvals. The director annually shall calculate 28980
the fee and shall notify all persons who have entered into 28981
agreements under that section, or who have applied for agreements, 28982
of the amount of the fee. 28983

(3)(a)(i) Not later than January 30, ~~2018~~ 2020, and January 28984
30, ~~2019~~ 2021, a person holding an NPDES discharge permit issued 28985
pursuant to Chapter 6111. of the Revised Code with an average 28986
daily discharge flow of five thousand gallons or more shall pay a 28987
nonrefundable annual discharge fee. Any person who fails to pay 28988
the fee at that time shall pay an additional amount that equals 28989
ten per cent of the required annual discharge fee. 28990

(ii) The billing year for the annual discharge fee 28991
established in division (L)(3)(a)(i) of this section shall consist 28992
of a twelve-month period beginning on the first day of January of 28993
the year preceding the date when the annual discharge fee is due. 28994
In the case of an existing source that permanently ceases to 28995
discharge during a billing year, the director shall reduce the 28996
annual discharge fee, including the surcharge applicable to 28997
certain industrial facilities pursuant to division (L)(3)(c) of 28998
this section, by one-twelfth for each full month during the 28999
billing year that the source was not discharging, but only if the 29000
person holding the NPDES discharge permit for the source notifies 29001
the director in writing, not later than the first day of October 29002
of the billing year, of the circumstances causing the cessation of 29003
discharge. 29004

(iii) The annual discharge fee established in division 29005
(L)(3)(a)(i) of this section, except for the surcharge applicable 29006
to certain industrial facilities pursuant to division (L)(3)(c) of 29007
this section, shall be based upon the average daily discharge flow 29008
in gallons per day calculated using first day of May through 29009
thirty-first day of October flow data for the period two years 29010
prior to the date on which the fee is due. In the case of NPDES 29011
discharge permits for new sources, the fee shall be calculated 29012
using the average daily design flow of the facility until actual 29013
average daily discharge flow values are available for the time 29014
period specified in division (L)(3)(a)(iii) of this section. The 29015

annual discharge fee may be prorated for a new source as described 29016
in division (L)(3)(a)(ii) of this section. 29017

(b)(i) An NPDES permit holder that is a public discharger 29018
shall pay the fee specified in the following schedule: 29019

Average daily	Fee due by	
discharge flow	January 30,	
	2018 <u>2020</u> , and	
	January 30, 2019	
	<u>2021</u>	

5,000 to 49,999	\$ 200	29024
50,000 to 100,000	500	29025
100,001 to 250,000	1,050	29026
250,001 to 1,000,000	2,600	29027
1,000,001 to 5,000,000	5,200	29028
5,000,001 to 10,000,000	10,350	29029
10,000,001 to 20,000,000	15,550	29030
20,000,001 to 50,000,000	25,900	29031
50,000,001 to 100,000,000	41,400	29032
100,000,001 or more	62,100	29033

(ii) Public dischargers owning or operating two or more 29034
publicly owned treatment works serving the same political 29035
subdivision, as "treatment works" is defined in section 6111.01 of 29036
the Revised Code, and that serve exclusively political 29037
subdivisions having a population of fewer than one hundred 29038
thousand persons shall pay an annual discharge fee under division 29039
(L)(3)(b)(i) of this section that is based on the combined average 29040
daily discharge flow of the treatment works. 29041

(c)(i) An NPDES permit holder that is an industrial 29042
discharger, other than a coal mining operator identified by P in 29043
the third character of the permittee's NPDES permit number, shall 29044
pay the fee specified in the following schedule: 29045

Average daily	Fee due by	
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discharge flow	January 30,	29047
	2018 <u>2020</u> , and	29048
	January 30, 2019	29049
	<u>2021</u>	
5,000 to 49,999	\$ 250	29050
50,000 to 250,000	1,200	29051
250,001 to 1,000,000	2,950	29052
1,000,001 to 5,000,000	5,850	29053
5,000,001 to 10,000,000	8,800	29054
10,000,001 to 20,000,000	11,700	29055
20,000,001 to 100,000,000	14,050	29056
100,000,001 to 250,000,000	16,400	29057
250,000,001 or more	18,700	29058

(ii) In addition to the fee specified in the above schedule, 29059
an NPDES permit holder that is an industrial discharger classified 29060
as a major discharger during all or part of the annual discharge 29061
fee billing year specified in division (L)(3)(a)(ii) of this 29062
section shall pay a nonrefundable annual surcharge of seven 29063
thousand five hundred dollars not later than January 30, ~~2018~~ 29064
2020, and not later than January 30, ~~2019~~ 2021. Any person who 29065
fails to pay the surcharge at that time shall pay an additional 29066
amount that equals ten per cent of the amount of the surcharge. 29067

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 29068
section, a public discharger, that is not a separate municipal 29069
storm sewer system, identified by I in the third character of the 29070
permittee's NPDES permit number and an industrial discharger 29071
identified by I, J, L, V, W, X, Y, or Z in the third character of 29072
the permittee's NPDES permit number shall pay a nonrefundable 29073
annual discharge fee of one hundred eighty dollars not later than 29074
January 30, ~~2018~~ 2020, and not later than January 30, ~~2019~~ 2021. 29075
Any person who fails to pay the fee at that time shall pay an 29076
additional amount that equals ten per cent of the required fee. 29077

(4) Each person obtaining an NPDES permit for municipal storm water discharge shall pay a nonrefundable storm water annual discharge fee of ten dollars per one-tenth of a square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(4) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(5) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code.

(6) As used in this section:

(a) "NPDES" means the federally approved national pollutant discharge elimination system individual and general program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, ~~2020~~ 2022, a person applying for a

license or license renewal to operate a public water system under 29109
section 6109.21 of the Revised Code shall pay the appropriate fee 29110
established under this division at the time of application to the 29111
director. Any person who fails to pay the fee at that time shall 29112
pay an additional amount that equals ten per cent of the required 29113
fee. The director shall transmit all moneys collected under this 29114
division to the treasurer of state for deposit into the drinking 29115
water protection fund created in section 6109.30 of the Revised 29116
Code. 29117

Except as provided in divisions (M)(4) and (5) of this 29118
section, fees required under this division shall be calculated and 29119
paid in accordance with the following schedule: 29120

(1) For the initial license required under section 6109.21 of 29121
the Revised Code for any public water system that is a community 29122
water system as defined in section 6109.01 of the Revised Code, 29123
and for each license renewal required for such a system prior to 29124
January 31, ~~2020~~ 2022, the fee is: 29125

Number of service connections	Fee amount	
Not more than 49	\$ 112	29127
50 to 99	176	29128
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	29130
2,500 to 4,999	1.48	29131
5,000 to 7,499	1.42	29132
7,500 to 9,999	1.34	29133
10,000 to 14,999	1.16	29134
15,000 to 24,999	1.10	29135
25,000 to 49,999	1.04	29136
50,000 to 99,999	.92	29137
100,000 to 149,999	.86	29138
150,000 to 199,999	.80	29139
200,000 or more	.76	29140

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	
150 to 299	176	
300 to 749	384	
750 to 1,499	628	
1,500 to 2,999	1,268	
3,000 to 7,499	2,816	
7,500 to 14,999	5,510	
15,000 to 22,499	9,048	
22,500 to 29,999	12,430	
30,000 or more	16,820	

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a

community water system and serves a transient population, and for 29173
each license renewal required for such a system prior to January 29174
31, ~~2020~~ 2022, the fee is: 29175

Number of wells or sources, other 29176	Fee amount
than surface water, supplying system	

1	\$112	29177
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2	112	29178
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3	176	29179
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4	278	29180
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5	568	29181
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System designated as using a		29182
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surface water source	792	29183
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As used in division (M)(3) of this section, "number of wells 29184
or sources, other than surface water, supplying system" means 29185
those wells or sources that are physically connected to the 29186
plumbing system serving the public water system. 29187

(4) A public water system designated as using a surface water 29188
source shall pay a fee of seven hundred ninety-two dollars or the 29189
amount calculated under division (M)(1) or (2) of this section, 29190
whichever is greater. 29191

(5) An applicant for an initial license who is proposing to 29192
operate a new public water supply system shall submit a fee that 29193
equals a prorated amount of the appropriate fee for the remainder 29194
of the licensing year. 29195

(N)(1) A person applying for a plan approval for a public 29196
water supply system under section 6109.07 of the Revised Code 29197
shall pay a fee of one hundred fifty dollars plus thirty-five 29198
hundredths of one per cent of the estimated project cost, except 29199
that the total fee shall not exceed twenty thousand dollars 29200
through June 30, ~~2020~~ 2022, and fifteen thousand dollars on and 29201
after July 1, ~~2020~~ 2022. The fee shall be paid at the time the 29202
application is submitted. 29203

(2) A person who has entered into an agreement with the 29204
director under division (A)(2) of section 6109.07 of the Revised 29205
Code shall pay an administrative service fee for each plan 29206
submitted under that section for approval that shall not exceed 29207
the minimum amount necessary to pay administrative costs directly 29208
attributable to processing plan approvals. The director annually 29209
shall calculate the fee and shall notify all persons that have 29210
entered into agreements under that division, or who have applied 29211
for agreements, of the amount of the fee. 29212

(3) Through June 30, ~~2020~~ 2022, the following fee, on a per 29213
survey basis, shall be charged any person for services rendered by 29214
the state in the evaluation of laboratories and laboratory 29215
personnel for compliance with accepted analytical techniques and 29216
procedures established pursuant to Chapter 6109. of the Revised 29217
Code for determining the qualitative characteristics of water: 29218

microbiological		29219
MMO-MUG	\$2,000	29220
MF	2,100	29221
MMO-MUG and MF	2,550	29222
organic chemical	5,400	29223
trace metals	5,400	29224
standard chemistry	2,800	29225
limited chemistry	1,550	29226

On and after July 1, ~~2020~~ 2022, the following fee, on a per 29227
survey basis, shall be charged any such person: 29228

microbiological	\$ 1,650	29229
organic chemicals	3,500	29230
trace metals	3,500	29231
standard chemistry	1,800	29232
limited chemistry	1,000	29233

The fee for those services shall be paid at the time the request 29234
for the survey is made. Through June 30, ~~2020~~ 2022, an individual 29235

laboratory shall not be assessed a fee under this division more 29236
than once in any three-year period unless the person requests the 29237
addition of analytical methods or analysts, in which case the 29238
person shall pay eighteen hundred dollars for each additional 29239
survey requested. 29240

As used in division (N)(3) of this section: 29241

(a) "MF" means microfiltration. 29242

(b) "MMO" means minimal medium ONPG. 29243

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 29244

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 29245

The director shall transmit all moneys collected under this 29246
division to the treasurer of state for deposit into the drinking 29247
water protection fund created in section 6109.30 of the Revised 29248
Code. 29249

(O) Any person applying to the director to take an 29250
examination for certification as an operator of a water supply 29251
system or wastewater system under Chapter 6109. or 6111. of the 29252
Revised Code that is administered by the director, at the time the 29253
application is submitted, shall pay a fee in accordance with the 29254
following schedule through November 30, ~~2020~~ 2022: 29255

Class A operator	\$ 80	29256
Class I operator	105	29257
Class II operator	120	29258
Class III operator	130	29259
Class IV operator	145	29260

On and after December 1, ~~2020~~ 2022, the applicant shall pay a 29261
fee in accordance with the following schedule: 29262

Class A operator	\$ 50	29263
Class I operator	70	29264
Class II operator	80	29265

Class III operator	90	29266
Class IV operator	100	29267

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	29276
Class I operator	35	29277
Class II operator	45	29278
Class III operator	55	29279
Class IV operator	65	29280

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	29286
Class I operator	55	29287
Class II operator	65	29288
Class III operator	75	29289
Class IV operator	85	29290

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of

the fees that the provider assesses and collects for administering 29298
water supply system or wastewater treatment system certification 29299
examinations in this state for the calendar year. The fee shall be 29300
paid not later than forty-five days after the end of a calendar 29301
year. 29302

The director shall transmit all moneys collected under this 29303
division to the treasurer of state for deposit into the drinking 29304
water protection fund created in section 6109.30 of the Revised 29305
Code. 29306

(P) Any person submitting an application for an industrial 29307
water pollution control certificate under section 6111.31 of the 29308
Revised Code, as that section existed before its repeal by H.B. 95 29309
of the 125th general assembly, shall pay a nonrefundable fee of 29310
five hundred dollars at the time the application is submitted. The 29311
director shall transmit all moneys collected under this division 29312
to the treasurer of state for deposit into the surface water 29313
protection fund created in section 6111.038 of the Revised Code. A 29314
person paying a certificate fee under this division shall not pay 29315
an application fee under division (S)(1) of this section. On and 29316
after June 26, 2003, persons shall file such applications and pay 29317
the fee as required under sections 5709.20 to 5709.27 of the 29318
Revised Code, and proceeds from the fee shall be credited as 29319
provided in section 5709.212 of the Revised Code. 29320

(Q) Except as otherwise provided in division (R) of this 29321
section, a person issued a permit by the director for a new solid 29322
waste disposal facility other than an incineration or composting 29323
facility, a new infectious waste treatment facility other than an 29324
incineration facility, or a modification of such an existing 29325
facility that includes an increase in the total disposal or 29326
treatment capacity of the facility pursuant to Chapter 3734. of 29327
the Revised Code shall pay a fee of ten dollars per thousand cubic 29328
yards of disposal or treatment capacity, or one thousand dollars, 29329

whichever is greater, except that the total fee for any such 29330
permit shall not exceed eighty thousand dollars. A person issued a 29331
modification of a permit for a solid waste disposal facility or an 29332
infectious waste treatment facility that does not involve an 29333
increase in the total disposal or treatment capacity of the 29334
facility shall pay a fee of one thousand dollars. A person issued 29335
a permit to install a new, or modify an existing, solid waste 29336
transfer facility under that chapter shall pay a fee of two 29337
thousand five hundred dollars. A person issued a permit to install 29338
a new or to modify an existing solid waste incineration or 29339
composting facility, or an existing infectious waste treatment 29340
facility using incineration as its principal method of treatment, 29341
under that chapter shall pay a fee of one thousand dollars. The 29342
increases in the permit fees under this division resulting from 29343
the amendments made by Amended Substitute House Bill 592 of the 29344
117th general assembly do not apply to any person who submitted an 29345
application for a permit to install a new, or modify an existing, 29346
solid waste disposal facility under that chapter prior to 29347
September 1, 1987; any such person shall pay the permit fee 29348
established in this division as it existed prior to June 24, 1988. 29349
In addition to the applicable permit fee under this division, a 29350
person issued a permit to install or modify a solid waste facility 29351
or an infectious waste treatment facility under that chapter who 29352
fails to pay the permit fee to the director in compliance with 29353
division (V) of this section shall pay an additional ten per cent 29354
of the amount of the fee for each week that the permit fee is 29355
late. 29356

Permit and late payment fees paid to the director under this 29357
division shall be credited to the general revenue fund. 29358

(R)(1) A person issued a registration certificate for a scrap 29359
tire collection facility under section 3734.75 of the Revised Code 29360
shall pay a fee of two hundred dollars, except that if the 29361

facility is owned or operated by a motor vehicle salvage dealer 29362
licensed under Chapter 4738. of the Revised Code, the person shall 29363
pay a fee of twenty-five dollars. 29364

(2) A person issued a registration certificate for a new 29365
scrap tire storage facility under section 3734.76 of the Revised 29366
Code shall pay a fee of three hundred dollars, except that if the 29367
facility is owned or operated by a motor vehicle salvage dealer 29368
licensed under Chapter 4738. of the Revised Code, the person shall 29369
pay a fee of twenty-five dollars. 29370

(3) A person issued a permit for a scrap tire storage 29371
facility under section 3734.76 of the Revised Code shall pay a fee 29372
of one thousand dollars, except that if the facility is owned or 29373
operated by a motor vehicle salvage dealer licensed under Chapter 29374
4738. of the Revised Code, the person shall pay a fee of fifty 29375
dollars. 29376

(4) A person issued a permit for a scrap tire monocell or 29377
monofill facility under section 3734.77 of the Revised Code shall 29378
pay a fee of ten dollars per thousand cubic yards of disposal 29379
capacity or one thousand dollars, whichever is greater, except 29380
that the total fee for any such permit shall not exceed eighty 29381
thousand dollars. 29382

(5) A person issued a registration certificate for a scrap 29383
tire recovery facility under section 3734.78 of the Revised Code 29384
shall pay a fee of one hundred dollars. 29385

(6) A person issued a permit for a scrap tire recovery 29386
facility under section 3734.78 of the Revised Code shall pay a fee 29387
of one thousand dollars. 29388

(7) In addition to the applicable registration certificate or 29389
permit fee under divisions (R)(1) to (6) of this section, a person 29390
issued a registration certificate or permit for any such scrap 29391
tire facility who fails to pay the registration certificate or 29392

permit fee to the director in compliance with division (V) of this 29393
section shall pay an additional ten per cent of the amount of the 29394
fee for each week that the fee is late. 29395

(8) The registration certificate, permit, and late payment 29396
fees paid to the director under divisions (R)(1) to (7) of this 29397
section shall be credited to the scrap tire management fund 29398
created in section 3734.82 of the Revised Code. 29399

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 29400
(P), and (S)(2) of this section, division (A)(2) of section 29401
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 29402
and rules adopted under division (T)(1) of this section, any 29403
person applying for a registration certificate under section 29404
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 29405
variance, or plan approval under Chapter 3734. of the Revised Code 29406
shall pay a nonrefundable fee of fifteen dollars at the time the 29407
application is submitted. 29408

(b) Except as otherwise provided, any person applying for a 29409
permit, variance, or plan approval under Chapter 6109. or 6111. of 29410
the Revised Code shall pay a nonrefundable application fee of one 29411
hundred dollars at the time the application is submitted through 29412
June 30, ~~2020~~ 2022, and a nonrefundable application fee of fifteen 29413
dollars at the time the application is submitted on and after July 29414
1, ~~2020~~ 2022. 29415

(c)(i) Except as otherwise provided in divisions 29416
(S)(1)(c)(iii) and (iv) of this section, through June 30, ~~2020~~ 29417
2022, any person applying for an NPDES permit under Chapter 6111. 29418
of the Revised Code shall pay a nonrefundable application fee of 29419
two hundred dollars at the time of application for the permit. On 29420
and after July 1, ~~2020~~ 2022, such a person shall pay a 29421
nonrefundable application fee of fifteen dollars at the time of 29422
application. 29423

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee	
0 to 1000 <u>1,000</u>	\$ 0	
1,001 to 5000 <u>5,000</u>	100	
5,001 to 50,000	200	
50,001 to 100,000	300	
100,001 to 300,000	525	
over 300,000	750	

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(d) In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is

permitted above five acres at the time the application is 29456
submitted. However, the per acreage fee shall not exceed three 29457
hundred dollars. In addition to the application fee established 29458
under division (S)(1)(c)(i) of this section, any person applying 29459
for an NPDES general storm water industrial permit shall pay a 29460
nonrefundable fee of one hundred fifty dollars at the time the 29461
application is submitted. 29462

(e) The director shall transmit all moneys collected under 29463
division (S)(1) of this section pursuant to Chapter 6109. of the 29464
Revised Code to the treasurer of state for deposit into the 29465
drinking water protection fund created in section 6109.30 of the 29466
Revised Code. 29467

(f) The director shall transmit all moneys collected under 29468
division (S)(1) of this section pursuant to Chapter 6111. of the 29469
Revised Code and under division (S)(3) of this section to the 29470
treasurer of state for deposit into the surface water protection 29471
fund created in section 6111.038 of the Revised Code. 29472

(g) If a registration certificate is issued under section 29473
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 29474
the application fee paid shall be deducted from the amount of the 29475
registration certificate fee due under division (R)(1), (2), or 29476
(5) of this section, as applicable. 29477

(h) If a person submits an electronic application for a 29478
registration certificate, permit, variance, or plan approval for 29479
which an application fee is established under division (S)(1) of 29480
this section, the person shall pay all applicable fees as 29481
expeditiously as possible after the submission of the electronic 29482
application. An application for a registration certificate, 29483
permit, variance, or plan approval for which an application fee is 29484
established under division (S)(1) of this section shall not be 29485
reviewed or processed until the applicable application fee, and 29486
any other fees established under this division, are paid. 29487

(2) Division (S)(1) of this section does not apply to an 29488
application for a registration certificate for a scrap tire 29489
collection or storage facility submitted under section 3734.75 or 29490
3734.76 of the Revised Code, as applicable, if the owner or 29491
operator of the facility or proposed facility is a motor vehicle 29492
salvage dealer licensed under Chapter 4738. of the Revised Code. 29493

(3) A person applying for coverage under an NPDES general 29494
discharge permit for household sewage treatment systems shall pay 29495
the following fees: 29496

(a) A nonrefundable fee of two hundred dollars at the time of 29497
application for initial permit coverage; 29498

(b) A nonrefundable fee of one hundred dollars at the time of 29499
application for a renewal of permit coverage. 29500

(T) The director may adopt, amend, and rescind rules in 29501
accordance with Chapter 119. of the Revised Code that do all of 29502
the following: 29503

(1) Prescribe fees to be paid by applicants for and holders 29504
of any license, permit, variance, plan approval, or certification 29505
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 29506
the Revised Code that are not specifically established in this 29507
section. The fees shall be designed to defray the cost of 29508
processing, issuing, revoking, modifying, denying, and enforcing 29509
the licenses, permits, variances, plan approvals, and 29510
certifications. 29511

The director shall transmit all moneys collected under rules 29512
adopted under division (T)(1) of this section pursuant to Chapter 29513
6109. of the Revised Code to the treasurer of state for deposit 29514
into the drinking water protection fund created in section 6109.30 29515
of the Revised Code. 29516

The director shall transmit all moneys collected under rules 29517
adopted under division (T)(1) of this section pursuant to Chapter 29518

6111. of the Revised Code to the treasurer of state for deposit 29519
into the surface water protection fund created in section 6111.038 29520
of the Revised Code. 29521

(2) Exempt the state and political subdivisions thereof, 29522
including education facilities or medical facilities owned by the 29523
state or a political subdivision, or any person exempted from 29524
taxation by section 5709.07 or 5709.12 of the Revised Code, from 29525
any fee required by this section; 29526

(3) Provide for the waiver of any fee, or any part thereof, 29527
otherwise required by this section whenever the director 29528
determines that the imposition of the fee would constitute an 29529
unreasonable cost of doing business for any applicant, class of 29530
applicants, or other person subject to the fee; 29531

(4) Prescribe measures that the director considers necessary 29532
to carry out this section. 29533

(U) When the director reasonably demonstrates that the direct 29534
cost to the state associated with the issuance of a permit, 29535
license, variance, plan approval, or certification exceeds the fee 29536
for the issuance or review specified by this section, the director 29537
may condition the issuance or review on the payment by the person 29538
receiving the issuance or review of, in addition to the fee 29539
specified by this section, the amount, or any portion thereof, in 29540
excess of the fee specified under this section. The director shall 29541
not so condition issuances for which a fee is prescribed in 29542
division (S)(1)(c)(iii) of this section. 29543

(V) Except as provided in divisions (L), (M), (P), and (S) of 29544
this section or unless otherwise prescribed by a rule of the 29545
director adopted pursuant to Chapter 119. of the Revised Code, all 29546
fees required by this section are payable within thirty days after 29547
the issuance of an invoice for the fee by the director or the 29548
effective date of the issuance of the license, permit, variance, 29549

plan approval, or certification. If payment is late, the person 29550
responsible for payment of the fee shall pay an additional ten per 29551
cent of the amount due for each month that it is late. 29552

(W) As used in this section, "fuel-burning equipment," 29553
"fuel-burning equipment input capacity," "incinerator," 29554
"incinerator input capacity," "process," "process weight rate," 29555
"storage tank," "gasoline dispensing facility," "dry cleaning 29556
facility," "design flow discharge," and "new source treatment 29557
works" have the meanings ascribed to those terms by applicable 29558
rules or standards adopted by the director under Chapter 3704. or 29559
6111. of the Revised Code. 29560

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 29561
(J) of this section, and in any other provision of this section 29562
pertaining to fees paid pursuant to Chapter 3704. of the Revised 29563
Code: 29564

(1) "Facility," "federal Clean Air Act," "person," and "Title 29565
V permit" have the same meanings as in section 3704.01 of the 29566
Revised Code. 29567

(2) "Title V permit program" means the following activities 29568
as necessary to meet the requirements of Title V of the federal 29569
Clean Air Act and 40 C.F.R. part 70, including at least: 29570

(a) Preparing and adopting, if applicable, generally 29571
applicable rules or guidance regarding the permit program or its 29572
implementation or enforcement; 29573

(b) Reviewing and acting on any application for a Title V 29574
permit, permit revision, or permit renewal, including the 29575
development of an applicable requirement as part of the processing 29576
of a permit, permit revision, or permit renewal; 29577

(c) Administering the permit program, including the 29578
supporting and tracking of permit applications, compliance 29579
certification, and related data entry; 29580

(d) Determining which sources are subject to the program and
implementing and enforcing the terms of any Title V permit, not
including any court actions or other formal enforcement actions;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small business
stationary sources to determine and meet their obligations under
the federal Clean Air Act pursuant to the small business
stationary source technical and environmental compliance
assistance program required by section 507 of that act and
established in sections 3704.18, 3704.19, and 3706.19 of the
Revised Code.

(3) "Organic compound" means any chemical compound of carbon,
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic
carbides or carbonates, and ammonium carbonate.

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)
of this section, each sewage sludge facility shall pay a
nonrefundable annual sludge fee equal to three dollars and fifty
cents per dry ton of sewage sludge, including the dry tons of
sewage sludge in materials derived from sewage sludge, that the
sewage sludge facility treats or disposes of in this state. The
annual volume of sewage sludge treated or disposed of by a sewage
sludge facility shall be calculated using the first day of January
through the thirty-first day of December of the calendar year
preceding the date on which payment of the fee is due.

(2)(a) Except as provided in division (Y)(2)(d) of this
section, each sewage sludge facility shall pay a minimum annual
sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage

sludge facility that treats or disposes of exceptional quality 29611
sludge in this state shall be thirty-five per cent less per dry 29612
ton of exceptional quality sludge than the fee assessed under 29613
division (Y)(1) of this section, subject to the following 29614
exceptions: 29615

(i) Except as provided in division (Y)(2)(d) of this section, 29616
a sewage sludge facility that treats or disposes of exceptional 29617
quality sludge shall pay a minimum annual sewage sludge fee of one 29618
hundred dollars. 29619

(ii) A sewage sludge facility that treats or disposes of 29620
exceptional quality sludge shall not be required to pay the annual 29621
sludge fee for treatment or disposal in this state of exceptional 29622
quality sludge generated outside of this state and contained in 29623
bags or other containers not greater than one hundred pounds in 29624
capacity. 29625

A thirty-five per cent reduction for exceptional quality 29626
sludge applies to the maximum annual fees established under 29627
division (Y)(3) of this section. 29628

(c) A sewage sludge facility that transfers sewage sludge to 29629
another sewage sludge facility in this state for further treatment 29630
prior to disposal in this state shall not be required to pay the 29631
annual sludge fee for the tons of sewage sludge that have been 29632
transferred. In such a case, the sewage sludge facility that 29633
disposes of the sewage sludge shall pay the annual sludge fee. 29634
However, the facility transferring the sewage sludge shall pay the 29635
one-hundred-dollar minimum fee required under division (Y)(2)(a) 29636
of this section. 29637

In the case of a sewage sludge facility that treats sewage 29638
sludge in this state and transfers it out of this state to another 29639
entity for disposal, the sewage sludge facility in this state 29640
shall be required to pay the annual sludge fee for the tons of 29641

sewage sludge that have been transferred. 29642

(d) A sewage sludge facility that generates sewage sludge 29643
resulting from an average daily discharge flow of less than five 29644
thousand gallons per day is not subject to the fees assessed under 29645
division (Y) of this section. 29646

(3) No sewage sludge facility required to pay the annual 29647
sludge fee shall be required to pay more than the maximum annual 29648
fee for each disposal method that the sewage sludge facility uses. 29649
The maximum annual fee does not include the additional amount that 29650
may be charged under division (Y)(5) of this section for late 29651
payment of the annual sludge fee. The maximum annual fee for the 29652
following methods of disposal of sewage sludge is as follows: 29653

(a) Incineration: five thousand dollars; 29654

(b) Preexisting land reclamation project or disposal in a 29655
landfill: five thousand dollars; 29656

(c) Land application, land reclamation, surface disposal, or 29657
any other disposal method not specified in division (Y)(3)(a) or 29658
(b) of this section: twenty thousand dollars. 29659

(4)(a) In the case of an entity that generates sewage sludge 29660
or a sewage sludge facility that treats sewage sludge and 29661
transfers the sewage sludge to an incineration facility for 29662
disposal, the incineration facility, and not the entity generating 29663
the sewage sludge or the sewage sludge facility treating the 29664
sewage sludge, shall pay the annual sludge fee for the tons of 29665
sewage sludge that are transferred. However, the entity or 29666
facility generating or treating the sewage sludge shall pay the 29667
one-hundred-dollar minimum fee required under division (Y)(2)(a) 29668
of this section. 29669

(b) In the case of an entity that generates sewage sludge and 29670
transfers the sewage sludge to a landfill for disposal or to a 29671
sewage sludge facility for land reclamation or surface disposal, 29672

the entity generating the sewage sludge, and not the landfill or 29673
sewage sludge facility, shall pay the annual sludge fee for the 29674
tons of sewage sludge that are transferred. 29675

(5) Not later than the first day of April of the calendar 29676
year following March 17, 2000, and each first day of April 29677
thereafter, the director shall issue invoices to persons who are 29678
required to pay the annual sludge fee. The invoice shall identify 29679
the nature and amount of the annual sludge fee assessed and state 29680
the first day of May as the deadline for receipt by the director 29681
of objections regarding the amount of the fee and the first day of 29682
July as the deadline for payment of the fee. 29683

Not later than the first day of May following receipt of an 29684
invoice, a person required to pay the annual sludge fee may submit 29685
objections to the director concerning the accuracy of information 29686
regarding the number of dry tons of sewage sludge used to 29687
calculate the amount of the annual sludge fee or regarding whether 29688
the sewage sludge qualifies for the exceptional quality sludge 29689
discount established in division (Y)(2)(b) of this section. The 29690
director may consider the objections and adjust the amount of the 29691
fee to ensure that it is accurate. 29692

If the director does not adjust the amount of the annual 29693
sludge fee in response to a person's objections, the person may 29694
appeal the director's determination in accordance with Chapter 29695
119. of the Revised Code. 29696

Not later than the first day of June, the director shall 29697
notify the objecting person regarding whether the director has 29698
found the objections to be valid and the reasons for the finding. 29699
If the director finds the objections to be valid and adjusts the 29700
amount of the annual sludge fee accordingly, the director shall 29701
issue with the notification a new invoice to the person 29702
identifying the amount of the annual sludge fee assessed and 29703
stating the first day of July as the deadline for payment. 29704

Not later than the first day of July, any person who is 29705
required to do so shall pay the annual sludge fee. Any person who 29706
is required to pay the fee, but who fails to do so on or before 29707
that date shall pay an additional amount that equals ten per cent 29708
of the required annual sludge fee. 29709

(6) The director shall transmit all moneys collected under 29710
division (Y) of this section to the treasurer of state for deposit 29711
into the surface water protection fund created in section 6111.038 29712
of the Revised Code. The moneys shall be used to defray the costs 29713
of administering and enforcing provisions in Chapter 6111. of the 29714
Revised Code and rules adopted under it that govern the use, 29715
storage, treatment, or disposal of sewage sludge. 29716

(7) Beginning in fiscal year 2001, and every two years 29717
thereafter, the director shall review the total amount of moneys 29718
generated by the annual sludge fees to determine if that amount 29719
exceeded six hundred thousand dollars in either of the two 29720
preceding fiscal years. If the total amount of moneys in the fund 29721
exceeded six hundred thousand dollars in either fiscal year, the 29722
director, after review of the fee structure and consultation with 29723
affected persons, shall issue an order reducing the amount of the 29724
fees levied under division (Y) of this section so that the 29725
estimated amount of moneys resulting from the fees will not exceed 29726
six hundred thousand dollars in any fiscal year. 29727

If, upon review of the fees under division (Y)(7) of this 29728
section and after the fees have been reduced, the director 29729
determines that the total amount of moneys collected and 29730
accumulated is less than six hundred thousand dollars, the 29731
director, after review of the fee structure and consultation with 29732
affected persons, may issue an order increasing the amount of the 29733
fees levied under division (Y) of this section so that the 29734
estimated amount of moneys resulting from the fees will be 29735
approximately six hundred thousand dollars. Fees shall never be 29736

increased to an amount exceeding the amount specified in division 29737
(Y)(7) of this section. 29738

Notwithstanding section 119.06 of the Revised Code, the 29739
director may issue an order under division (Y)(7) of this section 29740
without the necessity to hold an adjudicatory hearing in 29741
connection with the order. The issuance of an order under this 29742
division is not an act or action for purposes of section 3745.04 29743
of the Revised Code. 29744

(8) As used in division (Y) of this section: 29745

(a) "Sewage sludge facility" means an entity that performs 29746
treatment on or is responsible for the disposal of sewage sludge. 29747

(b) "Sewage sludge" means a solid, semi-solid, or liquid 29748
residue generated during the treatment of domestic sewage in a 29749
treatment works as defined in section 6111.01 of the Revised Code. 29750
"Sewage sludge" includes, but is not limited to, scum or solids 29751
removed in primary, secondary, or advanced wastewater treatment 29752
processes. "Sewage sludge" does not include ash generated during 29753
the firing of sewage sludge in a sewage sludge incinerator, grit 29754
and screenings generated during preliminary treatment of domestic 29755
sewage in a treatment works, animal manure, residue generated 29756
during treatment of animal manure, or domestic septage. 29757

(c) "Exceptional quality sludge" means sewage sludge that 29758
meets all of the following qualifications: 29759

(i) Satisfies the class A pathogen standards in 40 C.F.R. 29760
503.32(a); 29761

(ii) Satisfies one of the vector attraction reduction 29762
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 29763

(iii) Does not exceed the ceiling concentration limitations 29764
for metals listed in table one of 40 C.F.R. 503.13; 29765

(iv) Does not exceed the concentration limitations for metals 29766

listed in table three of 40 C.F.R. 503.13. 29767

(d) "Treatment" means the preparation of sewage sludge for 29768
final use or disposal and includes, but is not limited to, 29769
thickening, stabilization, and dewatering of sewage sludge. 29770

(e) "Disposal" means the final use of sewage sludge, 29771
including, but not limited to, land application, land reclamation, 29772
surface disposal, or disposal in a landfill or an incinerator. 29773

(f) "Land application" means the spraying or spreading of 29774
sewage sludge onto the land surface, the injection of sewage 29775
sludge below the land surface, or the incorporation of sewage 29776
sludge into the soil for the purposes of conditioning the soil or 29777
fertilizing crops or vegetation grown in the soil. 29778

(g) "Land reclamation" means the returning of disturbed land 29779
to productive use. 29780

(h) "Surface disposal" means the placement of sludge on an 29781
area of land for disposal, including, but not limited to, 29782
monofills, surface impoundments, lagoons, waste piles, or 29783
dedicated disposal sites. 29784

(i) "Incinerator" means an entity that disposes of sewage 29785
sludge through the combustion of organic matter and inorganic 29786
matter in sewage sludge by high temperatures in an enclosed 29787
device. 29788

(j) "Incineration facility" includes all incinerators owned 29789
or operated by the same entity and located on a contiguous tract 29790
of land. Areas of land are considered to be contiguous even if 29791
they are separated by a public road or highway. 29792

(k) "Annual sludge fee" means the fee assessed under division 29793
(Y)(1) of this section. 29794

(l) "Landfill" means a sanitary landfill facility, as defined 29795
in rules adopted under section 3734.02 of the Revised Code, that 29796

is licensed under section 3734.05 of the Revised Code. 29797

(m) "Preexisting land reclamation project" means a 29798
property-specific land reclamation project that has been in 29799
continuous operation for not less than five years pursuant to 29800
approval of the activity by the director and includes the 29801
implementation of a community outreach program concerning the 29802
activity. 29803

Sec. 3769.07. (A) Except as otherwise provided in this 29804
section, no permit shall be issued under sections 3769.01 to 29805
3769.14 of the Revised Code, authorizing the conduct of a live 29806
racing program for thoroughbred horses and quarter horses at any 29807
place, track, or enclosure except between the hours of twelve noon 29808
and seven p.m., for running horse-racing meetings, except that on 29809
special events days running horse-racing meetings may begin at 29810
nine a.m. by application to the state racing commission and except 29811
that the seven p.m. time may be extended to eight p.m. on a Sunday 29812
or holiday by application to the commission, and no permit shall 29813
be issued under those sections authorizing the conduct of a live 29814
racing program for harness horses at any place, track, or 29815
enclosure except between the hours of twelve noon and twelve 29816
midnight for light harness horse-racing meetings. The seven p.m. 29817
and eight p.m. closing times described in this section shall upon 29818
application to the commission be extended to nine p.m. for any 29819
running horse-racing meeting conducted between the fifteenth day 29820
of May and the fifteenth day of September at a track that is 29821
located more than twenty-five miles from a track located in this 29822
state where a light harness horse-racing meeting, other than a 29823
light harness horse-racing meeting at a county fair or independent 29824
fair, is being conducted and that is located less than twenty-five 29825
miles from a track located outside this state. A permit issued for 29826
horse racing at a county fair shall authorize live horse racing to 29827
begin at nine a.m. 29828

(B) No permit shall be granted for the holding or conducting 29829
of a horse-racing meeting after the tenth day of December in any 29830
calendar year, except for racing at winterized tracks. "Winterized 29831
track" means a track with enclosed club house or grandstand, 29832
all-weather racing track, heated facilities for jockeys or 29833
drivers, backstretch facilities that are properly prepared for 29834
winter racing, and adequate snow removal equipment available. 29835

(C) No permit shall be issued for more than an aggregate of 29836
fifty-six racing days in any one calendar year, except that an 29837
additional five days of racing may be approved by the commission 29838
upon application by a permit holder and except that an additional 29839
thirty days of racing may be granted for racing at any time after 29840
the fifteenth day of October and prior to the fifteenth day of 29841
March to a permit holder who has a winterized facility, but no 29842
more than thirty such additional days may be issued at any one 29843
track or enclosure. No more than an aggregate of fifty-six racing 29844
days shall be issued in any one calendar year for any one race 29845
track, place, or enclosure, except for the additional five days of 29846
racing for each permit holder which may be approved by the 29847
commission pursuant to this section, except as provided in 29848
sections 3769.071 and 3769.13 of the Revised Code, except for 29849
racing days granted as a result of a winterized facility, and 29850
except that the commission may issue a second permit for a maximum 29851
of fifty-six racing days for any one track, place, or enclosure, 29852
if the commission determines that the issuance of such second 29853
permit is not against the public interest. No such second permit 29854
shall be issued: 29855

~~(A)~~(1) For the operation of racing in any county with a 29856
population of less than seven hundred thousand or for the 29857
operation of racing in any county which has more than one race 29858
track at which a racing meet has been authorized, except as 29859
provided in this division and in sections 3769.071 and 3769.13 of 29860

the Revised Code, in the same year by the commission. A second 29861
permit issued pursuant to this division may be issued at either or 29862
both race tracks in a county that has only two race tracks if a 29863
racing meet has been authorized at both race tracks in the same 29864
year by the commission and one race track has been authorized to 29865
conduct thoroughbred racing meets and the other race track has 29866
been authorized to conduct harness racing meets. When such second 29867
permit is issued pursuant to this division for racing at the one 29868
race track, racing shall not be conducted at that race track on 29869
the same day that racing is conducted at the other race track in 29870
the county except by mutual agreement of the two race tracks. 29871

~~(B)~~(2) To any corporation having one or more shareholders 29872
owning an interest in any other permit issued by the commission 29873
for the operation of racing, in the same year, at any other race 29874
track, place, or enclosure in this state; 29875

~~(C)~~(3) To any person, association, or trust which owns, or 29876
which has any members owning, an interest in any other permit 29877
issued by the commission for the operation of racing, in the same 29878
year, at any other race track, place, or enclosure in this state. 29879

(D) No permit shall be issued so as to permit live racing 29880
programs on the same hour at more than one track in one county or 29881
on tracks in operation in 1975 within fifty miles of each other, 29882
nor shall any other form of pari-mutuel wagering other than horse 29883
racing be permitted within seventy-five miles of a track where 29884
horse racing is being conducted, except that this provision shall 29885
not apply to a horse-racing meeting held at the state fair or at a 29886
fair conducted by a county agricultural society or at a fair 29887
conducted by an independent agricultural society. Distribution of 29888
days shall not apply to fairs or horse shows not required to 29889
secure a permit under such section. ~~Notwithstanding~~ 29890

(E) ~~Notwithstanding~~ any ~~other~~ contrary provision of ~~this~~ 29891
~~chapter, a~~The Revised Code: 29892

(1) No person, association, trust, or corporation may own or 29893
operate or entity shall be issued permits to conduct horse-racing 29894
meetings at more than two separate facilities in this state that 29895
are conducting horse-racing meetings at any one time. 29896

(2) No person or entity shall be issued permits to conduct 29897
thoroughbred horse-racing meetings at more than one facility in 29898
this state at any one time. 29899

(3) No person or entity shall be a management company for 29900
persons or entities that have been issued permits to conduct 29901
horse-racing meetings at more than two facilities in this state at 29902
any one time. 29903

(4) A person or entity is not prohibited from owning more 29904
than two facilities in this state at which horse-racing meetings 29905
are conducted, so long as the person or entity is not in violation 29906
of division (E)(1), (2), or (3) of this section. 29907

(F) A permit, granted under sections 3769.01 to 3769.14 of 29908
the Revised Code, shall be conspicuously displayed during the 29909
horse-racing meeting in the principal office at such race track 29910
and at all reasonable times shall be exhibited to any authorized 29911
person requesting to see the same. 29912

Sec. 3770.06. (A) There is hereby created the state lottery 29913
gross revenue fund, which shall be in the custody of the treasurer 29914
of state but shall not be part of the state treasury. All gross 29915
revenues received from sales of lottery tickets, fines, fees, and 29916
related proceeds in connection with the statewide lottery and all 29917
gross proceeds from statewide joint lottery games shall be 29918
deposited into the fund. The treasurer of state shall invest any 29919
portion of the fund not needed for immediate use in the same 29920
manner as, and subject to all provisions of law with respect to 29921
the investment of, state funds. The treasurer of state shall 29922
disburse money from the fund on order of the director of the state 29923

lottery commission or the director's designee. 29924

Except for gross proceeds from statewide joint lottery games, 29925
all revenues of the state lottery gross revenue fund that are not 29926
paid to holders of winning lottery tickets, that are not required 29927
to meet short-term prize liabilities, that are not credited to 29928
lottery sales agents in the form of bonuses, commissions, or 29929
reimbursements, that are not paid to financial institutions to 29930
reimburse those institutions for sales agent nonsufficient funds, 29931
and that are collected from sales agents for remittance to 29932
insurers under contract to provide sales agent bonding services 29933
shall be transferred to the state lottery fund, which is hereby 29934
created in the state treasury. In addition, all revenues of the 29935
state lottery gross revenue fund that represent the gross proceeds 29936
from the statewide joint lottery games and that are not paid to 29937
holders of winning lottery tickets, that are not required to meet 29938
short-term prize liabilities, that are not credited to lottery 29939
sales agents in the form of bonuses, commissions, or 29940
reimbursements, and that are not necessary to cover operating 29941
expenses associated with those games or to otherwise comply with 29942
the agreements signed by the governor that the director enters 29943
into under division (J) of section 3770.02 of the Revised Code or 29944
the rules the commission adopts under division (B)(5) of section 29945
3770.03 of the Revised Code shall be transferred to the state 29946
lottery fund. All investment earnings of the fund shall be 29947
credited to the fund. Moneys shall be disbursed from the fund 29948
pursuant to vouchers approved by the director. Total disbursements 29949
for monetary prize awards to holders of winning lottery tickets in 29950
connection with the statewide lottery and purchases of goods and 29951
services awarded as prizes to holders of winning lottery tickets 29952
shall be of an amount equal to at least fifty per cent of the 29953
total revenue accruing from the sale of lottery tickets. 29954

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 29955

there is hereby established in the state treasury the lottery 29956
profits education fund. Whenever, in the judgment of the director 29957
of the state lottery commission, the amount to the credit of the 29958
state lottery fund that does not represent proceeds from statewide 29959
joint lottery games is in excess of that needed to meet the 29960
maturing obligations of the commission and as working capital for 29961
its further operations, the director of the state lottery 29962
commission shall recommend the amount of the excess to be 29963
transferred to the lottery profits education fund, and the 29964
director of budget and management may transfer the excess to the 29965
lottery profits education fund in connection with the statewide 29966
lottery. In addition, whenever, in the judgment of the director of 29967
the state lottery commission, the amount to the credit of the 29968
state lottery fund that represents proceeds from statewide joint 29969
lottery games equals the entire net proceeds of those games as 29970
described in division (B)(5) of section 3770.03 of the Revised 29971
Code and the rules adopted under that division, the director of 29972
the state lottery commission shall recommend the amount of the 29973
proceeds to be transferred to the lottery profits education fund, 29974
and the director of budget and management may transfer those 29975
proceeds to the lottery profits education fund. Investment 29976
earnings of the lottery profits education fund shall be credited 29977
to the fund. 29978

The lottery profits education fund shall be used solely for 29979
the support of elementary, secondary, vocational, and special 29980
education programs as determined in appropriations made by the 29981
general assembly, or as provided in applicable bond proceedings 29982
for the payment of debt service on obligations issued to pay costs 29983
of capital facilities, including those for a system of common 29984
schools throughout the state pursuant to section 2n of Article 29985
VIII, Ohio Constitution. When determining the availability of 29986
money in the lottery profits education fund, the director of 29987
budget and management may consider all balances and estimated 29988

revenues of the fund. 29989

(C) There is hereby established in the state treasury the 29990
deferred prizes trust fund. With the approval of the director of 29991
budget and management, an amount sufficient to fund annuity prizes 29992
shall be transferred from the state lottery fund and credited to 29993
the trust fund. The treasurer of state shall credit all earnings 29994
arising from investments purchased under this division to the 29995
trust fund. Within sixty days after the end of each fiscal year, 29996
the treasurer of state shall certify to the director of budget and 29997
management whether the actuarial amount of the trust fund is 29998
sufficient over the fund's life for continued funding of all 29999
remaining deferred prize liabilities as of the last day of the 30000
fiscal year just ended. Also, within that sixty days, the director 30001
of budget and management shall certify the amount of investment 30002
earnings necessary to have been credited to the trust fund during 30003
the fiscal year just ending to provide for such continued funding 30004
of deferred prizes. Any earnings credited in excess of the latter 30005
certified amount shall be transferred to the lottery profits 30006
education fund. 30007

To provide all or a part of the amounts necessary to fund 30008
deferred prizes awarded by the commission in connection with the 30009
statewide lottery, the treasurer of state, in consultation with 30010
the commission, may invest moneys contained in the deferred prizes 30011
trust fund which represents proceeds from the statewide lottery in 30012
obligations of the type permitted for the investment of state 30013
funds but whose maturities are thirty years or less. 30014
Notwithstanding the requirements of any other section of the 30015
Revised Code, to provide all or part of the amounts necessary to 30016
fund deferred prizes awarded by the commission in connection with 30017
statewide joint lottery games, the treasurer of state, in 30018
consultation with the commission, may invest moneys in the trust 30019
fund which represent proceeds derived from the statewide joint 30020

lottery games in accordance with the rules the commission adopts 30021
under division (B)(5) of section 3770.03 of the Revised Code. 30022
Investments of the trust fund are not subject to the provisions of 30023
division (A)(10) of section 135.143 of the Revised Code limiting 30024
to twenty-five per cent the amount of the state's total average 30025
portfolio that may be invested in debt interests other than 30026
commercial paper and limiting to five per cent the amount that may 30027
be invested in debt interests, including commercial paper, of a 30028
single issuer. 30029

All purchases made under this division shall be effected on a 30030
delivery versus payment method and shall be in the custody of the 30031
treasurer of state. 30032

The treasurer of state may retain an investment advisor, if 30033
necessary. The commission shall pay any costs incurred by the 30034
treasurer of state in retaining an investment advisor. 30035

(D) The auditor of state shall conduct annual audits of all 30036
funds and any other audits as the auditor of state or the general 30037
assembly considers necessary. The auditor of state may examine all 30038
records, files, and other documents of the commission, and records 30039
of lottery sales agents that pertain to their activities as 30040
agents, for purposes of conducting authorized audits. 30041

(E) The state lottery commission shall establish an internal 30042
audit plan before the beginning of each fiscal year, subject to 30043
the approval of the office of internal audit in the office of 30044
budget and management. At the end of each fiscal year, the 30045
commission shall prepare and submit an annual report to the office 30046
of internal audit for the office's review and approval, specifying 30047
the internal audit work completed by the end of that fiscal year 30048
and reporting on compliance with the annual internal audit plan. 30049

(1) Except as provided in division (E)(2) of this section, 30050
any internal audit report and all work papers of the internal 30051

audit produced by commission staff are confidential and are not 30052
public records under section 149.43 of the Revised Code until the 30053
final report is submitted to the director and the chairperson of 30054
the commission. 30055

(2) Any internal audit report or work paper that meets the 30056
definition of a security record or infrastructure record under 30057
section 149.433 of the Revised Code is not a public record under 30058
section 149.43 of the Revised Code. 30059

(F) Whenever, in the judgment of the director of budget and 30060
management, an amount of net state lottery proceeds is necessary 30061
to be applied to the payment of debt service on obligations, all 30062
as defined in sections 151.01 and 151.03 of the Revised Code, the 30063
director shall transfer that amount directly from the state 30064
lottery fund or from the lottery profits education fund to the 30065
bond service fund defined in those sections. The provisions of 30066
this division are subject to any prior pledges or obligation of 30067
those amounts to the payment of bond service charges as defined in 30068
division (C) of section 3318.21 of the Revised Code, as referred 30069
to in division (B) of this section. 30070

Sec. 3772.19. ~~A person~~ No casino operator shall ~~not~~ hold a 30071
majority ownership interest in, ~~or be a management company for,~~ 30072
more than two casino operator licenses or casino facilities at any 30073
one time. ~~A person shall not hold a majority ownership interest~~ 30074
~~in, or be a management company, for more than two tracks at which~~ 30075
~~horse racing where the pari-mutuel system of wagering is conducted~~ 30076
~~at any one time, of which not more than one shall be a track for~~ 30077
~~thoroughbred horses.~~ No person shall be a management company for 30078
casino operators licensed to operate more than two casino 30079
facilities in this state at any one time. 30080

Sec. 3781.10. (A)(1) The board of building standards shall 30081

formulate and adopt rules governing the erection, construction, 30082
repair, alteration, and maintenance of all buildings or classes of 30083
buildings specified in section 3781.06 of the Revised Code, 30084
including land area incidental to those buildings, the 30085
construction of industrialized units, the installation of 30086
equipment, and the standards or requirements for materials used in 30087
connection with those buildings. The board shall incorporate those 30088
rules into separate residential and nonresidential building codes. 30089
The standards shall relate to the conservation of energy and the 30090
safety and sanitation of those buildings. 30091

(2) The rules governing nonresidential buildings are the 30092
lawful minimum requirements specified for those buildings and 30093
industrialized units, except that no rule other than as provided 30094
in division (C) of section 3781.108 of the Revised Code that 30095
specifies a higher requirement than is imposed by any section of 30096
the Revised Code is enforceable. The rules governing residential 30097
buildings are uniform requirements for residential buildings in 30098
any area with a building department certified to enforce the state 30099
residential building code. In no case shall any local code or 30100
regulation differ from the state residential building code unless 30101
that code or regulation addresses subject matter not addressed by 30102
the state residential building code or is adopted pursuant to 30103
section 3781.01 of the Revised Code. 30104

(3) The rules adopted pursuant to this section are complete, 30105
lawful alternatives to any requirements specified for buildings or 30106
industrialized units in any section of the Revised Code. Except as 30107
otherwise provided in division (I) of this section, the board 30108
shall, on its own motion or on application made under sections 30109
3781.12 and 3781.13 of the Revised Code, formulate, propose, 30110
adopt, modify, amend, or repeal the rules to the extent necessary 30111
or desirable to effectuate the purposes of sections 3781.06 to 30112
3781.18 of the Revised Code. 30113

(B) The board shall report to the general assembly proposals 30114
for amendments to existing statutes relating to the purposes 30115
declared in section 3781.06 of the Revised Code that public health 30116
and safety and the development of the arts require and shall 30117
recommend any additional legislation to assist in carrying out 30118
fully, in statutory form, the purposes declared in that section. 30119
The board shall prepare and submit to the general assembly a 30120
summary report of the number, nature, and disposition of the 30121
petitions filed under sections 3781.13 and 3781.14 of the Revised 30122
Code. 30123

(C) On its own motion or on application made under sections 30124
3781.12 and 3781.13 of the Revised Code, and after thorough 30125
testing and evaluation, the board shall determine by rule that any 30126
particular fixture, device, material, process of manufacture, 30127
manufactured unit or component, method of manufacture, system, or 30128
method of construction complies with performance standards adopted 30129
pursuant to section 3781.11 of the Revised Code. The board shall 30130
make its determination with regard to adaptability for safe and 30131
sanitary erection, use, or construction, to that described in any 30132
section of the Revised Code, wherever the use of a fixture, 30133
device, material, method of manufacture, system, or method of 30134
construction described in that section of the Revised Code is 30135
permitted by law. The board shall amend or annul any rule or issue 30136
an authorization for the use of a new material or manufactured 30137
unit on any like application. No department, officer, board, or 30138
commission of the state other than the board of building standards 30139
or the board of building appeals shall permit the use of any 30140
fixture, device, material, method of manufacture, newly designed 30141
product, system, or method of construction at variance with what 30142
is described in any rule the board of building standards adopts or 30143
issues or that is authorized by any section of the Revised Code. 30144
Nothing in this section shall be construed as requiring approval, 30145
by rule, of plans for an industrialized unit that conforms with 30146

the rules the board of building standards adopts pursuant to 30147
section 3781.11 of the Revised Code. 30148

(D) The board shall recommend rules, codes, and standards to 30149
help carry out the purposes of section 3781.06 of the Revised Code 30150
and to help secure uniformity of state administrative rulings and 30151
local legislation and administrative action to the bureau of 30152
workers' compensation, the director of commerce, any other 30153
department, officer, board, or commission of the state, and to 30154
legislative authorities and building departments of counties, 30155
townships, and municipal corporations, and shall recommend that 30156
they audit those recommended rules, codes, and standards by any 30157
appropriate action that they are allowed pursuant to law or the 30158
constitution. 30159

(E)(1) The board shall certify municipal, township, and 30160
county building departments ~~and~~, the personnel of those building 30161
departments, ~~and~~ persons described in division (E)(7) of this 30162
section, and employees of individuals, firms, the state, or 30163
corporations ~~as~~ described in division (E)(7) of this section to 30164
exercise enforcement authority, to accept and approve plans and 30165
specifications, and to make inspections, pursuant to sections 30166
3781.03, 3791.04, and 4104.43 of the Revised Code. 30167

(2) The board shall certify departments, personnel, and 30168
persons to enforce the state residential building code, to enforce 30169
the nonresidential building code, or to enforce both the 30170
residential and the nonresidential building codes. Any department, 30171
personnel, or person may enforce only the type of building code 30172
for which certified. 30173

(3) The board shall not require a building department, its 30174
personnel, or any persons that it employs to be certified for 30175
residential building code enforcement if that building department 30176
does not enforce the state residential building code. The board 30177
shall specify, in rules adopted pursuant to Chapter 119. of the 30178

Revised Code, the requirements for certification for residential 30179
and nonresidential building code enforcement, which shall be 30180
consistent with this division. The requirements for residential 30181
and nonresidential certification may differ. Except as otherwise 30182
provided in this division, the requirements shall include, but are 30183
not limited to, the satisfactory completion of an initial 30184
examination and, to remain certified, the completion of a 30185
specified number of hours of continuing building code education 30186
within each three-year period following the date of certification 30187
which shall be not less than thirty hours. The rules shall provide 30188
that continuing education credits and certification issued by the 30189
council of American building officials, national model code 30190
organizations, and agencies or entities the board recognizes are 30191
acceptable for purposes of this division. The rules shall specify 30192
requirements that are consistent with the provisions of section 30193
5903.12 of the Revised Code relating to active duty military 30194
service and are compatible, to the extent possible, with 30195
requirements the council of American building officials and 30196
national model code organizations establish. 30197

(4) The board shall establish and collect a certification and 30198
renewal fee for building department personnel, and persons and 30199
employees of persons, firms, or corporations as described in this 30200
section, who are certified pursuant to this division. 30201

(5) Any individual certified pursuant to this division shall 30202
complete the number of hours of continuing building code education 30203
that the board requires or, for failure to do so, forfeit 30204
certification. 30205

(6) This division does not require or authorize the board to 30206
certify personnel of municipal, township, and county building 30207
departments, and persons and employees of persons, firms, or 30208
corporations as described in this section, whose responsibilities 30209
do not include the exercise of enforcement authority, the approval 30210

of plans and specifications, or making inspections under the state 30211
residential and nonresidential building codes. 30212

(7) Enforcement authority for approval of plans and 30213
specifications and enforcement authority for inspections may be 30214
exercised, and plans and specifications may be approved and 30215
inspections may be made on behalf of a municipal corporation, 30216
township, or county, by any of the following who the board of 30217
building standards certifies: 30218

(a) Officers or employees of the municipal corporation, 30219
township, or county; 30220

(b) Persons, or employees of persons, firms, or corporations, 30221
pursuant to a contract to furnish architectural, engineering, or 30222
other services to the municipal corporation, township, or county; 30223

(c) Officers or employees of, and persons under contract 30224
with, a municipal corporation, township, county, health district, 30225
or other political subdivision, pursuant to a contract to furnish 30226
architectural, engineering, or other services; 30227

(d) Officers or employees of the division of industrial 30228
compliance in the department of commerce pursuant to a contract 30229
authorized by division (B) of section 121.083 of the Revised Code. 30230

(8) Municipal, township, and county building departments have 30231
jurisdiction within the meaning of sections 3781.03, 3791.04, and 30232
4104.43 of the Revised Code, only with respect to the types of 30233
buildings and subject matters for which they are certified under 30234
this section. 30235

(9) A certified municipal, township, or county building 30236
department may exercise enforcement authority, accept and approve 30237
plans and specifications, and make inspections pursuant to 30238
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 30239
park district created pursuant to Chapter 1545. of the Revised 30240
Code upon the approval, by resolution, of the board of park 30241

commissioners of the park district requesting the department to 30242
exercise that authority and conduct those activities, as 30243
applicable. 30244

(10) Certification shall be granted upon application by the 30245
municipal corporation, the board of township trustees, or the 30246
board of county commissioners and approval of that application by 30247
the board of building standards. The application shall set forth: 30248

(a) Whether the certification is requested for residential or 30249
nonresidential buildings, or both; 30250

(b) The number and qualifications of the staff composing the 30251
building department; 30252

(c) The names, addresses, and qualifications of persons, 30253
firms, or corporations contracting to furnish work or services 30254
pursuant to division (E)(7)(b) of this section; 30255

(d) The names of any other municipal corporation, township, 30256
county, health district, or political subdivision under contract 30257
to furnish work or services pursuant to division (E)(7) of this 30258
section; 30259

(e) The proposed budget for the operation of the building 30260
department. 30261

(11) The board of building standards shall adopt rules 30262
governing all of the following: 30263

(a) The certification of building department personnel and 30264
persons and employees of persons, firms, or corporations 30265
exercising authority pursuant to division (E)(7) of this section. 30266
The rules shall disqualify any employee of the department or 30267
person who contracts for services with the department from 30268
performing services for the department when that employee or 30269
person would have to pass upon, inspect, or otherwise exercise 30270
authority over any labor, material, or equipment the employee or 30271

person furnishes for the construction, alteration, or maintenance 30272
of a building or the preparation of working drawings or 30273
specifications for work within the jurisdictional area of the 30274
department. The department shall provide other similarly qualified 30275
personnel to enforce the residential and nonresidential building 30276
codes as they pertain to that work. 30277

(b) The minimum services to be provided by a certified 30278
building department. 30279

(12) The board of building standards may revoke or suspend 30280
certification to enforce the residential and nonresidential 30281
building codes, on petition to the board by any person affected by 30282
that enforcement or approval of plans, or by the board on its own 30283
motion. Hearings shall be held and appeals permitted on any 30284
proceedings for certification or revocation or suspension of 30285
certification in the same manner as provided in section 3781.101 30286
of the Revised Code for other proceedings of the board of building 30287
standards. 30288

(13) Upon certification, and until that authority is revoked, 30289
any county or township building department shall enforce the 30290
residential and nonresidential building codes for which it is 30291
certified without regard to limitation upon the authority of 30292
boards of county commissioners under Chapter 307. of the Revised 30293
Code or boards of township trustees under Chapter 505. of the 30294
Revised Code. 30295

(F) In addition to hearings sections 3781.06 to 3781.18 and 30296
3791.04 of the Revised Code require, the board of building 30297
standards shall make investigations and tests, and require from 30298
other state departments, officers, boards, and commissions 30299
information the board considers necessary or desirable to assist 30300
it in the discharge of any duty or the exercise of any power 30301
mentioned in this section or in sections 3781.06 to 3781.18, 30302
3791.04, and 4104.43 of the Revised Code. 30303

(G) The board shall adopt rules and establish reasonable fees 30304
for the review of all applications submitted where the applicant 30305
applies for authority to use a new material, assembly, or product 30306
of a manufacturing process. The fee shall bear some reasonable 30307
relationship to the cost of the review or testing of the 30308
materials, assembly, or products and for the notification of 30309
approval or disapproval as provided in section 3781.12 of the 30310
Revised Code. 30311

(H) The residential construction advisory committee shall 30312
provide the board with a proposal for a state residential building 30313
code that the committee recommends pursuant to division (D)(1) of 30314
section 4740.14 of the Revised Code. Upon receiving a 30315
recommendation from the committee that is acceptable to the board, 30316
the board shall adopt rules establishing that code as the state 30317
residential building code. 30318

(I)(1) The committee may provide the board with proposed 30319
rules to update or amend the state residential building code that 30320
the committee recommends pursuant to division (E) of section 30321
4740.14 of the Revised Code. 30322

(2) If the board receives a proposed rule to update or amend 30323
the state residential building code as provided in division (I)(1) 30324
of this section, the board either may accept or reject the 30325
proposed rule for incorporation into the residential building 30326
code. If the board does not act to either accept or reject the 30327
proposed rule within ninety days after receiving the proposed rule 30328
from the committee as described in division (I)(1) of this 30329
section, the proposed rule shall become part of the residential 30330
building code. 30331

(J) The board shall cooperate with the director of job and 30332
family services when the director promulgates rules pursuant to 30333
section 5104.05 of the Revised Code regarding safety and 30334
sanitation in type A family day-care homes. 30335

(K) The board shall adopt rules to implement the requirements 30336
of section 3781.108 of the Revised Code. 30337

Sec. 3798.01. As used in this chapter: 30338

(A) "Administrative safeguards," "physical safeguards," and 30339
"technical safeguards" have the same meanings as in 45 C.F.R. 30340
164.304. 30341

(B) ~~"Approved health information exchange" means a health 30342
information exchange that has been approved or reapproved by the 30343
medicaid director pursuant to the approval or reapproval process, 30344
as applicable, the director establishes in rules adopted under 30345
division (A) of section 3798.15 of the Revised Code or that has 30346
been certified by the office of the national coordinator for 30347
health information technology in the United States department of 30348
health and human services. 30349~~

~~(C)~~ "Covered entity," "disclosure," "health care provider," 30350
"health information," "individually identifiable health 30351
information," "protected health information," and "use" have the 30352
same meanings as in 45 C.F.R. 160.103. 30353

~~(D)~~(C) "Designated record set" has the same meaning as in 45 30354
C.F.R. 164.501. 30355

~~(E)~~(D) "Direct exchange" means the activity of electronic 30356
transmission of health information through a direct connection 30357
between the electronic record systems of health care providers 30358
without the use of a health information exchange. 30359

~~(F)~~(E) "Health care component" and "hybrid entity" have the 30360
same meanings as in 45 C.F.R. 164.103. 30361

~~(G)~~(F) "Health information exchange" means any person or 30362
governmental entity that provides in this state a technical 30363
infrastructure to connect computer systems or other electronic 30364
devices used by covered entities to facilitate the secure 30365

transmission of health information. "Health information exchange" 30366
excludes health care providers engaged in direct exchange, 30367
including direct exchange through the use of a health information 30368
service provider. 30369

~~(H)~~(G) "HIPAA privacy rule" means the standards for privacy 30370
of individually identifiable health information in 45 C.F.R. part 30371
160 and in 45 C.F.R. part 164, subparts A and E. 30372

~~(I)~~(H) "Interoperability" means the capacity of two or more 30373
information systems to exchange information in an accurate, 30374
effective, secure, and consistent manner. 30375

~~(J)~~(I) "Minor" means an unemancipated person under eighteen 30376
years of age or a mentally or physically disabled person under 30377
twenty-one years of age who meets criteria specified in rules 30378
adopted by the medicaid director under section 3798.13 of the 30379
Revised Code. 30380

~~(K)~~(J) "More stringent" has the same meaning as in 45 C.F.R. 30381
160.202. 30382

~~(L)~~ "Office of health transformation" means the office of 30383
health transformation created by executive order 2011-02K or a 30384
successor governmental entity responsible for health system 30385
oversight in this state. 30386

~~(M)~~(K) "Personal representative" means a person who has 30387
authority under applicable law to make decisions related to health 30388
care on behalf of an adult or emancipated minor, or the parent, 30389
legal guardian, or other person acting in loco parentis who is 30390
authorized under law to make health care decisions on behalf of an 30391
unemancipated minor. "Personal representative" does not include 30392
the parent or legal guardian of, or another person acting in loco 30393
parentis to, a minor who consents to the minor's own receipt of 30394
health care or a minor who makes medical decisions on the minor's 30395
own behalf pursuant to law, court approval, or because the minor's 30396

parent, legal guardian, or other person acting in loco parentis 30397
has assented to an agreement of confidentiality between the 30398
provider and the minor. 30399

~~(N)~~(L) "Political subdivision" means a municipal corporation, 30400
township, county, school district, or other body corporate and 30401
politic responsible for governmental activities in a geographic 30402
area smaller than that of the state. 30403

~~(O)~~(M) "State agency" means any one or more of the following: 30404

(1) The department of administrative services; 30405

(2) The department of aging; 30406

(3) The department of mental health and addiction services; 30407

(4) The department of developmental disabilities; 30408

(5) The department of education; 30409

(6) The department of health; 30410

(7) The department of insurance; 30411

(8) The department of job and family services; 30412

(9) The department of medicaid; 30413

(10) The department of rehabilitation and correction; 30414

(11) The department of youth services; 30415

(12) The bureau of workers' compensation; 30416

(13) The opportunities for Ohioans with disabilities agency; 30417

(14) The office of the attorney general; 30418

(15) A health care licensing board created under Title XLVII 30419
of the Revised Code that possesses individually identifiable 30420
health information. 30421

Sec. 3798.07. (A) ~~In addition to a covered entity generally~~ 30422
~~being subject to the conditions specified in divisions (A) to (D)~~ 30423

~~of section 3798.06 of the Revised Code when the covered entity~~ 30424
~~discloses protected health information to a health information~~ 30425
~~exchange without a valid authorization, the~~ A covered entity shall 30426
~~also~~ be subject to the following conditions when it discloses 30427
protected health information to a health information exchange: 30428

(1) The covered entity shall restrict disclosure consistent 30429
with all applicable federal laws governing the disclosure~~+~~. 30430

(2) If the protected health information concerns a minor, the 30431
covered entity shall restrict disclosure in a manner that complies 30432
with laws of this state pertaining to the circumstances under 30433
which a minor may consent to the minor's own receipt of health 30434
care or make medical decisions on the minor's own behalf, 30435
including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, 30436
and 5126.043 of the Revised Code unless the minor authorizes the 30437
disclosure. 30438

(3) The covered entity shall restrict disclosure in a manner 30439
that is consistent with a written request from the individual or 30440
the individual's personal representative to restrict disclosure of 30441
all of the individual's protected health information. 30442

~~(4) The covered entity shall restrict disclosure in a manner~~ 30443
~~that is consistent with a written request from the individual or~~ 30444
~~the individual's personal representative concerning specific~~ 30445
~~categories of protected health information to the extent that~~ 30446
~~rules adopted pursuant to section 3798.16 of the Revised Code~~ 30447
~~require the covered entity to comply with such a request.~~ 30448

(B) The conditions in division (A) of this section on a 30449
covered entity's disclosure of protected health information to a 30450
health information exchange do not render unenforceable or 30451
restrict in any manner any of the following: 30452

(1) A provision of the Revised Code that on ~~the effective~~ 30453

~~date of this section~~ September 10, 2012, requires a person or 30454
governmental entity to disclose protected health information to a 30455
state agency, political subdivision, or other governmental entity; 30456

(2) The confidential status of proceedings and records within 30457
the scope of a peer review committee of a health care entity as 30458
described in section 2305.252 of the Revised Code; 30459

(3) The confidential status of quality assurance program 30460
activities and quality assurance records as described in section 30461
5122.32 of the Revised Code; 30462

(4) The testimonial privilege established by division (B) of 30463
section 2317.02 of the Revised Code; 30464

(5) Any of the following items that govern the 30465
confidentiality, privacy, security, or privileged status of 30466
protected health information in the possession or custody of an 30467
agency as defined in section 111.15 of the Revised Code; govern 30468
the process for obtaining from a patient consent to the provision 30469
of health care or consent for participation in medical or other 30470
scientific research; govern the process for determining whether an 30471
adult has a physical or mental impairment or an adult's capacity 30472
to make health care decisions for purposes of Chapter 5126. of the 30473
Revised Code; or govern the process for determining whether a 30474
minor has been emancipated: 30475

(a) A section of the Revised Code that is not in this 30476
chapter; 30477

(b) A rule as defined in section 119.01 of the Revised Code; 30478

(c) An internal management rule as defined in section 111.15 30479
of the Revised Code; 30480

(d) Guidance issued by an agency as defined in section 111.15 30481
of the Revised Code; 30482

(e) Orders or regulations of a board of health of a city 30483

health district made under section 3709.20 of the Revised Code; 30484

(f) Orders or regulations of a board of health of a general 30485
health district made under section 3709.21 of the Revised Code; 30486

(g) An ordinance or resolution adopted by a political 30487
subdivision; 30488

(h) A professional code of ethics; 30489

(i) When a minor is authorized to consent to the minor's own 30490
receipt of health care or make medical decisions on the minor's 30491
own behalf, including the circumstances described in sections 30492
2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of 30493
the Revised Code. 30494

Sec. 3798.10. (A) ~~Not later than six months after September~~ 30495
~~10, 2012, the~~ The medicaid director, ~~in consultation with the~~ 30496
~~office of health transformation,~~ shall prescribe by rules adopted 30497
in accordance with Chapter 119. of the Revised Code a standard 30498
authorization form for the use and disclosure of protected health 30499
information by covered entities in this state. The form shall meet 30500
all requirements specified in 45 C.F.R. 164.508 and, where 30501
applicable, 42 C.F.R. part 2. 30502

(B) If a form the medicaid director prescribes under division 30503
(A) of this section is properly executed by an individual or the 30504
individual's personal representative, it shall be accepted by any 30505
person or governmental entity in this state as valid authorization 30506
for the use or disclosure of the individual's protected health 30507
information to the persons or governmental entities specified in 30508
the form. 30509

(C) This section does not preclude a person or governmental 30510
entity from accepting as valid authorization for the use or 30511
disclosure of protected health information a form other than the 30512
form prescribed under division (A) of this section if the other 30513

form meets all requirements specified in 45 C.F.R. 164.508 and, if 30514
applicable, 42 C.F.R. part 2. 30515

Sec. 3799.01. Article I. Definitions 30516

For purposes of this compact: 30517

1. "Compacting state" means either of the following: 30518

a. Any state that has enacted the compact and which has not 30519
withdrawn or been suspended pursuant to Article XIV of the 30520
compact; 30521

b. The federal government in accordance with the commission's 30522
bylaws. 30523

2. "Compact" means the Solemn Covenant of the States to Award 30524
Prizes for Curing Diseases enacted in this section. 30525

3. "Non-compacting state" means any state or the federal 30526
government, if it is not at the time a compacting state. 30527

4. "Public health expenses" means the amount of all costs 30528
paid by taxpayers in a specified geographic area relating to a 30529
particular disease. 30530

5. "State" means any state, district, or territory of the 30531
United States of America. 30532

Article II. Establishment of the Commission; Membership 30533

1. Upon the enactment of the compact by six states, the 30534
compacting states shall establish the Solemn Covenant of States 30535
Commission. 30536

2. The commission is a body corporate and politic and an 30537
instrumentality of each of the compacting states and is solely 30538
responsible for its liabilities, except as otherwise specifically 30539
provided in the compact. 30540

3. Each compacting state shall be represented by one member 30541

as selected by the compacting state. Each compacting state shall 30542
determine its member's qualifications and period of service and 30543
shall be responsible for any action to remove or suspend its 30544
member or to fill the member's position if it becomes vacant. 30545
Nothing in the compact shall be construed to affect a compacting 30546
state's authority regarding the qualification, selection, or 30547
service of its own member. 30548

Article III. Powers of the Commission 30549

1. To adopt bylaws and rules pursuant to Articles V and VI of 30550
the compact, which shall have the force and effect of law and 30551
shall be binding in the compacting states to the extent and in the 30552
manner provided in the compact; 30553

2. To receive and review in an expeditious manner treatments 30554
and therapeutic protocols for the cure of disease submitted to the 30555
commission and to award prizes for submissions that meet the 30556
commission's standards for a successful cure treatment or 30557
therapeutic protocol; 30558

3. To make widely available a cure treatment or therapeutic 30559
protocol upon a prize winner claiming a prize and transferring any 30560
intellectual property necessary for the manufacture and 30561
distribution of the cure in accordance with section 3.g.i. of 30562
Article VI, including by arranging or contracting for the 30563
manufacturing, production, or provision of any drug, serum, or 30564
other substance, device, or process, provided that the commission 30565
does not market the cure or conduct any other activity regarding 30566
the cure not specifically authorized in the compact; 30567

4. To establish a selling price for the cure, which shall be 30568
not more than the expenses for the cure's manufacturing, 30569
distribution, licensing, and any other necessary governmental 30570
requirements for compacting states, or those expenses plus any 30571
royalty fees, for noncompacting states; the price shall not 30572

<u>include the expenses of any other activities;</u>	30573
<u>5. In non-compacting states and foreign countries, to</u>	30574
<u>establish and collect royalty fees imposed on manufacturers,</u>	30575
<u>producers, and providers of any drug, serum, or other substance,</u>	30576
<u>device, or process used for a cure treatment or therapeutic</u>	30577
<u>protocol, for which a prize is awarded; royalty fees may be added</u>	30578
<u>to the sales price of the cure pursuant to section 4 of this</u>	30579
<u>Article; provided that the royalty fees shall cumulatively be not</u>	30580
<u>more than the estimated five-year savings in public health</u>	30581
<u>expenses for that state or country, as calculated by actuaries</u>	30582
<u>employed or contracted by the commission;</u>	30583
<u>6. To do the following regarding the collected royalty fees:</u>	30584
<u>a. Pay or reimburse expenses related to the payment of a</u>	30585
<u>prize, which shall include employing or contracting actuaries to</u>	30586
<u>calculate annual taxpayer savings amounts in compacting states in</u>	30587
<u>accordance with section 3.g.iii. of Article VI, and payment of</u>	30588
<u>interest and other expenses related to a loan obtained in</u>	30589
<u>accordance with section 3.g.vi. of Article VI;</u>	30590
<u>b. Annually disburse any amounts remaining after making</u>	30591
<u>payments or reimbursements under section 6.a. of this article as</u>	30592
<u>refunds to compacting states based on the per cent of the state's</u>	30593
<u>prize obligation in relation to the total obligation amount of all</u>	30594
<u>compacting states;</u>	30595
<u>7. To bring and prosecute legal proceedings or actions in its</u>	30596
<u>name as the commission;</u>	30597
<u>8. To issue subpoenas requiring the attendance and testimony</u>	30598
<u>of witnesses and the production of evidence;</u>	30599
<u>9. To establish and maintain offices;</u>	30600
<u>10. To borrow, accept, or contract for personnel services,</u>	30601
<u>including personnel services from employees of a compacting state;</u>	30602

11. To hire employees, professionals, or specialists, and 30603
elect or appoint officers, and to fix their compensation, define 30604
their duties and give them appropriate authority to carry out the 30605
purposes of the compact, and determine their qualifications; and 30606
to establish the commission's personnel policies and programs 30607
relating to, among other things, conflicts of interest, rates of 30608
compensation, and qualifications of personnel; 30609
12. To accept any and all appropriate donations and grants of 30610
money, equipment, supplies, materials, and services, and to 30611
receive, utilize, and dispose of the same; provided that at all 30612
times the commission shall strive to avoid any appearance of 30613
impropriety; 30614
13. To lease, purchase, or accept appropriate gifts or 30615
donations of, or otherwise to own, hold, improve, or use, any 30616
property, real, personal, or mixed; provided, that at all times 30617
the commission shall strive to avoid any appearance of 30618
impropriety; 30619
14. To sell, convey, mortgage, pledge, lease, exchange, 30620
abandon, or otherwise dispose of any property, real, personal, or 30621
mixed; 30622
15. To monitor compacting states for compliance with the 30623
commission's bylaws and rules; 30624
16. To enforce compliance by compacting states with the 30625
commission's bylaws and rules; 30626
17. To provide for dispute resolution among compacting states 30627
or between the commission and those who submit treatments and 30628
therapeutic protocols for the cure of disease for consideration; 30629
18. To establish a budget and make expenditures; 30630
19. To borrow money; 30631
20. To appoint committees, including management, legislative, 30632

and advisory committees comprised of members, state legislators or 30633
their representatives, medical professionals, and such other 30634
interested persons as may be designated by the commission; 30635

21. To establish annual membership dues for compacting 30636
states, which shall be used for daily expenses of the commission 30637
and not for interest or prize payments; 30638

22. To adopt and use a corporate seal; 30639

23. To perform such other functions as may be necessary or 30640
appropriate to achieve the purposes of this compact. 30641

Article IV. Meetings and Voting 30642

1. The commission shall meet and take such actions as are 30643
consistent with the compact, bylaws, and rules. 30644

2. A majority of the members of the commission shall 30645
constitute a quorum necessary in order to conduct business or take 30646
actions at meetings of the commission. 30647

3. Each member of the commission shall have the right and 30648
power to cast one vote regarding matters determined or actions to 30649
be taken by the commission. Each member shall have the right and 30650
power to participate in the business and affairs of the 30651
commission. 30652

4. A member shall vote in person or by such other means as 30653
provided in the commission's bylaws. The commission's bylaws may 30654
provide for members' participation in meetings by telephone or 30655
other means of communication. 30656

5. The commission shall meet at least once during each 30657
calendar year. Additional meetings shall be held as set forth in 30658
the commission's bylaws. 30659

6. No decision of the commission with respect to the approval 30660
of an award for a treatment or therapeutic process for the cure of 30661
a disease shall be effective unless two-thirds of all the members 30662

of the commission vote in favor thereof. 30663

7. Guidelines and voting requirements for all other decisions 30664
of the commission shall be established in the commission's bylaws. 30665

Article V. Bylaws 30666

The commission shall, by a majority vote of all the members 30667
of the commission, prescribe bylaws to govern its conduct as may 30668
be necessary or appropriate to carry out the purposes, and 30669
exercise the powers, of the compact, including, but not limited 30670
to: 30671

1. Establishing the fiscal year of the commission; 30672

2. Providing reasonable procedures for appointing and 30673
electing members, as well as holding meetings, of the management 30674
committee; 30675

3. Providing reasonable standards and procedures: 30676

a. For the establishment and meetings of other committees; 30677

b. Governing any general or specific delegation of any 30678
authority or function of the commission; and 30679

c. Voting guidelines and procedures for commission decisions. 30680

4. Providing reasonable procedures for calling and conducting 30681
meetings of the commission that shall consist of requiring a 30682
quorum to be present, ensuring reasonable advance notice of each 30683
such meeting and providing for the right of citizens to attend 30684
each such meeting with enumerated exceptions designed to protect 30685
the public's interest and the privacy of individuals. 30686

5. Providing a list of matters about which the commission may 30687
go into executive session and requiring a majority of all members 30688
of the commission vote to enter into such session. As soon as 30689
practicable, the commission shall make public: 30690

a. A copy of the vote to go into executive session, revealing 30691

the vote of each member with no proxy votes allowed; and 30692

b. The matter requiring executive session, without 30693
identifying the actual issues or individuals involved. 30694

6. Establishing the titles, duties, authority, and reasonable 30695
procedures for the election of the officers of the commission; 30696

7. Providing reasonable standards and procedures for the 30697
establishment of the personnel policies and programs of the 30698
commission. Notwithstanding any civil service or other similar 30699
laws of any compacting state, the commission's bylaws shall 30700
exclusively govern the personnel policies and programs of the 30701
commission; 30702

8. Allowing a mechanism for: 30703

a. The federal government to join as a compacting state; and 30704

b. Foreign countries or subdivisions of those countries to 30705
join as liaison members by adopting the compact; provided that 30706
adopting countries or subdivisions shall not have voting power or 30707
the power to bind the commission in any way. 30708

9. Adopting a code of ethics to address permissible and 30709
prohibited activities of members and employees; 30710

10. Providing for the maintenance of the commission's books 30711
and records; 30712

11. Governing the acceptance of and accounting for donations, 30713
annual member dues, and other sources of funding and establishing 30714
the proportion of these funds to be allocated to prize amounts for 30715
treatments and therapeutic protocols that cure disease; 30716

12. Governing any fund raising efforts in which the 30717
commission wishes to engage; and 30718

13. Providing a mechanism for winding up the operations of 30719
the commission and the equitable disposition of any surplus funds 30720
that may exist after the termination of the compact after the 30721

<u>payment and reserving of all its debts and obligations.</u>	30722
<u>Article VI. Rules</u>	30723
<u>1. The commission shall adopt rules to do the following:</u>	30724
<u>a. Effectively and efficiently achieve the purposes of this compact;</u>	30725 30726
<u>b. Govern the methods, processes, and any other aspect of the research, creation, and testing of a treatment or therapeutic protocol for each disease for which a prize may be awarded.</u>	30727 30728 30729
<u>2. The commission shall also adopt rules establishing the criteria for defining and classifying the diseases for which prizes shall be awarded. The commission may define and classify subsets of diseases, for example, tubular carcinoma of the breast. For purposes of sections 3.a. and c. of this article, a subset of a disease shall be considered one disease. The commission may consult the most recent edition of the international classification of disease as published by the world health organization or other definitions agreed to by a two-thirds vote of the commission.</u>	30730 30731 30732 30733 30734 30735 30736 30737 30738 30739
<u>3. The commission shall also adopt rules regarding prizes for curing diseases that establish the following:</u>	30740 30741
<u>a. At least ten major diseases for which to create prizes, which shall be determined based on the following factors:</u>	30742 30743
<u>i. The severity of the disease to a human individual's overall health and well-being;</u>	30744 30745
<u>ii. The survival rate or severity of impact of the disease;</u>	30746
<u>iii. The public health expenses and treatment expenses for the disease.</u>	30747 30748
<u>b. The criteria a treatment or therapeutic protocol must meet in order to be considered a cure for any of the diseases for which a prize may be awarded, which shall include the following</u>	30749 30750 30751

<u>requirements:</u>	30752
<u>i. It must be approved by the federal Food and Drug</u>	30753
<u>Administration or have otherwise obtained legal status for the</u>	30754
<u>compact to immediately contract to manufacture and distribute in</u>	30755
<u>the United States;</u>	30756
<u>ii. Except as provided in section 4. of this article, it must</u>	30757
<u>yield a significant increase in survival with respect to the</u>	30758
<u>diseases if early death is the usual outcome;</u>	30759
<u>iii. It requires less than one year of the treatment or</u>	30760
<u>protocol to completely cure the disease.</u>	30761
<u>c. The procedure for determining the diseases for which to</u>	30762
<u>award prizes, which includes the option to award prizes for more</u>	30763
<u>than ten diseases that meet the above criteria, if agreed to by</u>	30764
<u>two-thirds vote of the commission, and a requirement to update the</u>	30765
<u>list every three years.</u>	30766
<u>d. The submission and evaluation procedures and guidelines,</u>	30767
<u>including filing and review procedures, a requirement that the</u>	30768
<u>person or entity submitting the cure bears the burden of proof in</u>	30769
<u>demonstrating that the treatment or therapeutic protocol meets the</u>	30770
<u>above criteria, and limitations preventing public access to</u>	30771
<u>treatment or protocol submissions.</u>	30772
<u>e. The estimated five-year public health savings that would</u>	30773
<u>result from a cure, which shall be equal to the five-year public</u>	30774
<u>health expenses for each disease in each compacting state, and a</u>	30775
<u>procedure to update these expenses every three years in</u>	30776
<u>conjunction with the requirements in section 3.c. of this article.</u>	30777
<u>The estimated five-year public health savings amount shall be</u>	30778
<u>calculated, estimated, and publicized every three years by</u>	30779
<u>actuaries employed or contracted by the commission.</u>	30780
<u>f. The prize amount with respect to cures for each disease,</u>	30781
<u>which shall be equal to the most recent estimated total five-year</u>	30782

savings in public health expenses for the disease as calculated in 30783
section 3.e. of this article in all of the compacting states; 30784
amounts donated by charities, individuals, and any other entities 30785
intended for the prize under Article I of the compact; and any 30786
other factors that the commission deems appropriate. 30787

g. The prize distribution procedures and guidelines, which 30788
shall include the following requirements: 30789

i. Upon acceptance of a cure, the prize winner shall transfer 30790
to the commission the patent and all related intellectual property 30791
for the manufacture and distribution of the treatment or 30792
therapeutic protocol in exchange for the prize, except in the case 30793
that the prize money is considered by the commission to be too 30794
low, and that a prize will be awarded only to the first person or 30795
entity that submits a successful cure for a disease for which a 30796
prize may be awarded. 30797

ii. Donation amounts intended for the prize shall be kept in 30798
a separate, interest-bearing account maintained by the commission. 30799
This account shall be the only account in which prize money is 30800
kept. 30801

iii. Each compacting state shall have the responsibility to 30802
pay annually the compacting state's actual one-year savings in 30803
public health expenses for the particular disease for which a cure 30804
has been accepted. The compacting state shall make such an annual 30805
payment until it has fulfilled its prize responsibility as 30806
established in section 3.f. of this article. Each compacting 30807
state's payment responsibility begins one year after the date the 30808
cure becomes widely available. The commission shall employ or 30809
contract with actuaries to calculate each state's actual one-year 30810
savings in public health expenses at the end of each year to 30811
determine each state's responsibility for the succeeding year. 30812

iv. Compacting states may meet prize responsibilities by any 30813

method including the issuance of bonds or other obligations, with 30814
the principal and interest of those bonds or obligations to be 30815
repaid only from revenue derived from estimated public health 30816
expense savings from a cure to a disease. If the compacting state 30817
does not make such revenue available to repay some or all of the 30818
revenue bonds or obligations issued, the owners or holders of 30819
those bonds or obligations have no right to have excises or taxes 30820
levied to pay the principal or interest on them. The revenue bonds 30821
and obligations are not a debt of the issuing compacting state. 30822

v. A compacting state may issue bonds or other debt that are 30823
general obligations, under which the full faith and credit, 30824
revenue, and taxing power of the state is pledged to pay the 30825
principal and interest under those obligations, only if authorized 30826
by the compacting state's constitution or, if constitutional 30827
authorization is not required, by other law of the compacting 30828
state. 30829

vi. Upon acceptance of a cure, the commission shall obtain a 30830
loan from a financial institution in an amount equal to the most 30831
recently calculated total estimated five-year public health 30832
expenses for the disease in all compacting states, in accordance 30833
with section 3.f. of this article. The commission reserves the 30834
right to continuously evaluate the cure in the interim and rescind 30835
a prize offer if the commission finds that the cure no longer 30836
meets the commission's criteria. 30837

4. The commission may award a prize for a treatment or 30838
therapeutic protocol that yields a survival rate that is less than 30839
what is established in the cure criteria through at least five 30840
years after the treatment or protocol has ended. In that case, the 30841
prize amount awarded for that treatment or therapeutic protocol 30842
shall be reduced from the prize amount originally determined by 30843
the commission for a cure for that disease. The reduction shall be 30844
in proportion to the survival rate yielded by that treatment or 30845

protocol as compared to the survival rate established in the cure 30846
criteria. 30847

5. The commission also shall adopt rules that do the 30848
following: 30849

a. Establish the following regarding commission records: 30850

i. Conditions and procedures for public inspection and 30851
copying of its information and official records, except such 30852
information and records involving the privacy of individuals or 30853
would otherwise violate privacy laws under federal law and the 30854
laws of the compacting states; 30855

ii. Procedures for sharing with federal and state agencies, 30856
including law enforcement agencies, records and information 30857
otherwise exempt from disclosure; 30858

iii. Guidelines for entering into agreements with federal and 30859
state agencies to receive or exchange information or records 30860
subject to nondisclosure and confidentiality provisions. 30861

b. Provide a process for commission review of submitted 30862
treatments and therapeutic protocols for curing diseases that 30863
includes the following: 30864

i. An opportunity for an appeal, not later than thirty days 30865
after a rejection of a treatment or protocol for prize 30866
consideration, to a review panel established under the 30867
commission's dispute resolution process; 30868

ii. Commission monitoring and review of treatment and 30869
protocol effectiveness consistent with the cure criteria 30870
established by the commission for the particular disease; 30871

iii. Commission reconsideration, modification, or withdrawal 30872
of approval of a treatment or protocol for prize consideration for 30873
failure to continue to meet the cure criteria established by the 30874
commission for the particular disease. 30875

c. Establish a dispute resolution process to resolve disputes 30876
or other issues under the compact that may arise between two or 30877
more compacting states or between the commission and individuals 30878
or entities who submit treatments and therapeutic protocols to 30879
cure diseases, which process shall provide for: 30880

i. Administrative review by a review panel appointed by the 30881
commission; 30882

ii. Judicial review of decisions issued after an 30883
administrative review; and 30884

iii. Qualifications to be appointed to a panel, due process 30885
requirements, including notice and hearing procedures, and any 30886
other procedure, requirement, or standard necessary to provide 30887
adequate dispute resolution. 30888

d. Establish and impose annual member dues on compacting 30889
states, which shall be calculated based on the percentage of each 30890
compacting state's population in relation to the population of all 30891
the compacting states. 30892

6. Recognizing that the goal of the compact is to pool the 30893
potential savings of as many states and countries as possible to 30894
generate sufficient financial incentive to develop a cure for many 30895
of the world's most devastating diseases, the compact will respect 30896
the laws of each of these United States by adopting rules that 30897
establish ethical standards for research that shall be followed in 30898
order for a prize to be claimed. The compact, in the rules, shall 30899
establish a common set of ethical standards that embodies the laws 30900
and restrictions in each of the states so that to be eligible for 30901
claiming a prize the entity submitting a cure must not have 30902
violated any of the ethical standards in any one of the fifty 30903
states, whether the states have joined the compact or not. The 30904
compact will publish these common ethical standards along with the 30905
specific criteria for a cure for each of the diseases the compact 30906

has targeted. 30907

So long as a researcher follows the common ethical standards 30908
in effect at the time the research is done, an entity presenting a 30909
cure will be deemed to have followed the standards. On or before 30910
January 1 of each year, the compact shall review all state laws to 30911
determine if additional ethical standards have been enacted by any 30912
of the fifty states and the federal government. Any changes to the 30913
common ethical standards rules based on new state laws shall be 30914
adopted and published by the compact, but shall not take effect in 30915
cure criteria for a period of three years to allow for sufficient 30916
notice to researchers. 30917

7. All rules may be amended as the commission sees necessary. 30918

8. All rules shall be adopted pursuant to a rule-making 30919
process that conforms to the model state administrative procedure 30920
act of 1981 by the uniform law commissioners, as amended, as may 30921
be appropriate to the operations of the commission. 30922

9. In the event the commission exercises its rule-making 30923
authority in a manner that is beyond the scope of the purpose of 30924
this compact, or the powers granted hereunder, then such rule 30925
shall be invalid and have no force and effect. 30926

Article VII. Committees 30927

1. Management Committee 30928

a. The commission may establish a management committee 30929
comprised of not more than fourteen members when twenty-six states 30930
enact the compact. 30931

b. The committee shall consist of those members representing 30932
compacting states whose total public health expenses of all of the 30933
established diseases are the highest. 30934

c. The committee shall have such authority and duties as may 30935
be set forth in the commission's bylaws and rules, including: 30936

<u>i. Managing authority over the day-to-day affairs of the</u>	30937
<u>commission in a manner consistent with the commission's bylaws and</u>	30938
<u>rules and the purposes of the compact;</u>	30939
<u>ii. Overseeing the offices of the commission; and</u>	30940
<u>iii. Planning, implementing, and coordinating communications</u>	30941
<u>and activities with state, federal, and local government</u>	30942
<u>organizations in order to advance the goals of the compact.</u>	30943
<u>d. The commission annually shall elect officers for the</u>	30944
<u>committee, with each having such authority and duties as may be</u>	30945
<u>specified in the commission's bylaws and rules.</u>	30946
<u>e. The management committee, subject to commission approval,</u>	30947
<u>may appoint or retain an executive director for such period, upon</u>	30948
<u>such terms and conditions, and for such compensation as the</u>	30949
<u>committee determines. The executive director shall serve as</u>	30950
<u>secretary to the commission, but shall not be a member of the</u>	30951
<u>commission. The executive director shall hire and supervise such</u>	30952
<u>other staff as may be authorized by the committee.</u>	30953
<u>2. Advisory Committees</u>	30954
<u>The commission may appoint advisory committees to monitor all</u>	30955
<u>operations related to the purposes of the compact and make</u>	30956
<u>recommendations to the commission; provided that the manner of</u>	30957
<u>selection and term of any committee member shall be as set forth</u>	30958
<u>in the commission's bylaws and rules. The commission shall consult</u>	30959
<u>with an advisory committee, to the extent required by the</u>	30960
<u>commission's bylaws or rules, before doing any of the following:</u>	30961
<u>a. Approving cure criteria;</u>	30962
<u>b. Amending, enacting, or repealing any bylaw or rule;</u>	30963
<u>c. Adopting the commission's annual budget;</u>	30964
<u>d. Addressing any other significant matter or taking any</u>	30965
<u>other significant action.</u>	30966

Article VIII. Finance

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1. The commission annually shall establish a budget to pay or provide for the payment of its reasonable expenses. To fund the cost of initial operations, the commission may accept contributions and other forms of funding from the compacting states and other sources. Contributions and other forms of funding from other sources shall be of such a nature that the independence of the commission concerning the performance of its duties shall not be compromised.

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2. The commission shall be exempt from all taxation in and by the compacting states.

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3. The commission shall keep complete and accurate accounts of all of its internal receipts, including grants and donations, and disbursements of all funds under its control. The internal financial accounts of the commission shall be subject to the accounting procedures established under the commission's bylaws or rules. The financial accounts and reports including the system of internal controls and procedures of the commission shall be audited annually by an independent certified public accountant. Upon the determination of the commission, but not less frequently than every three years, the review of the independent auditor shall include a management and performance audit of the commission. The commission shall make an annual report to the governors and legislatures of the compacting states, which shall include a report of the independent audit. The commission's internal accounts shall not be confidential and such materials may be shared with any compacting state upon request provided, however, that any work papers related to any internal or independent audit and any information subject to the compacting states' privacy laws, shall remain confidential.

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4. No compacting state shall have any claim or ownership of any property held by or vested in the commission or to any

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<u>commission funds held pursuant to the provisions of the compact.</u>	30999
<u>Article IX. Records</u>	31000
<u>Except as to privileged records, data, and information, the</u>	31001
<u>laws of any compacting state pertaining to confidentiality or</u>	31002
<u>nondisclosure shall not relieve any member of the duty to disclose</u>	31003
<u>any relevant records, data, or information to the commission;</u>	31004
<u>provided, that disclosure to the commission shall not be deemed to</u>	31005
<u>waive or otherwise affect any confidentiality requirement; and</u>	31006
<u>further provided, that, except as otherwise expressly provided in</u>	31007
<u>the compact, the commission shall not be subject to the compacting</u>	31008
<u>state's laws pertaining to confidentiality and nondisclosure with</u>	31009
<u>respect to records, data, and information in its possession.</u>	31010
<u>Confidential information of the commission shall remain</u>	31011
<u>confidential after such information is provided to any member. All</u>	31012
<u>cure submissions received by the commission are confidential.</u>	31013
<u>Article X. Compliance</u>	31014
<u>The commission shall notify a compacting state in writing of</u>	31015
<u>any noncompliance with commission bylaws and rules. If a</u>	31016
<u>compacting state fails to remedy its noncompliance within the time</u>	31017
<u>specified in the notice, the compacting state shall be deemed to</u>	31018
<u>be in default as set forth in Article XIV.</u>	31019
<u>Article XI. Venue</u>	31020
<u>Venue for any judicial proceedings by or against the</u>	31021
<u>commission shall be brought in the appropriate court of competent</u>	31022
<u>jurisdiction for the geographical area in which the principal</u>	31023
<u>office of the commission is located.</u>	31024
<u>Article XII. Qualified Immunity, Defense, and Indemnification</u>	31025
<u>1. The members, officers, executive director, employees, and</u>	31026
<u>representatives of the commission shall be immune from suit and</u>	31027
<u>liability, either personally or in their official capacity, for</u>	31028

any claim for damage to or loss of property or personal injury or 31029
other civil liability caused by or arising out of any actual or 31030
alleged act, error, or omission that occurred, or that such person 31031
had a reasonable basis for believing occurred within the scope of 31032
the person's commission employment, duties, or responsibilities; 31033
provided, that nothing in section 1. of this article shall be 31034
construed to protect any such person from suit or liability for 31035
any damage, loss, injury, or liability caused by the intentional 31036
or willful and wanton misconduct of that person. 31037

2. The commission shall defend any member, officer, executive 31038
director, employee, or representative of the commission in any 31039
civil action seeking to impose liability arising out of any actual 31040
or alleged act, error, or omission that occurred within the scope 31041
of the person's commission employment, duties, or 31042
responsibilities, or that such person had a reasonable basis for 31043
believing occurred within the scope of commission employment, 31044
duties, or responsibilities; provided, that nothing in the compact 31045
or commission bylaws or rules shall be construed to prohibit that 31046
person from retaining his or her own counsel; and provided 31047
further, that the actual or alleged act, error, or omission did 31048
not result from that person's intentional or willful and wanton 31049
misconduct. 31050

3. The commission shall indemnify and hold harmless any 31051
member, officer, executive director, employee, or representative 31052
of the commission for the amount of any settlement or judgment 31053
obtained against the person arising out of any actual or alleged 31054
act, error, or omission that occurred within the scope of the 31055
person's commission employment, duties, or responsibilities, or 31056
that such person had a reasonable basis for believing occurred 31057
within the scope of commission employment, duties, or 31058
responsibilities; provided, that the actual or alleged act, error, 31059
or omission, did not result from the intentional or willful and 31060

<u>wanton misconduct of that person.</u>	31061
<u>Article XIII. Compacting States, Effective Date, and</u>	31062
<u>Amendment</u>	31063
<u>1. Any state is eligible to become a compacting state.</u>	31064
<u>2. The compact shall become effective and binding upon</u>	31065
<u>legislative enactment of the compact into law by two compacting</u>	31066
<u>states; provided, the commission shall only be established after</u>	31067
<u>six states become compacting states. Thereafter, the compact shall</u>	31068
<u>become effective and binding as to any other compacting state upon</u>	31069
<u>enactment of the compact into law by that state.</u>	31070
<u>3. Amendments to the compact may be proposed by the</u>	31071
<u>commission for enactment by the compacting states. No amendment</u>	31072
<u>shall become effective and binding until all compacting states</u>	31073
<u>enact the amendment into law.</u>	31074
<u>Article XIV. Withdrawal, Default, and Expulsion</u>	31075
<u>1. Withdrawal</u>	31076
<u>a. Once effective, the compact shall continue in force and</u>	31077
<u>remain binding upon each and every compacting state; provided,</u>	31078
<u>that a compacting state may withdraw from the compact by doing</u>	31079
<u>both of the following:</u>	31080
<u>i. Repealing the law enacting the compact in that state;</u>	31081
<u>ii. Notifying the commission in writing of the intent to</u>	31082
<u>withdraw on a date that is both of the following:</u>	31083
<u>I. At least three years after the date the notice is sent;</u>	31084
<u>II. After the repeal takes effect.</u>	31085
<u>b. The effective date of withdrawal is the date described in</u>	31086
<u>section 1.a.ii. of this article.</u>	31087
<u>c. The member representing the withdrawing state shall</u>	31088
<u>immediately notify the management committee in writing upon the</u>	31089

<u>introduction of legislation in that state repealing the compact.</u>	31090
<u>If a management committee has not been established, the member</u>	31091
<u>shall immediately notify the commission.</u>	31092
<u>d. The commission or management committee, as applicable,</u>	31093
<u>shall notify the other compacting states of the introduction of</u>	31094
<u>such legislation within ten days after its receipt of notice</u>	31095
<u>thereof.</u>	31096
<u>e. The withdrawing state is responsible for all obligations,</u>	31097
<u>duties and liabilities incurred through the effective date of</u>	31098
<u>withdrawal, including any obligations, the performance of which</u>	31099
<u>extend beyond the effective date of withdrawal. The commission's</u>	31100
<u>actions shall continue to be effective and be given full force and</u>	31101
<u>effect in the withdrawing state.</u>	31102
<u>f. Reinstatement following a state's withdrawal shall become</u>	31103
<u>effective upon the effective date of the subsequent enactment of</u>	31104
<u>the compact by that state.</u>	31105
<u>2. Default</u>	31106
<u>a. If the commission determines that any compacting state has</u>	31107
<u>at any time defaulted in the performance of any of its obligations</u>	31108
<u>or responsibilities under the compact or the commission's bylaws</u>	31109
<u>or rules, then, after notice and hearing as set forth in the</u>	31110
<u>bylaws, all rights, privileges, and benefits conferred by this</u>	31111
<u>compact on the defaulting state shall be suspended from the</u>	31112
<u>effective date of default as fixed by the commission. The grounds</u>	31113
<u>for default include failure of a compacting state to perform its</u>	31114
<u>obligations or responsibilities, and any other grounds designated</u>	31115
<u>in commission rules. The commission shall immediately notify the</u>	31116
<u>defaulting state in writing of the suspension pending cure of the</u>	31117
<u>default. The commission shall stipulate the conditions and the</u>	31118
<u>time period within which the defaulting state shall cure its</u>	31119
<u>default. If the defaulting state fails to cure the default within</u>	31120

the time period specified by the commission, the defaulting state 31121
shall be expelled from the compact and all rights, privileges, and 31122
benefits conferred by the compact shall be terminated from the 31123
effective date of the expulsion. Any state that is expelled from 31124
the compact shall be liable for any cure prize or prizes for three 31125
years after its removal. The commission shall also take 31126
appropriate legal action to ensure that any compacting state that 31127
withdraws from the compact remains liable for paying its 31128
responsibility towards a prize for a cure that was accepted while 31129
the compacting state was a member of the commission. 31130

b. The expelled state must reenact the compact in order to 31131
become a compacting state. 31132

3. Dissolution of Compact 31133

a. The compact dissolves effective upon the date of either of 31134
the following: 31135

i. The withdrawal or expulsion of a compacting state, which 31136
withdrawal or expulsion reduces membership in the compact to one 31137
compacting state; 31138

ii. The commission votes to dissolve the compact. 31139

b. Upon the dissolution of the compact, the compact becomes 31140
null and void and shall be of no further force or effect, and the 31141
business and affairs of the commission shall be wound up and any 31142
surplus funds shall be distributed in accordance with the 31143
commission's bylaws, provided, that the commission shall pay all 31144
outstanding prizes awarded before the dissolution of the compact, 31145
as well as any other outstanding debts and obligations incurred 31146
during the existence of the compact. Any unawarded funds donated 31147
to be a part of a prize shall be returned to the donor, along with 31148
any interest earned on the amount. 31149

Article XV. Severability and Construction 31150

1. The provisions of the compact shall be severable; and if 31151
any phrase, clause, sentence, or provision is deemed 31152
unenforceable, the remaining provisions of the compact shall be 31153
enforceable. 31154

2. The provisions of the compact shall be liberally construed 31155
to effectuate its purposes. 31156

Article XVI. Binding Effect of Compact and Other Laws 31157

1. Other Laws: Nothing herein prevents the enforcement of any 31158
other law of a compacting state, except as provided in section 31159
2.b. of this article. 31160

2. Binding Effect of the Compact 31161

a. All lawful actions of the commission, including all 31162
commission rules, are binding upon the compacting states. 31163

b. All agreements between the commission and the compacting 31164
states are binding in accordance with their terms. 31165

c. Except to the extent authorized by the compacting state's 31166
constitution or, if constitutional authorization is not required, 31167
by other law of the compacting state, such state, by entering into 31168
the compact does not: 31169

i. Commit the full faith and credit or taxing power of the 31170
compacting state for the payment of prizes or other obligations 31171
under the compact; 31172

ii. Make prize payment responsibilities or other obligations 31173
under the compact a debt of the compacting state. 31174

d. Upon the request of a party to a conflict over the meaning 31175
or interpretation of commission actions, and upon a majority vote 31176
of the compacting states, the commission may issue advisory 31177
opinions regarding the meaning or interpretation in dispute. 31178

e. In the event any provision of the compact exceeds the 31179
constitutional limits imposed on any compacting state, the 31180

obligations, duties, powers or jurisdiction sought to be conferred 31181
by that provision upon the commission shall be ineffective as to 31182
that compacting state, and those obligations, duties, powers, or 31183
jurisdiction shall remain in the compacting state and shall be 31184
exercised by the agency thereof to which those obligations, 31185
duties, powers, or jurisdiction are delegated by law in effect at 31186
the time the compact becomes effective. 31187

Sec. 3901.381. (A) Except as provided in sections 3901.382, 31188
3901.383, 3901.384, and 3901.386 of the Revised Code, a 31189
third-party payer shall process a claim for payment for health 31190
care services rendered by a provider to a beneficiary in 31191
accordance with this section. 31192

(B)(1) Unless division (B)(2) or (3) of this section applies, 31193
when a third-party payer receives from a provider or beneficiary a 31194
claim on the standard claim form prescribed in rules adopted by 31195
the superintendent of insurance under section 3902.22 of the 31196
Revised Code, the third-party payer shall pay or deny the claim 31197
not later than thirty days after receipt of the claim. When a 31198
third-party payer denies a claim, the third-party payer shall 31199
notify the provider and the beneficiary. The notice shall state, 31200
with specificity, why the third-party payer denied the claim. 31201

(2)(a) Unless division (B)(3) of this section applies, when a 31202
provider or beneficiary has used the standard claim form, but the 31203
third-party payer determines that reasonable supporting 31204
documentation is needed to establish the third-party payer's 31205
responsibility to make payment, the third-party payer shall pay or 31206
deny the claim not later than forty-five days after receipt of the 31207
claim. Supporting documentation includes the verification of 31208
employer and beneficiary coverage under a benefits contract, 31209
confirmation of premium payment, medical information regarding the 31210
beneficiary and the services provided, information on the 31211

responsibility of another third-party payer to make payment or 31212
confirmation of the amount of payment by another third-party 31213
payer, and information that is needed to correct material 31214
deficiencies in the claim related to a diagnosis or treatment or 31215
the provider's identification. 31216

Not later than thirty days after receipt of the claim, the 31217
third-party payer shall notify all relevant external sources that 31218
the supporting documentation is needed. All such notices shall 31219
state, with specificity, the supporting documentation needed. If 31220
the notice was not provided in writing, the provider, beneficiary, 31221
or third-party payer may request the third-party payer to provide 31222
the notice in writing, and the third-party payer shall then 31223
provide the notice in writing. If any of the supporting 31224
documentation is under the control of the beneficiary, the 31225
beneficiary shall provide the supporting documentation to the 31226
third-party payer. 31227

The number of days that elapse between the third-party 31228
payer's last request for supporting documentation within the 31229
thirty-day period and the third-party payer's receipt of all of 31230
the supporting documentation that was requested shall not be 31231
counted for purposes of determining the third-party payer's 31232
compliance with the time period of not more than forty-five days 31233
for payment or denial of a claim. Except as provided in division 31234
(B)(2)(b) of this section, if the third-party payer requests 31235
additional supporting documentation after receiving the initially 31236
requested documentation, the number of days that elapse between 31237
making the request and receiving the additional supporting 31238
documentation shall be counted for purposes of determining the 31239
third-party payer's compliance with the time period of not more 31240
than forty-five days. 31241

(b) If a third-party payer determines, after receiving 31242
initially requested documentation, that it needs additional 31243

supporting documentation pertaining to a beneficiary's preexisting 31244
condition, which condition was unknown to the third-party payer 31245
and about which it was reasonable for the third-party payer to 31246
have no knowledge at the time of its initial request for 31247
documentation, and the third-party payer subsequently requests 31248
this additional supporting documentation, the number of days that 31249
elapse between making the request and receiving the additional 31250
supporting documentation shall not be counted for purposes of 31251
determining the third-party payer's compliance with the time 31252
period of not more than forty-five days. 31253

(c) When a third-party payer denies a claim, the third-party 31254
payer shall notify the provider and the beneficiary. The notice 31255
shall state, with specificity, why the third-party payer denied 31256
the claim. 31257

(d) If a third-party payer determines that supporting 31258
documentation related to medical information is routinely 31259
necessary to process a claim for payment of a particular health 31260
care service, the third-party payer shall establish a description 31261
of the supporting documentation that is routinely necessary and 31262
make the description available to providers in a readily 31263
accessible format. 31264

Third-party payers and providers shall, in connection with a 31265
claim, use the most current CPT code in effect, as published by 31266
the American medical association, the most current ICD-10 code in 31267
effect, as published by the United States department of health and 31268
human services, the most current CDT code in effect, as published 31269
by the American dental association, or the most current HCPCS code 31270
in effect, as published by the United States ~~health care financing~~ 31271
~~administration~~ centers for medicare and medicaid services. 31272

(3) When a provider or beneficiary submits a claim by using 31273
the standard claim form prescribed in the superintendent's rules, 31274
but the information provided in the claim is materially deficient, 31275

the third-party payer shall notify the provider or beneficiary not 31276
later than fifteen days after receipt of the claim. The notice 31277
shall state, with specificity, the information needed to correct 31278
all material deficiencies. Once the material deficiencies are 31279
corrected, the third-party payer shall proceed in accordance with 31280
division (B)(1) or (2) of this section. 31281

It is not a violation of the notification time period of not 31282
more than fifteen days if a third-party payer fails to notify a 31283
provider or beneficiary of material deficiencies in the claim 31284
related to a diagnosis or treatment or the provider's 31285
identification. A third-party payer may request the information 31286
necessary to correct these deficiencies after the end of the 31287
notification time period. Requests for such information shall be 31288
made as requests for supporting documentation under division 31289
(B)(2) of this section, and payment or denial of the claim is 31290
subject to the time periods specified in that division. 31291

(C) For purposes of this section, if a dispute exists between 31292
a provider and a third-party payer as to the day a claim form was 31293
received by the third-party payer, both of the following apply: 31294

(1) If the provider or a person acting on behalf of the 31295
provider submits a claim directly to a third-party payer by mail 31296
and retains a record of the day the claim was mailed, there exists 31297
a rebuttable presumption that the claim was received by the 31298
third-party payer on the fifth business day after the day the 31299
claim was mailed, unless it can be proven otherwise. 31300

(2) If the provider or a person acting on behalf of the 31301
provider submits a claim directly to a third-party payer 31302
electronically, there exists a rebuttable presumption that the 31303
claim was received by the third-party payer twenty-four hours 31304
after the claim was submitted, unless it can be proven otherwise. 31305

(D) Nothing in this section requires a third-party payer to 31306

provide more than one notice to an employer whose premium for 31307
coverage of employees under a benefits contract has not been 31308
received by the third-party payer. 31309

(E) Compliance with the provisions of division (B)(3) of this 31310
section shall be determined separately from compliance with the 31311
provisions of divisions (B)(1) and (2) of this section. 31312

(F) A third-party payer shall transmit electronically any 31313
payment with respect to claims that the third-party payer receives 31314
electronically and pays to a contracted provider under this 31315
section and under sections 3901.383, 3901.384, and 3901.386 of the 31316
Revised Code. A provider shall not refuse to accept a payment made 31317
under this section or sections 3901.383, 3901.384, and 3901.386 of 31318
the Revised Code on the basis that the payment was transmitted 31319
electronically. 31320

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of 31321
the Revised Code do not apply to the following: 31322

(A) Policies offering coverage that is regulated under 31323
Chapters 3935. and 3937. of the Revised Code; 31324

(B) An employer's self-insurance plan and any of its 31325
administrators, as defined in section 3959.01 of the Revised Code, 31326
to the extent that federal law supersedes, preempts, prohibits, or 31327
otherwise precludes the application of any provisions of those 31328
sections to the plan and its administrators; 31329

(C) A third-party payer for coverage provided under the 31330
medicare advantage program operated under Title XVIII of the 31331
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 31332
amended; 31333

(D) A third-party payer for coverage provided under the 31334
medicaid program, ~~except that if a federal waiver applied for~~ 31335
~~under section 5167.25 of the Revised Code is granted or the~~ 31336

~~medicaid director determines that this provision can be~~ 31337
~~implemented without a waiver, sections 3901.38 and 3901.381 to~~ 31338
~~3901.3813 of the Revised Code apply to claims submitted~~ 31339
~~electronically or non-electronically that are made with respect to~~ 31340
~~coverage of medicaid recipients by health insuring corporations~~ 31341
~~licensed under Chapter 1751. of the Revised Code, instead of the~~ 31342
~~prompt payment requirements of 42 C.F.R. 447.46;~~ 31343

(E) A third-party payer for coverage provided under the 31344
tricare program offered by the United States department of 31345
defense. 31346

Sec. 3901.95. A direct primary care agreement that meets all 31347
of the following shall not be considered insurance and nothing in 31348
Title XXXIX of the Revised Code shall apply to such an agreement: 31349

(A) It is in writing. 31350

(B) It is between a patient, or that patient's legal 31351
representative, and a health care provider and is related to 31352
services to be provided in exchange for the payment of a fee to be 31353
paid on a periodic basis. 31354

(C) It allows either party to terminate the agreement as 31355
specified in the agreement. 31356

(D) It requires termination to be accomplished through 31357
written notification. 31358

(E) It permits termination to take effect immediately upon 31359
the other party's receipt of the notification or not more than 31360
sixty days after the other party's receipt of the notification. 31361

(F) It does not impose a termination penalty or require 31362
payment of a termination fee. 31363

(G) It describes the health care services to be provided 31364
under the agreement and the basis on which a periodic fee is to be 31365
paid in exchange for those services. 31366

<u>(H) It specifies the periodic fee required and any additional fees that may be charged.</u>	31367 31368
<u>(I) It authorizes the periodic fee and any additional fees to be paid by a third party.</u>	31369 31370
<u>(J) It prohibits the health services provider from charging or receiving any fee other than the fees prescribed in the agreement for those services prescribed in the agreement.</u>	31371 31372 31373
<u>(K) It conspicuously and prominently states that the agreement is not health insurance and does not meet any individual health insurance mandate that may be required under federal law.</u>	31374 31375 31376
<u>Sec. 3902.31. (A) As used in this section:</u>	31377
<u>(1) "Pay in full" means paying for a health service in its entirety without cost-sharing on the part of a third-party payer. "Pay in full" includes payment made under a deductible requirement.</u>	31378 31379 31380 31381
<u>(2) "Third-party payer" and "provider" have the same meanings as in section 3901.38 of the Revised Code.</u>	31382 31383
<u>(B)(1) Subject to division (C) of this section, a provision in a contract entered into between a third-party payer and a provider is void and against public policy if it does either of the following:</u>	31384 31385 31386 31387
<u>(a) Establishes a minimum amount that the provider is required to charge an individual for a health service when that individual pays in full for the service;</u>	31388 31389 31390
<u>(b) Prohibits a provider from advertising the provider's rates for a service.</u>	31391 31392
<u>(2) Division (B)(1)(b) of this section shall not be construed as prohibiting a provision in a contract between a provider and a third-party payer that prohibits a provider from disclosing or</u>	31393 31394 31395

advertising contractually agreed upon reimbursement rates for 31396
providers. 31397

(C)(1) This section shall apply to all new contracts between 31398
a third-party payer and a provider entered into on or after the 31399
effective date of this section. 31400

(2) For existing contracts, this section shall apply on the 31401
earlier of either of the following: 31402

(a) Three years after the effective date of this section; 31403

(b) The expiration date of the contract or renewal of the 31404
contract. 31405

Sec. 3902.50. (A) As used in sections 3902.50 and 3902.51 of 31406
the Revised Code: 31407

(1) "Covered person," "health benefit plan," "health care 31408
services," and "health plan issuer" have the same meanings as in 31409
section 3922.01 of the Revised Code. 31410

(2) "Emergency facility" has the same meaning as in section 31411
3701.74 of the Revised Code. 31412

(3) "Emergency services" means all of the following as 31413
described in 42 U.S.C. 1395dd: 31414

(a) Medical screening examinations undertaken to determine 31415
whether an emergency medical condition exists; 31416

(b) Treatment necessary to stabilize an emergency medical 31417
condition; 31418

(c) Appropriate transfers undertaken prior to an emergency 31419
medical condition being stabilized. 31420

(4) "Health care practitioner" has the same meaning as in 31421
section 3901.74 of the Revised Code. 31422

(B) A health plan issuer shall reimburse an out-of-network 31423

health care practitioner for emergency services when the services 31424
are provided to a covered person at a hospital that is in the 31425
covered person's health benefit plan provider network. 31426

(C) The reimbursement required under division (B) of this 31427
section shall be the greater of the health benefit plan's 31428
in-network reimbursement rate or out-of-network reimbursement 31429
rate. 31430

(D) A health plan issuer shall not require cost-sharing for 31431
any service described in division (B) of this section from the 31432
covered person at a rate higher than if the services were provided 31433
by an in-network health care practitioner. 31434

(E) For health care services, other than emergency services, 31435
that are covered under a health benefit plan but are provided by 31436
an out-of-network health care practitioner at an in-network 31437
hospital, all of the following apply: 31438

(1) The health care practitioner shall not bill the covered 31439
person for the difference between the health plan issuer's 31440
out-of-network reimbursement and the practitioner's charge for the 31441
services unless all of the following conditions are met: 31442

(a) The health care practitioner informs the covered person 31443
that the practitioner is not in the person's health benefit plan 31444
network. 31445

(b) The health care practitioner provides to the covered 31446
person a good faith estimate of the cost of the services, 31447
including the practitioner's charge, the estimated reimbursement 31448
by the health plan issuer, and the covered person's 31449
responsibility. The estimate shall contain a disclaimer that the 31450
covered person is not required to obtain the health care service 31451
at that location or from that practitioner. 31452

(c) The covered person affirmatively consents to receive the 31453
services. 31454

(2) The health plan issuer may reimburse the health care practitioner at either the in-network or out-of-network rate as described in the covered person's health benefit plan. 31455
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Sec. 3902.51. (A) The superintendent of insurance shall adopt by rule alternative dispute resolution procedures and guidelines for complaints brought by health care practitioners against health plan issuers relating to reimbursement under section 3902.50 of the Revised Code. The superintendent shall require that mediation be attempted prior to arbitration. 31458
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(B) A health care practitioner may request alternative dispute resolution if it believes that the health plan issuer's offer of reimbursement is less than the amount the issuer would reimburse an in-network practitioner in the same or similar specialty in the same geographic area. 31464
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Sec. 3923.87. Each sickness and accident insurer or public employee benefit plan shall comply with the requirements of section 3959.20 of the Revised Code as they pertain to health plan issuers. 31469
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As used in this section, "health plan issuer" has the same meaning as in section 3922.01 of the Revised Code. 31473
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Sec. 3959.01. (A) "Administration fees" means any amount charged a covered person for services rendered. "Administration fees" includes commissions earned or paid by any person relative to services performed by an administrator. 31475
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(B) "Administrator" means any person who adjusts or settles claims on, residents of this state in connection with life, dental, health, prescription drugs, or disability insurance or self-insurance programs. "Administrator" includes a pharmacy benefit manager. "Administrator" does not include any of the 31479
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following:	31484
(1) An insurance agent or solicitor licensed in this state	31485
whose activities are limited exclusively to the sale of insurance	31486
and who does not provide any administrative services;	31487
(2) Any person who administers or operates the workers'	31488
compensation program of a self-insuring employer under Chapter	31489
4123. of the Revised Code;	31490
(3) Any person who administers pension plans for the benefit	31491
of the person's own members or employees or administers pension	31492
plans for the benefit of the members or employees of any other	31493
person;	31494
(4) Any person that administers an insured plan or a	31495
self-insured plan that provides life, dental, health, or	31496
disability benefits exclusively for the person's own members or	31497
employees;	31498
(5) Any health insuring corporation holding a certificate of	31499
authority under Chapter 1751. of the Revised Code or an insurance	31500
company that is authorized to write life or sickness and accident	31501
insurance in this state.	31502
(C) "Aggregate excess insurance" means that type of coverage	31503
whereby the insurer agrees to reimburse the insured employer or	31504
trust for all benefits or claims paid during an agreement period	31505
on behalf of all covered persons under the plan or trust which	31506
exceed a stated deductible amount and subject to a stated maximum.	31507
(D) "Contracted pharmacy" or "pharmacy" means a pharmacy	31508
located in this state participating in either the network of a	31509
pharmacy benefit manager or in a health care or pharmacy benefit	31510
plan through a direct contract or through a contract with a	31511
pharmacy services administration organization, group purchasing	31512
organization, or another contracting agent.	31513

(E) "Contributions" means any amount collected from a covered person to fund the self-insured portion of any plan in accordance with the plan's provisions, summary plan descriptions, and contracts of insurance.

(F) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee.

(G) "Fiduciary" has the meaning set forth in section 1002(21)(A) of the "Employee Retirement Income Security Act of 1974," 88 Stat. 829, 29 U.S.C. 1001, as amended.

(H) "Fiscal year" means the twelve-month accounting period commencing on the date the plan is established and ending twelve months following that date, and each corresponding twelve-month accounting period thereafter as provided for in the summary plan description.

(I) "Insurer" means an entity authorized to do the business of insurance in this state or, for the purposes of this section, a health insuring corporation authorized to issue health care plans in this state.

(J) "Managed care organization" means an entity that provides medical management and cost containment services and includes a medicaid managed care organization, as defined in section 5167.01 of the Revised Code.

(K) "Maximum allowable cost" means a maximum drug product reimbursement for an individual drug or for a group of therapeutically and pharmaceutically equivalent multiple source drugs that are listed in the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, commonly referred to as the orange book.

(L) "Maximum allowable cost list" means a list of the drugs

for which a pharmacy benefit manager imposes a maximum allowable 31545
cost. 31546

(M) "Multiple employer welfare arrangement" has the same 31547
meaning as in section 1739.01 of the Revised Code. 31548

(N) "Pharmacy benefit manager" means an entity that contracts 31549
with pharmacies on behalf of an employer, a multiple employer 31550
welfare arrangement, public employee benefit plan, state agency, 31551
insurer, managed care organization, or other third-party payer to 31552
provide pharmacy health benefit services or administration. 31553
"Pharmacy benefit manager" includes the state pharmacy benefit 31554
manager under section 125.93 of the Revised Code. 31555

(O) "Plan" means any arrangement in written form for the 31556
payment of life, dental, health, or disability benefits to covered 31557
persons defined by the summary plan description and includes a 31558
drug benefit plan administered by a pharmacy benefit manager. 31559

(P) "Plan sponsor" means the person who establishes the plan. 31560

(Q) "Self-insurance program" means a program whereby an 31561
employer provides a plan of benefits for its employees without 31562
involving an intermediate insurance carrier to assume risk or pay 31563
claims. "Self-insurance program" includes but is not limited to 31564
employer programs that pay claims up to a prearranged limit beyond 31565
which they purchase insurance coverage to protect against 31566
unpredictable or catastrophic losses. 31567

(R) "Specific excess insurance" means that type of coverage 31568
whereby the insurer agrees to reimburse the insured employer or 31569
trust for all benefits or claims paid during an agreement period 31570
on behalf of a covered person in excess of a stated deductible 31571
amount and subject to a stated maximum. 31572

(S) "Summary plan description" means the written document 31573
adopted by the plan sponsor which outlines the plan of benefits, 31574
conditions, limitations, exclusions, and other pertinent details 31575

relative to the benefits provided to covered persons thereunder. 31576

(T) "Third-party payer" has the same meaning as in section 31577
3901.38 of the Revised Code. 31578

Sec. 3959.12. (A) Any license issued under sections 3959.01 31579
to 3959.16 of the Revised Code may be suspended for a period not 31580
to exceed two years, revoked, or not renewed by the superintendent 31581
of insurance after notice to the licensee and hearing in 31582
accordance with Chapter 119. of the Revised Code. The 31583
superintendent may suspend, revoke, or refuse to renew a license 31584
if upon investigation and proof the superintendent finds that the 31585
licensee has done any of the following: 31586

(1) Knowingly violated any provision of sections 3959.01 to 31587
3959.16 or 3959.20 of the Revised Code or any rule promulgated by 31588
the superintendent; 31589

(2) Knowingly made a material misstatement in the application 31590
for the license; 31591

(3) Obtained or attempted to obtain a license through 31592
misrepresentation or fraud; 31593

(4) Misappropriated or converted to the licensee's own use or 31594
improperly withheld insurance company premiums or contributions 31595
held in a fiduciary capacity, excluding, however, any interest 31596
earnings received by the administrator as disclosed in writing by 31597
the administrator to the plan sponsor; 31598

(5) In the transaction of business under the license, used 31599
fraudulent, coercive, or dishonest practices; 31600

(6) Failed to appear without reasonable cause or excuse in 31601
response to a subpoena, examination, warrant, or other order 31602
lawfully issued by the superintendent; 31603

(7) Is affiliated with or under the same general management 31604
or interlocking directorate or ownership of another administrator 31605

that transacts business in this state and is not licensed under 31606
sections 3959.01 to 3959.16 of the Revised Code; 31607

(8) Had a license suspended, revoked, or not renewed in any 31608
other state, district, territory, or province on grounds identical 31609
to those stated in sections 3959.01 to 3959.16 of the Revised 31610
Code; 31611

(9) Been convicted of a financially related felony; 31612

(10) Failed to report a felony conviction as required under 31613
section 3959.13 of the Revised Code. 31614

(B) Upon receipt of notice of the order of suspension in 31615
accordance with section 119.07 of the Revised Code, the licensee 31616
shall promptly deliver the license to the superintendent, unless 31617
the order of suspension is appealed under section 119.12 of the 31618
Revised Code. 31619

(C) Any person whose license is revoked or whose application 31620
is denied pursuant to sections 3959.01 to 3959.16 of the Revised 31621
Code is ineligible to apply for an administrators license for two 31622
years. 31623

(D) The superintendent may impose a monetary fine against a 31624
licensee if, upon investigation and after notice and opportunity 31625
for hearing in accordance with Chapter 119. of the Revised Code, 31626
the superintendent finds that the licensee has done either of the 31627
following: 31628

(1) Committed fraud or engaged in any illegal or dishonest 31629
activity in connection with the administration of pharmacy benefit 31630
management services; 31631

(2) Violated any provision of section 3959.111 of the Revised 31632
Code or any rule adopted by the superintendent pursuant to or to 31633
implement that section. 31634

Sec. 3959.20. (A) As used in this section: 31635

(1) "Cost-sharing" means the cost to an individual insured 31636
under a health benefit plan according to any coverage limit, 31637
copayment, coinsurance, deductible, or other out-of-pocket expense 31638
requirements imposed by the plan. 31639

(2) "Health benefit plan" and "health plan issuer" have the 31640
same meanings as in section 3922.01 of the Revised Code. 31641

(3) "Pharmacy audit" has the same meaning as in section 31642
3901.81 of the Revised Code. 31643

(4) "Pharmacy benefit manager" and "administrator" have the 31644
same meanings as in section 3959.01 of the Revised Code. 31645

(B) No health plan issuer, pharmacy benefit manager, or any 31646
other administrator shall require cost-sharing in an amount, or 31647
direct a pharmacy to collect cost-sharing in an amount, greater 31648
than the lesser of either of the following from an individual 31649
purchasing a prescription drug: 31650

(1) The amount an individual would pay for the drug if the 31651
drug were to be purchased without coverage under a health benefit 31652
plan; 31653

(2) The net reimbursement paid to the pharmacy for the 31654
prescription drug by the health plan issuer, pharmacy benefit 31655
manager, or administrator. 31656

(C)(1) No health plan issuer, pharmacy benefit manager, or 31657
administrator shall retroactively adjust a pharmacy claim for 31658
reimbursement for a prescription drug unless the adjustment is the 31659
result of either of the following: 31660

(a) A pharmacy audit conducted in accordance with sections 31661
3901.811 to 3901.814 of the Revised Code; 31662

(b) A technical billing error. 31663

(2) No health plan issuer, pharmacy benefit manager, or 31664
administrator shall charge a fee related to a claim unless the 31665

amount of the fee can be determined at the time of claim 31666
adjudication. 31667

(D) The department of insurance shall create a web form that 31668
consumers can use to submit complaints relating to violations of 31669
this section. 31670

Sec. 3962.01. As used in this chapter: 31671

(A) "Business day" means each day of the week except 31672
Saturday, Sunday, or a legal holiday as defined in section 1.14 of 31673
the Revised Code. 31674

(B) "Current procedural terminology code" or "CPT code" means 31675
the code assigned to a medical, surgical, or diagnostic product, 31676
service, or procedure that is published in the CPT code set 31677
published by the American medical association. 31678

(C) "Emergency service" has the same meaning as in section 31679
1753.28 of the Revised Code. 31680

(D) "Health plan issuer" has the same meaning as in section 31681
3922.01 of the Revised Code. 31682

(E) "Health care provider" means an individual or facility 31683
licensed, certified, or accredited under or pursuant to Chapter 31684
3721., 3727., 4715., 4725., 4731., 4732., 4734., 4747., 4753., 31685
4755., 4757., or 4779. of the Revised Code. 31686

Sec. 3962.011. (A) For purposes of this chapter, a reference 31687
to the time that an appointment for a health care product, 31688
service, or procedure is made, means, except as provided in 31689
division (B) of this section, any of the following: 31690

(1) The point in time that an appointment for a health care 31691
product, service, or procedure is made; 31692

(2) The point in time that a health care provider receives a 31693
prescription or order from another provider to provide a health 31694

care product, service, or procedure to the patient; 31695

(3) The point in time that a patient, pursuant to a 31696
prescription or order from the patient's health care provider, 31697
presents at the office or facilities of another provider to 31698
receive, on a walk-in basis, the product, service, or procedure. 31699

(B)(1) If the point in time in which an event described in 31700
division (A) of this section occurs is before nine a.m. on a 31701
particular business day, the point in time shall, instead, be 31702
considered to be nine a.m. that same business day. 31703

(2) If the point in time in which an event described in 31704
division (A) of this section occurs is after five p.m. on a 31705
particular business day, or occurs on a day that is not a business 31706
day, the point in time shall, instead, be considered to be nine 31707
a.m. on the next business day. 31708

Sec. 3962.02. This chapter applies notwithstanding section 31709
5162.80 of the Revised Code. 31710

Sec. 3962.03. (A) Beginning on the effective date of this 31711
section, this section applies to a health care provider that is a 31712
hospital or hospital system or is owned by a hospital or hospital 31713
system. On and after March 1, 2020, this section applies to all 31714
other health care providers. 31715

(B) Before a health care provider provides a health care 31716
product, service, or procedure to a patient, the patient or the 31717
patient's representative shall receive a reasonable, good faith 31718
cost estimate for the product, service, or procedure. This 31719
requirement does not apply when a patient seeks emergency 31720
services, a health care provider believes that a delay in care 31721
associated with fulfilling this requirement could harm the 31722
patient, or a circumstance described in section 3962.08 of the 31723
Revised Code occurs. 31724

A health care provider may elect to provide the cost estimate as described in section 3962.04 of the Revised Code or, if the patient is insured, elect for the patient's health plan issuer to provide the cost estimate after the provider has transmitted information to the issuer in accordance with section 3962.05 of the Revised Code. The provider shall notify the patient or the patient's representative who will provide the cost estimate. The provision of a cost estimate by the provider does not preclude the issuer from also providing a cost estimate to the patient or the patient's representative.

Each health care provider or health plan issuer that provides a cost estimate shall ensure that the estimate is provided in a manner that complies with all applicable state and federal laws pertaining to the privacy of patient-identifying information.

Sec. 3962.04. (A) Except as provided in division (B) of this section, a cost estimate provided by a health care provider shall contain all of the following:

(1) The total amount the provider will charge the patient or the patient's health plan issuer for each health care product, service, or procedure the patient is to receive, inclusive of facility, professional, and other fees, along with a short description and the applicable CPT code for the product, service, or procedure or, if no CPT code exists, another identifier the health plan issuer requires;

(2) If the patient is insured under a health benefit plan, both of the following:

(a) A notation of whether the provider is in-network or out-of-network for the patient;

(b) The amount the health care provider expects to receive from the health plan issuer for the product, service, or

procedure. The amount specified in the estimate shall be the 31755
amount the health plan issuer has agreed to reimburse the provider 31756
for the product, service, or procedure under a contract with the 31757
provider or the applicable government pay scale, if any. 31758

(3) The difference, if any, that the patient or other party 31759
responsible for the patient's care would be required to pay to the 31760
provider for the product, service, or procedure; 31761

(4) If the patient is not insured under a health benefit 31762
plan, the total amount the provider will charge the patient for 31763
each product, service, or procedure the patient is to receive, 31764
inclusive of facility, professional, and other fees, along with a 31765
short description and the applicable CPT code for the product, 31766
service, or procedure or, if no CPT code exists, another 31767
identifier that a the health plan issuer would normally require. 31768

(B)(1) If a patient is to receive a health care product, 31769
service, or procedure in a hospital, the hospital is responsible 31770
for providing one comprehensive cost estimate to the patient or 31771
the patient's representative within the applicable time frame 31772
specified in division (D) of this section. The comprehensive cost 31773
estimate shall contain both of the following: 31774

(a) All information specified in division (A) of this section 31775
associated with products, services, or procedures to be provided 31776
by the hospital or its employees; 31777

(b) All information specified in division (A) of this section 31778
associated with products, services, or procedures to be provided 31779
by health care providers who are independent contractors of the 31780
hospital. 31781

(2) A health care provider who is an independent contractor 31782
of a hospital shall submit to the hospital all CPT codes or other 31783
identifiers the hospital needs to fulfill its responsibility under 31784
division (B)(1)(b) of this section. 31785

(C) A cost estimate required by this section shall be based 31786
on information provided at the time the appointment is made, as 31787
specified in section 3962.011 of the Revised Code, for the health 31788
care product, service, or procedure. In addition, the estimate 31789
need not take into account any information that subsequently 31790
arises, such as unknown, unanticipated, or subsequently needed 31791
health care products, services, or procedures provided for any 31792
reason after the initial appointment. Only one estimate is 31793
required per visit. 31794

If specific information, such as the health care provider who 31795
will be providing the health care product, service, or procedure, 31796
is not readily available at the time the appointment is made, the 31797
provider may base the cost estimate on an average estimated charge 31798
for the product, service, or procedure. 31799

(D)(1) Except as provided in division (D)(2) or (3) of this 31800
section, the cost estimate required by this section shall be 31801
provided not later than twenty-four hours after the time the 31802
appointment for the health care product, service, or procedure is 31803
made, as specified in section 3962.011 of the Revised Code, or, if 31804
the product, service, or procedure is to be provided less than 31805
twenty-four hours after the appointment for the product, service, 31806
or procedure is made, as specified in section 3962.011 of the 31807
Revised Code, at the time the patient presents to receive the 31808
product, service, or procedure. 31809

(2) If the health care product, service, or procedure is to 31810
be provided by one or more independent contractors of the 31811
provider, the cost estimate shall be provided not later than 31812
thirty-six hours after the time the appointment for the product, 31813
service, or procedure is made, as specified in section 3962.011 of 31814
the Revised Code, or, if the product, service, or procedure is to 31815
be provided less than thirty-six hours after the appointment for 31816
the product, service, or procedure is made, as specified in 31817

section 3962.011 of the Revised Code, at the time the patient 31818
presents to receive the product, service, or procedure. 31819

(3) A provider may elect to send the cost estimate to the 31820
patient or the patient's representative by regular mail if the 31821
health care product, service, or procedure will be provided more 31822
than three days from the time the estimate is generated. If this 31823
election is made, the provider shall mail the cost estimate not 31824
later than the following, as applicable: 31825

(a) If the provider would otherwise be required to comply 31826
with division (D)(1) of this section, twenty-four hours after the 31827
time the appointment for the health care product, service, or 31828
procedure is made, as specified in section 3962.011 of the Revised 31829
Code; 31830

(b) If the provider would otherwise be required to comply 31831
with division (D)(2) of this section, thirty-six hours after the 31832
time the appointment for the health care product, service, or 31833
procedure is made, as specified in section 3962.011 of the Revised 31834
Code. 31835

(E)(1) If the patient is insured, a health care provider 31836
shall, not later than twenty-four hours after an appointment is 31837
made, as specified in section 3962.011 of the Revised Code, 31838
transmit to the patient's health plan issuer the patient's name; 31839
the patient's identification number, if one has been assigned; the 31840
CPT code or other identifier the issuer requires for each health 31841
care product, service, or procedure the patient is to receive; the 31842
provider's identification number; the provider's charge for each 31843
product, service, or procedure the patient has scheduled that will 31844
be delivered by a provider who is not in-network for the patient's 31845
health benefit plan; notification that the provider is providing 31846
the cost estimate to the patient or the patient's representative; 31847
and any other information the issuer requires from the provider. 31848

(2) If the provider is to provide a product, service, or 31849
procedure pursuant to a prescription or order from another 31850
provider, the provider who received the prescription or order 31851
shall transmit the information specified in division (E)(1) of 31852
this section to the patient's health plan issuer not later than 31853
twenty-four hours after receiving the prescription or order or, if 31854
received when the provider's office or facility is closed, 31855
twenty-four hours after the office or facility reopens. 31856

(3) Not later than five minutes after receiving information 31857
pursuant to division (E)(1) or (2) of this section, the health 31858
plan issuer shall give to the health care provider all information 31859
the provider needs to generate a cost estimate. 31860

If a health plan issuer does not provide the information 31861
necessary to generate the estimate, the health care provider shall 31862
notify the patient. The provider may note in the portion of the 31863
estimate pertaining to the information required by divisions 31864
(A)(2) and (3) of this section that health plan issuer information 31865
was not provided as required by law. In this case, the provider 31866
may specify only the information required by division (A)(1) of 31867
this section and, at the provider's discretion, the information 31868
required by division (A)(2) of this section. If the information 31869
necessary to complete the estimate is subsequently received and an 31870
updated estimate can be provided within the time limit established 31871
by division (D) of this section, the health care provider shall 31872
provide the updated estimate. 31873

(F) The cost estimate required by this section shall contain 31874
a disclaimer that the information is only an estimate based on 31875
facts available at the time it was prepared and that the amounts 31876
estimated could change as a result of unknown, unanticipated, or 31877
subsequently needed health care products, services, or procedures; 31878
changes to the patient's health benefit plan; or other changes. 31879
The provider has discretion in how the disclaimer is expressed. 31880

(G) If the amount estimated under division (A)(3) or (4) of this section changes by more than ten per cent before the patient initially presents for the health care product, service, or procedure, the health care provider shall supply to the patient an updated estimate within the time limit established by division (B) or (D) of this section, as applicable.

(H) The cost estimate required by this section may be provided verbally or in electronic or written form and shall be easy to understand. If the estimate is provided in electronic or written form, all of the following apply:

(1) It shall be provided in large font.

(2) Unless the estimate contains more than nine CPT codes or other identifiers, it shall be limited to one page.

(3) The subject line of the communication containing the estimate shall state "Your Ohio Healthcare Price Transparency Estimate."

(I) A patient may decline to receive a cost estimate under this section.

(J) A patient is responsible for payment for an administered health care product, service, or procedure even if the patient does not receive a cost estimate under this section before the product, service, or procedure is received.

Sec. 3962.05. (A)(1) If a health care provider elects for a patient's health plan issuer to provide a cost estimate in lieu of the provider, the provider shall notify the issuer of this election through the issuer's portal described in section 1751.72, 3923.041, or 5160.34 of the Revised Code or, beginning January 1, 2020, the connector portal established under section 3962.09 of the Revised Code. In addition, the provider shall, except as provided in division (B) of this section, also transmit to the

health plan issuer through the appropriate portal all of the 31911
following: 31912

(a) The patient's name; 31913

(b) The patient's identification number, if one has been 31914
assigned; 31915

(c) The CPT code or other identifier the health plan issuer 31916
requires for each health care product, service, or procedure the 31917
patient is to receive; 31918

(d) The provider's identification number; 31919

(e) The charge for each product, service, or procedure the 31920
patient has scheduled that will be delivered by a provider who is 31921
out-of-network for the patient's health benefit plan; 31922

(f) Any other information the health plan issuer requires 31923
from the provider. 31924

The portal also shall be able to transmit a copy of this 31925
information directly to the patient to whom the information 31926
pertains. 31927

Except as provided in division (A)(2) of this section, the 31928
transmission shall occur not later than twenty-four hours after 31929
the time the appointment for the health care product, service, or 31930
procedure is made, as specified in section 3962.011 of the Revised 31931
Code. 31932

(2) If the health care product, service, or procedure is to 31933
be provided by one or more independent contractors of the 31934
provider, the transmission shall occur not later than thirty-six 31935
hours after the time the appointment for the product, service, or 31936
procedure is made, as specified in section 3962.011 of the Revised 31937
Code. 31938

A health plan issuer shall modify its portal as necessary to 31939
accommodate the information transmission. 31940

(B) If a health care provider attests to the department of insurance that it is unable to transmit information through a health plan issuer's portal or through the connector portal, the provider may transmit the information by facsimile or telephone call to the department of insurance. The department shall enter the information on the provider's behalf in the relevant portal. Under these circumstances, the provider may compile patient information and transmit it to the department in a batch once every business day.

Sec. 3962.06. (A) Under the circumstances described in division (A)(1) of section 3962.05 of the Revised Code, a health plan issuer shall provide a cost estimate to the patient or the patient's representative containing the information specified in divisions (A)(1) to (3) of section 3962.04 of the Revised Code, as well as the average rate the health plan issuer reimburses in-network providers for the same health care product, service, or procedure.

(B) A health plan issuer shall ask the patient or the patient's representative whether the patient would prefer to receive cost estimates by electronic mail or other electronic means or by regular mail. The issuer shall send cost estimates by the means elected.

If the means elected is by electronic mail or or other electronic means, the estimate shall be sent automatically, but not later than five minutes after the health plan issuer has received the necessary information from the health care provider. If the means elected is by regular mail, the estimate shall be mailed not later than forty-eight hours after the issuer has received the necessary information from the health care provider if the health care product, service, or procedure will be provided more than three days from the time the estimate is generated. For

purposes of calculating the forty-eight hours, hours on a 31972
Saturday, Sunday, or legal holiday shall be excluded. 31973

If no election is made, the estimate shall be sent as 31974
follows: 31975

(1) If the health care product, service, or procedure will be 31976
provided more than three days from the time the estimate is 31977
generated, by regular mail; 31978

(2) If the health care product, service, or procedure will be 31979
provided less than three days from the time the estimate is 31980
generated and the electronic mail address of the patient or 31981
patient's representative is on file with the issuer, by electronic 31982
mail. 31983

A health plan issuer shall be held harmless if the electronic 31984
mail address of the patient or the patient's representative on 31985
file with the issuer is incorrect, invalid, or no longer used. 31986

(C)(1) The cost estimate required by this section shall be 31987
based on information provided at the time an appointment is made, 31988
as specified in section 3962.011 of the Revised Code. In addition, 31989
the estimate need not take into account any information that 31990
subsequently arises, such as unknown, unanticipated, or 31991
subsequently needed health care products, services, or procedures 31992
provided for any reason after the initial appointment. Only one 31993
estimate is required per visit. 31994

(2) If specific information, such as the provider who will be 31995
providing the health care product, service, or procedure, is not 31996
readily available at the time the appointment is made, the health 31997
care provider may transmit that a provider is unknown and the 31998
health plan issuer may base the estimate on an average estimated 31999
charge for the product, service, or procedure at that facility or 32000
location. 32001

(3) If a health care provider does not transmit to the health 32002

plan issuer the information necessary to generate the cost 32003
estimate, the issuer shall send to the patient or the patient's 32004
representative, by the same means used to send estimates, a notice 32005
that the provider failed to transmit the necessary information as 32006
required by law and, consequently, a cost estimate could not be 32007
generated. This action shall be taken in the event a provider 32008
gives the issuer any indication that receipt of a health care 32009
product, service, or procedure is scheduled, such as through 32010
precertification. 32011

(D) The estimate required by this section shall contain both 32012
of the following: 32013

(1) A disclaimer that the information is only an estimate 32014
based on facts available at the time it was prepared and that the 32015
amounts estimated could change as a result of other factors; 32016
unknown, unanticipated, or subsequently needed health care 32017
products, services, or procedures; or changes to the patient's 32018
health benefit plan. The health plan issuer has discretion in how 32019
the disclaimer is expressed. 32020

(2) If applicable, a notation that a specific health care 32021
provider is out-of-network for the enrollee. 32022

(E) The cost estimate required by this section shall be 32023
provided in large font, be easy to understand, and, unless the 32024
estimate contains more than nine CPT codes or other identifiers, 32025
be limited to one page. The subject line of the communication 32026
containing the estimate shall state "Your Ohio Healthcare Price 32027
Transparency Estimate." 32028

(F) If the amount in a cost estimate required by this section 32029
changes by more than ten per cent before the patient presents for 32030
the health care product, service, or procedure, the health plan 32031
issuer shall supply to the patient an updated estimate by the 32032
means the patient or the patient's representative has elected 32033

under division (B) of this section and within the time frames 32034
specified in that division. 32035

(G) A patient may decline to receive a cost estimate under 32036
this section. 32037

(H) A patient is responsible for payment for an administered 32038
health care product, service, or procedure even if the patient 32039
does not receive a cost estimate under this section before the 32040
product, service, or procedure is received. 32041

Sec. 3962.07. (A) Regardless of whether a cost estimate is 32042
provided to a patient by a health care provider under section 32043
3962.04 of the Revised Code or by a health plan issuer under 32044
section 3962.06 of the Revised Code, a provider shall give the 32045
patient or the patient's representative the CPT code or other 32046
identifier the patient's health plan issuer requires for each 32047
health care product, service, or procedure the patient is to 32048
receive along with the charge information specified in division 32049
(A)(1) of section 3962.04 of the Revised Code associated with each 32050
code or other identifier. The provider has the following options 32051
for fulfilling this requirement: 32052

(1) The provider may send this information to the patient or 32053
the patient's representative through electronic means. 32054

(2) The provider may send this information to the patient or 32055
patient's representative by regular mail if the health care 32056
product, service, or procedure will be provided more than three 32057
days from the time the appointment for the product, service, or 32058
procedure is made, as specified in section 3962.011 of the Revised 32059
Code. 32060

(3) The provider may provide to the patient or the patient's 32061
representative a web site address where that individual may enter 32062
each code or identifier and retrieve the charge information. If 32063

this option is elected and the provider transmits the codes or 32064
identifiers to the patient's health plan issuer through a portal 32065
as described in section 3962.05 of the Revised Code, the provider 32066
may have the portal generate an automatic electronic mail message 32067
to the individual with instructions on how to retrieve charge 32068
information through the web site. 32069

(4) If the product, service, or procedure is to be provided 32070
less than three days from the time the appointment for the 32071
product, service, or procedure was made, the provider may give the 32072
information to the patient or the patient's representative at the 32073
time the patient presents for the product, service, or procedure 32074
to be received. 32075

Regardless of the manner in which the provider has elected to 32076
fulfill this requirement, the provider shall fulfill the 32077
requirement in accordance with all applicable state and federal 32078
laws pertaining to the privacy of patient-identifying information. 32079

The CPT codes or other identifiers and charge information 32080
shall, except as provided in division (B) of this section, be 32081
given to the patient or the patient's representative not later 32082
than twenty-four hours after the time the appointment for the 32083
health care product, service, or procedure is made, as specified 32084
in section 3962.011 of the Revised Code, or, if the product, 32085
service, or procedure is to be provided less than twenty-four 32086
hours after the appointment for the product, service, or procedure 32087
is made, as specified in section 3962.011 of the Revised Code, at 32088
the time the patient presents to receive the product, service, or 32089
procedure. 32090

(B) If the health care product, service, or procedure is to 32091
be provided by one or more independent contractors of the 32092
provider, the CPT codes or other identifiers and charge 32093
information shall be given to the patient or the patient's 32094
representative not later than thirty-six hours after the time the 32095

appointment for the product, service, or procedure is made, as 32096
specified in section 3962.011 of the Revised Code, or, if the 32097
product, service, or procedure is to be provided less than 32098
thirty-six hours after the appointment for the product, service, 32099
or procedure is made, as specified in section 3962.011 of the 32100
Revised Code, at the time the patient presents to receive the 32101
product, service, or procedure. 32102

Sec. 3962.08. (A) As used in this section, "office visit" 32103
means the family of CPT codes for "Evaluation and Management, 32104
Office Visits Established" (codes 99211, 99212, 99213, 99214, and 32105
99215) used for office or other outpatient visits for an 32106
established patient and the family of CPT codes for services 32107
similar to the foregoing, including vision services. 32108

(B) The requirement of section 3962.03 of the Revised Code 32109
does not apply in any of the following circumstances: 32110

(1) When the only service a health care provider will provide 32111
is an office visit; 32112

(2) When the patient was scheduled for only an office visit 32113
but during the visit it is determined that the patient needs a 32114
product, service, or procedure to be provided during that single 32115
visit; 32116

(3) When the patient seeks care without an appointment and 32117
without a prescription or order from another provider. 32118

(C) In the event a patient schedules or presents for health 32119
care products, services, or procedures in addition to an office 32120
visit but the health care provider is unable to estimate the level 32121
of office visit to be provided, or in the circumstances described 32122
in division (B)(3) of this section, the provider may enter a 32123
general designation for an unknown level of office visit. The 32124
estimate provided through the health care provider or health plan 32125

issuer under section 3962.03 of the Revised Code shall list the 32126
general designation and price range for all levels of office 32127
visits. 32128

Sec. 3962.081. In the event that a health care provider 32129
believes that a delay in care associated with fulfilling the cost 32130
estimate requirement of section 3962.03 of the Revised Code could 32131
harm the patient, the provider shall inform the patient or the 32132
patient's representative of this fact and provide the health care 32133
product, service, or procedure to the patient. After the product, 32134
service, or procedure is provided, the provider shall submit to 32135
the department of insurance a report, in the form and manner 32136
prescribed by the department, detailing why the provider believed 32137
that a delay in care could harm the patient. Annually, the 32138
department shall analyze the reports and prepare a summary of its 32139
findings. Each summary shall be submitted to the governor and, in 32140
accordance with section 101.68 of the Revised Code, the general 32141
assembly. 32142

Sec. 3962.09. Not later than January 1, 2020, the department 32143
of insurance shall create or procure a connector portal that 32144
health care providers may use to transmit the information 32145
specified in section 3962.05 of the Revised Code to health plan 32146
issuers. The department shall ensure that the computer systems and 32147
software used in operating the connector portal are compatible 32148
with the computer systems and software manufactured by various 32149
vendors and used by health care providers and health plan issuers. 32150
In doing so, the department shall engage in active efforts to 32151
share with those vendors any information necessary to operate the 32152
connector portal in a manner that accomplishes both of the 32153
following, while also ensuring that the portal maintains the 32154
privacy of patient-identifying information in accordance with all 32155
applicable state and federal laws: 32156

(A) Grants health care providers a means by which they may 32157
instantly transmit information and populate data fields that 32158
health plan issuers need to generate cost estimates under section 32159
3962.06 of the Revised Code; 32160

(B) Grants health plan issuers a means by which they may 32161
retrieve information directly from the connector portal in a 32162
seamless manner. 32163

Sec. 3962.10. A health care provider or health plan issuer 32164
that provides a cost estimate under this chapter is not liable in 32165
damages in a civil action for injury, death, or loss to person or 32166
property that allegedly arises from an act or omission associated 32167
with providing the estimate if the health care provider or health 32168
plan issuer made a good faith effort to collect the information 32169
necessary to generate the estimate and a good faith effort to 32170
provide the estimate to the patient or the patient's 32171
representative. 32172

Sec. 3962.11. (A) If, after completing an examination, the 32173
superintendent of insurance, department of health, department of 32174
medicaid, or appropriate regulatory board, as applicable, finds 32175
that a health plan issuer or health care provider has committed a 32176
series of violations that, taken together, constitute a consistent 32177
pattern or practice of violating the requirements of this chapter 32178
to provide cost estimates to patients or their representatives, 32179
the superintendent, department, or board may impose on the issuer 32180
or provider any of the administrative remedies specified in 32181
division (B) of this section. 32182

Before imposing an administrative remedy, the superintendent, 32183
department, or board shall give written notice to the health plan 32184
issuer or health care provider informing that party of the reasons 32185
for the finding, the administrative remedy that is proposed, and 32186

the opportunity to submit a written request for an administrative hearing regarding the finding and proposed remedy. If a hearing is requested, the superintendent, department, or board shall conduct the hearing in accordance with Chapter 119. of the Revised Code not later than fifteen days after receipt of the request.

(B) In imposing administrative remedies under this section, the superintendent, department, or appropriate regulatory board may do either or both of the following:

(1) Levy a monetary penalty in an amount determined in accordance with division (C) of this section;

(2) Order the health plan issuer or health care provider to cease and desist from engaging in the violations.

(C)(1) A finding by the superintendent, department, or appropriate regulatory board that a health plan issuer or health care provider has committed a series of violations that, taken together, constitutes a consistent pattern or practice of violating the requirements of this chapter to provide cost estimates to patients or their representatives, shall constitute a single offense for purposes of levying a fine as described in division (B)(1) of this section.

(2) For a first offense, the superintendent or department may levy a fine of not more than one hundred thousand dollars; the appropriate regulatory board may levy a fine of not more than ten thousand dollars.

For a second offense, the superintendent or department may levy a fine of not more than one hundred fifty thousand dollars; the appropriate regulatory board may levy a fine of not more than fifteen thousand dollars.

For a third or subsequent offense, the superintendent or department may levy a fine of not more than three hundred thousand dollars; the appropriate regulatory board may levy a fine of not

more than thirty thousand dollars. 32218

(3) In determining the amount of a fine to be levied within 32219
the limits specified in division (C)(2) of this section, the 32220
superintendent, department, or appropriate regulatory board shall 32221
consider the following factors: 32222

(a) The extent and frequency of the violations; 32223

(b) Whether the violations were due to circumstances beyond 32224
the control of the health plan issuer or health care provider; 32225

(c) Any remedial actions taken by the health plan issuer or 32226
health care provider; 32227

(d) The actual or potential harm to others resulting from the 32228
violations; 32229

(e) If the health plan issuer or health care provider 32230
knowingly and willingly committed the violations; 32231

(f) The financial condition of the health plan issuer or 32232
health care provider; 32233

(g) Any other factors the superintendent, department, or 32234
appropriate board considers appropriate. 32235

(D) The amounts collected from levying fines under this 32236
section shall be paid into the state treasury to the credit of the 32237
general revenue fund. 32238

Sec. 3962.12. A contract clause that does any of the 32239
following is invalid and unenforceable: 32240

(A) Prohibits a health care provider or health plan issuer 32241
from providing a patient with information that facilitates the 32242
patient's ability to choose a health care provider based on 32243
quality or cost, including providing a patient with cost and 32244
quality information for alternative providers when the patient 32245
demonstrates an intention to see a particular provider; 32246

(B) Prohibits a health plan issuer from excluding any particular health care provider from a list or other resource that ranks providers based on quality or cost and is intended to help patients make decisions regarding their care; 32247
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32250

(C) Restricts patient access to quality or cost information provided by a health care provider or health plan issuer. 32251
32252

Sec. 3962.13. (A) All of the following may adopt any rules necessary to carry out this chapter: 32253
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(1) The superintendent of insurance; 32255

(2) The director of health; 32256

(3) The medicaid director; 32257

(4) Any other relevant department, agency, board, or other entity that regulates, licenses, or certifies a health care provider or health plan issuer. 32258
32259
32260

(B) Any rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 32261
32262

Sec. 3962.14. Any member of the general assembly may intervene in litigation that challenges sections 3962.01 to 3962.13 or section 5164.65 of the Revised Code. 32263
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Sec. 3962.15. It is the general assembly's intent in enacting sections 3962.01 to 3962.14 of the Revised Code to provide patients with the information they need to make informed choices regarding their health care, to maximize health care cost savings for all residents of this state, and to reduce the burden of health care expenditures on government entities, including medicaid. 32266
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Sec. 4109.05. (A) The director of commerce, after 32273

consultation with the director of health, shall adopt rules, in 32274
accordance with Chapter 119. of the Revised Code, prohibiting the 32275
employment of minors in occupations which are hazardous or 32276
detrimental to the health and well-being of minors. 32277

In adopting the rules, the director of commerce shall 32278
consider the orders issued pursuant to the "Fair Labor Standards 32279
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 32280

The director of commerce shall not adopt any rule that 32281
prohibits a minor who is sixteen or seventeen years of age and who 32282
is employed by an employer under the manufacturing mentorship 32283
program created in section 4109.22 of the Revised Code from being 32284
employed in a manufacturing occupation if the orders issued 32285
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, 32286
et seq., permit the employment of the minor in the manufacturing 32287
occupation. As used in this division, "manufacturing occupation" 32288
has the same meaning as in section 4109.22 of the Revised Code. 32289

(B) No minor may be employed in any occupation found 32290
hazardous or detrimental to the health and well-being of minors 32291
under the rules adopted pursuant to division (A) of this section. 32292

Sec. 4109.22. (A) As used in this section: 32293

(1) "Manufacturing occupation" means employment that consists 32294
of the mechanical, physical, or chemical transformation of 32295
materials, substances, or components into new products for sale, 32296
including the assembling of component parts into a finished 32297
product. 32298

(2) Notwithstanding the definition of "employer" in section 32299
4109.01 of the Revised Code, "employer" means every person who 32300
employs any individual in a manufacturing occupation. 32301

(B) There is hereby created the manufacturing mentorship 32302
program to expose minors who are sixteen or seventeen years of age 32303

to manufacturing occupations in this state through temporary 32304
employment with an employer. An employer employing a minor under 32305
the mentorship program shall do all of the following: 32306

(1) Determine the duration of the minor's employment; 32307

(2) Assign the minor a mentor to provide direct and close 32308
supervision while the minor is engaged in any workplace activity; 32309

(3) Provide the minor with the training described in division 32310
(C) of this section; 32311

(4) Encourage the minor to participate in a career-technical 32312
education program approved by the department of education, if the 32313
minor is not participating in a career-technical education program 32314
when the minor begins employment; 32315

(5) Comply with all applicable state and federal laws and 32316
regulations relating to the employment of minors. 32317

(C)(1) An employer employing a minor who is sixteen or 32318
seventeen years of age in a manufacturing occupation under the 32319
mentorship program shall provide the minor with training that 32320
includes all of the following: 32321

(a) A ten-hour course in general industry safety and health 32322
hazard recognition and prevention approved by the occupational 32323
safety and health administration of the United States department 32324
of labor; 32325

(b) Instructions on how to operate the specific tools the 32326
minor will use during the minor's employment; 32327

(c) The general safety and health hazards to which the minor 32328
may be exposed at the minor's workplace; 32329

(d) The value of safety and management commitment; 32330

(e) Information on the employer's drug testing policy. 32331

(2) For purposes of division (C)(1)(a) of this section, a 32332

minor may participate in a thirty-hour course in general industry 32333
safety and health hazard recognition and prevention approved by 32334
the occupational safety and health administration if the minor has 32335
already successfully completed a ten-hour course. 32336

(3) The employer shall pay any costs associated with 32337
providing the training required by division (C)(1) or permitted 32338
under division (C)(2) of this section. 32339

(4) An employer is not required to provide the training 32340
described in division (C)(1) or (2) of this section if the minor 32341
presents proof of completing the training during the six-month 32342
period immediately before beginning employment with the employer. 32343

(D) The director of commerce, in consultation with employers, 32344
shall adopt rules in accordance with Chapter 119. of the Revised 32345
Code specifying a list of the tools that a minor who is sixteen or 32346
seventeen years of age who is employed under the mentorship 32347
program may operate during the minor's employment in a 32348
manufacturing occupation. The director shall use the manual issued 32349
by the wage and hour division of the United States department of 32350
labor titled "field operations handbook" or its successor for 32351
guidance in developing the list. Nothing in this division requires 32352
the director to include a tool on the list if the orders issued 32353
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, 32354
et seq., and section 4109.05 of the Revised Code or rules adopted 32355
under that section specifically permit minors of that age to 32356
operate the tool. 32357

(E) A minor who is sixteen or seventeen years of age who is 32358
employed by an employer under the mentorship program may work in 32359
any manufacturing occupation not denied by law to minors of that 32360
age under section 4109.05 of the Revised Code or rules adopted 32361
under that section. 32362

(F) No employer shall do either of the following: 32363

(1) Permit a minor who is sixteen or seventeen years of age 32364
to operate a tool minors of that age are permitted to operate 32365
pursuant to the rules adopted under division (D) of this section 32366
unless the minor is employed by the employer under the mentorship 32367
program; 32368

(2) Permit a minor who is sixteen or seventeen years of age 32369
who is employed by the employer under the mentorship program to 32370
operate a tool prohibited for use by minors of that age pursuant 32371
to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., 32372
and section 4109.05 of the Revised Code or rules adopted under 32373
that section. 32374

Sec. 4109.99. (A) Whoever violates section 4109.04, division 32375
(C) of section 4109.07, division (A), (B), or (D) of section 32376
4109.08, section 4109.11, or division (B) of section 4109.12 of 32377
the Revised Code is guilty of a minor misdemeanor. 32378

(B) Whoever violates section 4109.05 of the Revised Code is 32379
guilty of a misdemeanor of the third degree. 32380

(C) Whoever violates section 4109.03, division (A), (B), or 32381
(D) of section 4109.07, or section 4109.10 of the Revised Code is 32382
guilty of a minor misdemeanor on a first offense and a misdemeanor 32383
of the third degree on each subsequent offense. 32384

(D) Whoever violates division (A) of section 4109.12 of the 32385
Revised Code is guilty of a minor misdemeanor for each day the 32386
violation continues. 32387

(E) Whoever violates division (A) of section 4109.21 of the 32388
Revised Code is guilty of a misdemeanor of the fourth degree on a 32389
first offense and a first degree misdemeanor on each subsequent 32390
offense. If, however, the violation on a first offense contains 32391
aggravating circumstances, including, but not limited to, threats 32392
to a minor, reckless operation of a motor vehicle, or abandonment 32393

of or endangerment to a minor but not including circumstances that 32394
are the basis of a felony violation of section 2919.22 of the 32395
Revised Code, then the person is guilty of a misdemeanor of the 32396
first degree. If the offender previously has been convicted under 32397
this section and if the subsequent offense contains aggravating 32398
circumstances other than circumstances that are the basis of a 32399
felony violation of section 2919.22 of the Revised Code, then the 32400
person is guilty of a felony of the fourth degree. 32401

(F) Whoever violates division (F) of section 4109.22 of the 32402
Revised Code shall be assessed a civil penalty of up to one 32403
thousand seven hundred thirty dollars for each violation. 32404

Sec. 4141.35. (A) If the director of job and family services 32405
finds that any fraudulent misrepresentation has been made by an 32406
applicant for or a recipient of benefits with the object of 32407
obtaining benefits to which the applicant or recipient was not 32408
entitled, and in addition to any other penalty or forfeiture under 32409
this chapter, then the director: 32410

(1) Shall within four years after the end of the benefit year 32411
in which the fraudulent misrepresentation was made reject or 32412
cancel such person's entire weekly claim for benefits that was 32413
fraudulently claimed, or the person's entire benefit rights if the 32414
misrepresentation was in connection with the filing of the 32415
claimant's application for determination of benefit rights; 32416

(2) Shall by order declare that, for each application for 32417
benefit rights and for each weekly claim canceled, such person 32418
shall be ineligible for two otherwise valid weekly claims for 32419
benefits, claimed within six years subsequent to the discovery of 32420
such misrepresentation; 32421

(3) By order shall require that the total amount of benefits 32422
rejected or canceled under division (A)(1) of this section be 32423
repaid to the director before such person may become eligible for 32424

further benefits, and shall withhold such unpaid sums from future 32425
benefit payments accruing and otherwise payable to such claimant. 32426
Effective with orders issued on or after January 1, 1993, if such 32427
benefits are not repaid within thirty days after the director's 32428
order becomes final, interest on the amount remaining unpaid shall 32429
be charged to the person at a rate and calculated in the same 32430
manner as provided under section 4141.23 of the Revised Code. When 32431
a person ordered to repay benefits has repaid all overpaid 32432
benefits according to a plan approved by the director, the 32433
director may cancel the amount of interest that accrued during the 32434
period of the repayment plan. The director may take action in any 32435
court of competent jurisdiction to collect benefits and interest 32436
as provided in sections 4141.23 and 4141.27 of the Revised Code, 32437
in regard to the collection of unpaid contributions, using the 32438
final repayment order as the basis for such action. Except as 32439
otherwise provided in this division, no administrative or legal 32440
proceedings for the collection of such benefits or interest due, 32441
or for the collection of a penalty under division (A)(4) of this 32442
section, shall be initiated after the expiration of six years from 32443
the date on which the director's order requiring repayment became 32444
final and the amount of any benefits, penalty, or interest not 32445
recovered at that time, and any liens thereon, shall be canceled 32446
as uncollectible. The time limit for instituting proceedings shall 32447
be extended by the period of any stay to the collection or by any 32448
other time period to which the parties mutually agree. 32449

(4) Shall, for findings made on or after October 21, 2013, by 32450
order assess a mandatory penalty on such a person in an amount 32451
equal to twenty-five per cent of the total amount of benefits 32452
rejected or canceled under division (A)(1) of this section. The 32453
first sixty per cent of each penalty collected under division 32454
(A)(4) of this section shall be deposited into the unemployment 32455
compensation fund created under section 4141.09 of the Revised 32456
Code and shall be credited to the mutualized account, as provided 32457

in division (B)(2)(g) of section 4141.25 of the Revised Code. The 32458
remainder of each penalty collected shall be deposited into the 32459
unemployment compensation special administrative fund created 32460
under section 4141.11 of the Revised Code. 32461

(5) May take action to collect benefits fraudulently obtained 32462
under the unemployment compensation law of any other state or the 32463
United States or Canada. Such action may be initiated in the 32464
courts of this state in the same manner as provided for unpaid 32465
contributions in section 4141.41 of the Revised Code. 32466

(6) May take action to collect benefits that have been 32467
fraudulently obtained from the director, interest pursuant to 32468
division (A)(3) of this section, and court costs, through 32469
attachment proceedings under Chapter 2715. of the Revised Code and 32470
garnishment proceedings under Chapter 2716. of the Revised Code. 32471

(B) If the director finds that an applicant for benefits has 32472
been credited with a waiting period or paid benefits to which the 32473
applicant was not entitled for reasons other than fraudulent 32474
misrepresentation, the director shall: 32475

(1)(a) Within six months after the determination under which 32476
the claimant was credited with that waiting period or paid 32477
benefits becomes final pursuant to section 4141.28 of the Revised 32478
Code, or within three years after the end of the benefit year in 32479
which such benefits were claimed, whichever is later, by order 32480
cancel such waiting period and require that such benefits be 32481
repaid to the director or be withheld from any benefits to which 32482
such applicant is or may become entitled before any additional 32483
benefits are paid, provided that the repayment or withholding 32484
shall not be required where the overpayment is the result of the 32485
director's correcting a prior decision due to a typographical or 32486
clerical error in the director's prior decision, or an error in an 32487
employer's report under division (G) of section 4141.28 of the 32488
Revised Code. 32489

(b) The limitation specified in division (B)(1)(a) of this section shall not apply to cases involving the retroactive payment of remuneration covering periods for which benefits were previously paid to the claimant. However, in such cases, the director's order requiring repayment shall not be issued unless the director is notified of such retroactive payment within six months from the date the retroactive payment was made to the claimant.

(2) The director may, by reciprocal agreement with the United States secretary of labor or another state, recover overpayment amounts from unemployment benefits otherwise payable to an individual under Chapter 4141. of the Revised Code. Any overpayments made to the individual that have not previously been recovered under an unemployment benefit program of the United States may be recovered in accordance with section 303(g) of the "Social Security Act" and sections 3304(a)(4) and 3306(f) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(3) If the amounts required to be repaid under division (B) of this section are not recovered within three years from the date the director's order requiring payment became final, initiate no further action to collect such benefits and the amount of any benefits not recovered at that time shall be canceled as uncollectible, provided that the time limit for collection shall be extended by the period of any stay to the collection or by any other time period to which the parties mutually agree.

(C) The appeal provisions of sections 4141.281 and 4141.282 of the Revised Code shall apply to all orders and determinations issued under this section, except that an individual's right of appeal under division (B)(2) of this section shall be limited to this state's authority to recover overpayment of benefits.

(D) The director shall deposit any repayment collected under

this section that the director determines to be payment of 32522
interest or court costs into the unemployment compensation special 32523
administrative fund established pursuant to section 4141.11 of the 32524
Revised Code. 32525

(E) If an individual makes a full repayment or a repayment 32526
that is less than the full amount required by this section, the 32527
director shall apply the repayment to the mutualized account under 32528
division (B) of section 4141.25 of the Revised Code, except that 32529
the director shall credit the repayment to the accounts of the 32530
individual's base period employers that previously have not been 32531
credited for the amount of improperly paid benefits charged 32532
against their accounts based on the proportion of benefits charged 32533
against the accounts as determined pursuant to division (D) of 32534
section 4141.24 of the Revised Code. 32535

~~The director shall deposit any repayment collected under this~~ 32536
~~section that the director determines to be payment of interest or~~ 32537
~~court costs into the unemployment compensation special~~ 32538
~~administrative fund established pursuant to section 4141.11 of the~~ 32539
~~Revised Code.~~ 32540

This division does not apply to any of the following: 32541

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 32542

(2) Unclaimed fund recoveries under section 131.024 of the 32543
Revised Code; 32544

(3) Lottery award offsets under section 3770.073 of the 32545
Revised Code; 32546

(4) State tax refund offsets under section 5747.12 of the 32547
Revised Code; 32548

(5) Unemployment compensation debts collected by the attorney 32549
general under Chapter 131. of the Revised Code. 32550

Sec. 4141.50. (A) As used in this section and in sections 32551

4141.51 to 4141.56 of the Revised Code: 32552

(1) "Affected unit" means a department, shift, or other 32553
organizational unit of two or more employees that is designated by 32554
a participating employer in a shared work plan. 32555

(2) "Approved shared work plan" means an employer's shared 32556
work plan, submitted pursuant to section 4141.51 of the Revised 32557
Code, that satisfies all of the requirements for approval under 32558
that section and that the director of job and family services has 32559
approved in writing. 32560

(3) "Intermittent basis" means employment that is not 32561
continuous but may consist of periodic intervals of weekly work 32562
and intervals of no weekly work. 32563

(4) "Normal weekly hours of work" means the normal hours of 32564
work in employment each week for an employee in an affected unit 32565
when that unit is operating on a full-time basis, not to exceed 32566
forty hours and not including any overtime worked. 32567

(5) "Participating employee" means an employee whose normal 32568
weekly hours of work are reduced by the reduction percentage under 32569
an approved shared work plan. 32570

(6) "Participating employer" means an employer who has an 32571
approved shared work plan in effect. 32572

(7) "Reduction percentage" means the percentage by which each 32573
participating employee's normal weekly hours of work are reduced 32574
under an approved shared work plan. 32575

(8) "Seasonal basis" has the same meaning as "seasonal 32576
employment" as defined in division (A) of section 4141.33 of the 32577
Revised Code. 32578

(9) "Shared work compensation" means the pro rata share of 32579
unemployment compensation benefits payable to a participating 32580
employee under an approved shared work plan. "Shared work 32581

compensation" does not include unemployment compensation benefits 32582
otherwise payable to an eligible claimant who is totally or 32583
partially unemployed. 32584

(10) "Temporary basis" means employment where an employee is 32585
expected to remain in a position for only a limited period of time 32586
or is hired by a temporary agency to fill a gap in the employer's 32587
workforce. 32588

(B) There is hereby created the "SharedWork Ohio" program, 32589
under which an employer who participates in the program reduces 32590
the number of hours worked by the employees of the employer in 32591
lieu of layoffs. 32592

The director may adopt rules as the director determines 32593
necessary to implement any guidance issued by the United States 32594
secretary of labor with respect to the SharedWork Ohio program. 32595

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 32596
the Revised Code: 32597

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 32598
fluid ounces. 32599

(2) "Sale" or "sell" includes exchange, barter, gift, 32600
distribution, and, except with respect to A-4 permit holders, 32601
offer for sale. 32602

(B) For the purposes of providing revenues for the support of 32603
the state and encouraging the grape industries in the state, a tax 32604
is hereby levied on the sale or distribution of wine in Ohio, 32605
except for known sacramental purposes, at the rate of thirty cents 32606
per wine gallon for wine containing not less than four per cent of 32607
alcohol by volume and not more than fourteen per cent of alcohol 32608
by volume, ninety-eight cents per wine gallon for wine containing 32609
more than fourteen per cent but not more than twenty-one per cent 32610
of alcohol by volume, one dollar and eight cents per wine gallon 32611

for vermouth, and one dollar and forty-eight cents per wine gallon 32612
for sparkling and carbonated wine and champagne, the tax to be 32613
paid by the holders of A-2, A-2f, and B-5 permits or by any other 32614
person selling or distributing wine upon which no tax has been 32615
paid. From the tax paid under this section on wine, vermouth, and 32616
sparkling and carbonated wine and champagne, the treasurer of 32617
state shall credit to the Ohio grape industries fund created under 32618
section 924.54 of the Revised Code a sum equal to one cent per 32619
gallon for each gallon upon which the tax is paid. 32620

(C) For the purpose of providing revenues for the support of 32621
the state, there is hereby levied a tax on prepared and bottled 32622
highballs, cocktails, cordials, and other mixed beverages at the 32623
rate of one dollar and twenty cents per wine gallon to be paid by 32624
holders of A-4 permits or by any other person selling or 32625
distributing those products upon which no tax has been paid. Only 32626
one sale of the same article shall be used in computing the amount 32627
of tax due. The tax on mixed beverages to be paid by holders of 32628
A-4 permits under this section shall not attach until the 32629
ownership of the mixed beverage is transferred for valuable 32630
consideration to a wholesaler or retailer, and no payment of the 32631
tax shall be required prior to that time. 32632

(D) During the period of July 1, ~~2017~~ 2019, through June 30, 32633
~~2019~~ 2021, from the tax paid under this section on wine, vermouth, 32634
and sparkling and carbonated wine and champagne, the treasurer of 32635
state shall credit to the Ohio grape industries fund created under 32636
section 924.54 of the Revised Code a sum equal to two cents per 32637
gallon upon which the tax is paid. The amount credited under this 32638
division is in addition to the amount credited to the Ohio grape 32639
industries fund under division (B) of this section. 32640

(E) For the purpose of providing revenues for the support of 32641
the state, there is hereby levied a tax on cider at the rate of 32642
twenty-four cents per wine gallon to be paid by the holders of 32643

A-2, A-2f, and B-5 permits or by any other person selling or 32644
distributing cider upon which no tax has been paid. Only one sale 32645
of the same article shall be used in computing the amount of the 32646
tax due. 32647

Sec. 4313.02. (A) The state may transfer to JobsOhio, and 32648
JobsOhio may accept the transfer of, all or a portion of the 32649
enterprise acquisition project for a transfer price payable by 32650
JobsOhio to the state. Any such transfer shall be treated as an 32651
absolute conveyance and true sale of the interest in the 32652
enterprise acquisition project purported to be conveyed for all 32653
purposes, and not as a pledge or other security interest. The 32654
characterization of any such transfer as a true sale and absolute 32655
conveyance shall not be negated or adversely affected by the 32656
acquisition or retention by the state of a residual or 32657
reversionary interest in the enterprise acquisition project, the 32658
participation of any state officer or employee as a member or 32659
officer of, or contracting for staff support to, JobsOhio or any 32660
subsidiary of JobsOhio, any regulatory responsibility of an 32661
officer or employee of the state, including the authority to 32662
collect amounts to be received in connection therewith, the 32663
retention of the state of any legal title to or interest in any 32664
portion of the enterprise acquisition project for the purpose of 32665
regulatory activities, or any characterization of JobsOhio or 32666
obligations of JobsOhio under accounting, taxation, or securities 32667
regulations, or any other reason whatsoever. An absolute 32668
conveyance and true sale or lease shall exist under this section 32669
regardless of whether JobsOhio has any recourse against the state 32670
or the treatment or characterization of the transfer as a 32671
financing for any purpose. Upon and following the transfer, the 32672
state shall not have any right, title, or interest in the 32673
enterprise acquisition project so transferred other than any 32674
residual interest that may be described in the transfer agreement 32675

pursuant to the following paragraph and division (D) of this 32676
section. Any determination of the fair market value of the 32677
enterprise acquisition project reflected in the transfer agreement 32678
shall be conclusive and binding on the state and JobsOhio. 32679

Any transfer of the enterprise acquisition project that is a 32680
lease or grant of a franchise shall be for a term not to exceed 32681
twenty-five years. Any transfer of the enterprise acquisition 32682
project that is an assignment and sale, conveyance, or other 32683
transfer shall contain a provision that the state shall have the 32684
option to have conveyed or transferred back to it, at no cost, the 32685
enterprise acquisition project, as it then exists, no later than 32686
twenty-five years after the original transfer authorized in the 32687
transfer agreement on such other terms as shall be provided in the 32688
transfer agreement. 32689

The exercise of the powers granted by this section will be 32690
for the benefit of the people of the state. All or any portion of 32691
the enterprise acquisition project transferred pursuant to the 32692
transfer agreement that would be exempt from real property taxes 32693
or assessments or real property taxes or assessments in the 32694
absence of such transfer shall, as it may from time to time exist 32695
thereafter, remain exempt from real property taxes or assessments 32696
levied by the state and its subdivisions to the same extent as if 32697
not transferred. The gross receipts and income of JobsOhio derived 32698
from the enterprise acquisition project shall be exempt from 32699
taxation levied by the state and its subdivisions, including, but 32700
not limited to, the taxes levied pursuant to Chapters 718., 5739., 32701
5741., 5747., and 5751. of the Revised Code. Any transfer from the 32702
state to JobsOhio of the enterprise acquisition project, or item 32703
included or to be included in the project, shall be exempt from 32704
the taxes levied pursuant to Chapters 5739. and 5741. of the 32705
Revised Code. 32706

(B) The proceeds of any transfer under division (A) of this section may be expended as provided in the transfer agreement for any one or more of the following purposes:

(1) Funding, payment, or defeasance of outstanding bonds issued pursuant to Chapters 151. and 166. of the Revised Code and secured by pledged liquor profits as defined in section 151.40 of the Revised Code;

(2) Deposit into the general revenue fund;

(3) Deposit into the clean Ohio revitalization fund created pursuant to section 122.658 of the Revised Code, the innovation Ohio loan fund created pursuant to section 166.16 of the Revised Code, the research and development loan fund created pursuant to section 166.20 of the Revised Code, and the logistics and distribution infrastructure fund created pursuant to section 166.26 of the Revised Code, ~~the advanced energy research and development fund created pursuant to section 3706.27 of the Revised Code, and the advanced energy research and development taxable fund created pursuant to section 3706.27 of the Revised Code;~~

(4) Conveyance to JobsOhio for the purposes for which it was created.

(C)(1) The state may covenant, pledge, and agree in the transfer agreement, with and for the benefit of JobsOhio, that it shall maintain statutory authority for the enterprise acquisition project and the revenues of the enterprise acquisition project and not otherwise materially impair any obligations supported by a pledge of revenues of the enterprise acquisition project. The transfer agreement may provide or authorize the manner for determining material impairment of the security for any such outstanding obligations, including by assessing and evaluating the revenues of the enterprise acquisition project.

(2) The director of budget and management, in consultation 32738
with the director of commerce, may, without need for any other 32739
approval, negotiate terms of any documents, including the transfer 32740
agreement, necessary to effect the transfer and the acceptance of 32741
the transfer of the enterprise acquisition project. The director 32742
of budget and management and the director of commerce shall 32743
execute the transfer agreement on behalf of the state. The 32744
director of budget and management may also, without need for any 32745
other approval, retain or contract for the services of commercial 32746
appraisers, underwriters, investment bankers, and financial 32747
advisers, as are necessary in the judgment of the director of 32748
budget and management to effect the transfer agreement. Any 32749
transfer agreement may contain terms and conditions established by 32750
the state to carry out and effectuate the purposes of this 32751
section, including, without limitation, covenants binding the 32752
state in favor of JobsOhio. Any such transfer agreement shall be 32753
sufficient to effectuate the transfer without regard to any other 32754
laws governing other property sales or financial transactions by 32755
the state. The director of budget and management may create any 32756
funds or accounts, within or without the state treasury, as are 32757
needed for the transactions and activities authorized by this 32758
section. 32759

(3) The transfer agreement may authorize JobsOhio, in the 32760
ordinary course of doing business, to convey, lease, release, or 32761
otherwise dispose of any regular inventory or tangible personal 32762
property. Ownership of the interest in the enterprise acquisition 32763
project that is transferred to JobsOhio under this section and the 32764
transfer agreement shall be maintained in JobsOhio or a nonprofit 32765
entity the sole member of which is JobsOhio until the enterprise 32766
acquisition project is transferred back to the state pursuant to 32767
the second paragraph of division (A) and division (D) of this 32768
section. 32769

(D) The transfer agreement may authorize JobsOhio to fix, 32770
alter, and collect rentals and other charges for the use and 32771
occupancy of all or any portion of the enterprise acquisition 32772
project and to lease any portion of the enterprise acquisition 32773
project to the state, and shall include a contract with, or the 32774
granting of an option to, the state to have the enterprise 32775
acquisition project, as it then exists, transferred back to it 32776
without charge in accordance with the terms of the transfer 32777
agreement after retirement or redemption, or provision therefor, 32778
of all obligations supported by a pledge of spirituous liquor 32779
profits. 32780

(E) JobsOhio, the director of budget and management, and the 32781
director of commerce shall, subject to approval by the controlling 32782
board, enter into a contract, which may be part of the transfer 32783
agreement, for the continuing operation by the division of liquor 32784
control of spirituous liquor distribution and merchandising 32785
subject to standards for performance provided in that contract 32786
that may relate to or support division (C)(1) of this section. The 32787
contract shall establish other terms and conditions for the 32788
assignment of duties to, and the provision of advice, services, 32789
and other assistance by, the division of liquor control, including 32790
providing for the necessary staffing and payment by JobsOhio of 32791
appropriate compensation to the division for the performance of 32792
such duties and the provision of such advice, services, and other 32793
assistance. The division of liquor control shall manage and 32794
actively supervise the activities required or authorized under 32795
sections 4301.10 and 4301.17 of the Revised Code as those sections 32796
exist on September 29, 2011, including, but not limited to, 32797
controlling the traffic in intoxicating liquor in this state and 32798
fixing the wholesale and retail prices at which the various 32799
classes, varieties, and brands of spirituous liquor are sold. 32800

(F) The transfer agreement shall require JobsOhio to pay for 32801

the operations of the division of liquor control with regard to 32802
the spirituous liquor merchandising operations of the division. 32803
The payments from JobsOhio shall be deposited into the state 32804
treasury to the credit of the liquor operating services fund, 32805
which is hereby created in the state treasury. The fund shall be 32806
used to pay for the operations of the division specified in this 32807
division. 32808

(G) The transaction and transfer provided for under this 32809
section shall comply with all applicable provisions of the Ohio 32810
Constitution. 32811

Sec. 4501.10. (A) Except as provided in division (B) of this 32812
section, money received by the department of public safety from 32813
the sale of motor vehicles and related equipment pursuant to 32814
section 125.13 of the Revised Code shall be transferred to the 32815
public safety - highway purposes fund created in section 4501.06 32816
of the Revised Code. The money shall be used only to purchase 32817
replacement motor vehicles and related equipment. 32818

(B) Money received by the department of public safety 32819
investigative unit established under section 5502.13 of the 32820
Revised Code from the sale of motor vehicles and other equipment 32821
pursuant to section 125.13 of the Revised Code shall be deposited 32822
into the ~~public safety Ohio~~ investigative unit ~~salvage and~~ 32823
~~exchange~~ fund, ~~which is hereby created in the state treasury~~ 32824
section 5502.132 of the Revised Code. The money ~~in the fund~~ shall 32825
be used only to purchase replacement motor vehicles and other 32826
equipment for that unit. 32827

Sec. 4501.24. There is hereby created in the state treasury 32828
the scenic rivers protection fund. The fund shall consist of the 32829
donations to the fund received by the department of natural 32830
resources and the contributions not to exceed forty dollars that 32831

are paid to the registrar of motor vehicles by applicants who 32832
voluntarily choose to obtain scenic rivers license plates pursuant 32833
to section 4503.56 of the Revised Code. 32834

The contributions deposited in the fund shall be used by the 32835
department ~~of natural resources~~ to help finance wild, scenic, and 32836
recreational river areas conservation, education, corridor 32837
protection, restoration, and habitat enhancement and clean-up 32838
projects along rivers in those areas. The chief of the division of 32839
parks and watercraft in the department may expend money in the 32840
fund for the acquisition of wild, scenic, and recreational river 32841
areas, for the maintenance, protection, and administration of such 32842
areas, and for construction of facilities within those areas. All 32843
investment earnings of the fund shall be credited to the fund. 32844

As used in this section, "wild river areas," "scenic river 32845
areas," and "recreational river areas" have the same meanings as 32846
in section 1546.01 of the Revised Code. 32847

Sec. 4503.29. (A) The director of veterans services in 32848
conjunction with the registrar of motor vehicles shall develop and 32849
maintain a program to establish and issue nonstandard license 32850
plates recognizing military service and military honors pertaining 32851
to valor and service. 32852

(B) The director and the registrar shall jointly adopt rules 32853
in accordance with Chapter 119. of the Revised Code for purposes 32854
of establishing the program under this section. The director and 32855
registrar shall adopt the rules as soon as possible after ~~the~~ 32856
~~effective date of this section~~ June 29, 2018, but not later than 32857
nine months after ~~that effective date~~ June 29, 2018. The rules 32858
shall do all of the following: 32859

(1) Establish nonstandard license plates recognizing military 32860
service; 32861

(2) Establish nonstandard license plates recognizing military honors pertaining to valor and service;	32862 32863
(3) Establish eligibility criteria that apply to each nonstandard license plate issued under this section;	32864 32865
(4) Establish requirements governing any necessary documentary evidence required to be presented by an applicant for a nonstandard license plate issued under this section;	32866 32867 32868
(5) Establish guidelines for the designs, markings, and inscriptions on a nonstandard license plate established under this section;	32869 32870 32871
(6) Establish procedures for altering the designs, markings, or inscriptions on a nonstandard license plate established under this section;	32872 32873 32874
(7) Prohibit nonstandard license plates established under this section from recognizing achievement awards or unit awards;	32875 32876
(8) Establish any other procedures or requirements that are necessary for the implementation and administration of this section.	32877 32878 32879
(C) The rules adopted under division (B) of this section shall provide for the establishment of the military nonstandard license plates created under sections 4503.431, 4503.432, 4503.433, 4503.434, 4503.436, 4503.48, 4503.481, 4503.53, 4503.532, 4503.533, 4503.536, 4503.537, 4503.538, 4503.54, 4503.541, 4503.543, 4503.544, 4503.547, 4503.548, 4503.581, 4503.59, and 4503.731 of the Revised Code as those sections existed prior to the effective date of this section <u>June 29, 2018</u> .	32880 32881 32882 32883 32884 32885 32886 32887
(D)(1) Any person who meets the applicable qualifications for the issuance of a nonstandard license plate established by rule adopted under division (B) of this section may apply to the registrar of motor vehicles for the registration of any passenger	32888 32889 32890 32891

car, noncommercial motor vehicle, recreational vehicle, or other 32892
vehicle the person owns or leases of a class approved by the 32893
registrar. The application may be combined with a request for a 32894
special reserved license plate under section 4503.40 or 4503.42 of 32895
the Revised Code. 32896

(2) ~~Upon~~ (a) Except as provided in division (D)(2)(b) of this 32897
section, upon receipt of an application for registration of a 32898
motor vehicle under this section and the required taxes and fees, 32899
compliance with all applicable laws relating to the registration 32900
of a motor vehicle, and, if necessary, upon presentation of the 32901
required documentary evidence, the registrar shall issue to the 32902
applicant the appropriate motor vehicle registration and a set of 32903
license plates and a validation sticker, or a validation sticker 32904
alone when required by section 4503.191 of the Revised Code. 32905

(b) Any disabled veteran who qualifies to apply to the 32906
registrar for the registration of a motor vehicle under section 32907
4503.41 of the Revised Code without the payment of any 32908
registration taxes or fees, may apply instead for registration of 32909
the motor vehicle under this section. The disabled veteran 32910
applying for registration under this section is not required to 32911
pay any registration taxes or fees as required by sections 32912
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the Revised 32913
Code, any local motor vehicle tax levied under Chapter 4504. of 32914
the Revised Code, or any fee charged under section 4503.19 of the 32915
Revised Code for up to two motor vehicles, including any motor 32916
vehicle registered under section 4503.41 of the Revised Code. Upon 32917
receipt of an application for registration of the motor vehicle 32918
and presentation of any documentation the registrar may require by 32919
rule, the registrar shall issue to the applicant the appropriate 32920
motor vehicle registration and a set of license plates authorized 32921
under this section and a validation sticker, or a validation 32922
sticker alone when required by section 4503.191 of the Revised 32923

Code. 32924

(3) The license plates shall display county identification 32925
stickers that identify the county of registration as required 32926
under section 4503.19 of the Revised Code. 32927

(E) Sections 4503.77 and 4503.78 of the Revised Code do not 32928
apply to license plates issued under this section. 32929

Sec. 4503.515. (A) The owner or lessee of any passenger car, 32930
noncommercial motor vehicle, recreational vehicle, or other 32931
vehicle of a class approved by the registrar of motor vehicles may 32932
apply to the registrar for the registration of the vehicle and 32933
issuance of "Ohio geology" license plates. The application may be 32934
combined with a request for a special reserved license plate under 32935
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 32936
the completed application and compliance by the applicant with 32937
divisions (B) and (C) of this section, the registrar shall issue 32938
to the applicant the appropriate vehicle registration and a set of 32939
"Ohio geology" license plates and a validation sticker, or a 32940
validation sticker alone when required by section 4503.191 of the 32941
Revised Code. 32942

In addition to the letters and numbers ordinarily inscribed 32943
on the license plates, "Ohio geology" license plates shall bear an 32944
appropriate logo and words selected by the director of natural 32945
resources and approved by the registrar. "Ohio geology" license 32946
plates shall display county identification stickers that identify 32947
the county of registration as required under section 4503.19 of 32948
the Revised Code. 32949

(B) "Ohio geology" license plates and a validation sticker, 32950
or validation sticker alone, shall be issued upon receipt of an 32951
application for registration of a motor vehicle under this 32952
section; payment of the regular license tax as prescribed under 32953
section 4503.04 of the Revised Code, any applicable motor vehicle 32954

license tax levied under Chapter 4504. of the Revised Code, any 32955
applicable additional fee prescribed by section 4503.40 or 4503.42 32956
of the Revised Code, an additional fee of ten dollars, and a 32957
contribution as provided in division (C) of this section; and 32958
compliance with all other applicable laws relating to the 32959
registration of motor vehicles. 32960

(C) For each application for registration and registration 32961
renewal notice the registrar receives under this section, the 32962
registrar shall collect a contribution of fifteen dollars. The 32963
registrar shall transmit this contribution to the treasurer of 32964
state for deposit into the state treasury to the credit of the 32965
~~"Ohio geology" license plate~~ geological mapping fund created by 32966
section ~~1505.13~~ 1505.09 of the Revised Code. 32967

The registrar shall transmit the additional fee of ten 32968
dollars, the purpose of which is to compensate the bureau of motor 32969
vehicles for the additional services required in the issuing of 32970
"Ohio geology" license plates, to the treasurer of state for 32971
deposit into the state treasury to the credit of the public safety 32972
- highway purposes fund created by section 4501.06 of the Revised 32973
Code. 32974

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) 32975
of this section, the following shall apply: 32976

(1) No person shall drive a commercial motor vehicle on a 32977
highway in this state unless the person holds, and has in the 32978
person's possession, any of the following: 32979

(a) A valid commercial driver's license with proper 32980
endorsements for the motor vehicle being driven, issued by the 32981
registrar of motor vehicles or by another jurisdiction recognized 32982
by this state; 32983

(b) A valid examiner's commercial driving permit issued under 32984

section 4506.13 of the Revised Code; 32985

(c) A valid restricted commercial driver's license and waiver 32986
for farm-related service industries issued under section 4506.24 32987
of the Revised Code; 32988

(d) A valid commercial driver's license temporary instruction 32989
permit issued by the registrar, provided that the person is 32990
accompanied by an authorized state driver's license examiner or 32991
tester or a person who has been issued and has in the person's 32992
immediate possession a current, valid commercial driver's license 32993
and who meets the requirements of division (B) of section 4506.06 32994
of the Revised Code. 32995

(2) No person's commercial driver's license temporary 32996
instruction permit shall be upgraded, and no commercial driver's 32997
license shall be upgraded, renewed, or issued to a person until 32998
the person surrenders to the registrar of motor vehicles all valid 32999
licenses and permits issued to the person by this state or by 33000
another jurisdiction recognized by this state. If the license or 33001
permit was issued by any other state or another jurisdiction 33002
recognized by this state, the registrar shall report the surrender 33003
of a license or permit to the issuing authority, together with 33004
information that a license or permit is now issued in this state. 33005
The registrar shall destroy any such license or permit that is not 33006
returned to the issuing authority. 33007

(3) No person who has been a resident of this state for 33008
thirty days or longer shall drive a commercial motor vehicle under 33009
the authority of a commercial driver's license issued by another 33010
jurisdiction. 33011

(B) Nothing in division (A) of this section applies to any 33012
qualified person when engaged in the operation of any of the 33013
following: 33014

(1) A farm truck; 33015

(2) Fire equipment for a fire department, volunteer or 33016
nonvolunteer fire company, fire district, ~~or~~ joint fire district, 33017
or the state fire marshal; 33018

(3) A public safety vehicle used to provide transportation or 33019
emergency medical service for ill or injured persons; 33020

(4) A recreational vehicle; 33021

(5) A commercial motor vehicle within the boundaries of an 33022
eligible unit of local government, if the person is employed by 33023
the eligible unit of local government and is operating the 33024
commercial motor vehicle for the purpose of removing snow or ice 33025
from a roadway by plowing, sanding, or salting, but only if either 33026
the employee who holds a commercial driver's license issued under 33027
this chapter and ordinarily operates a commercial motor vehicle 33028
for these purposes is unable to operate the vehicle, or the 33029
employing eligible unit of local government determines that a snow 33030
or ice emergency exists that requires additional assistance; 33031

(6) A vehicle operated for military purposes by any member or 33032
uniformed employee of the armed forces of the United States or 33033
their reserve components, including the Ohio national guard. This 33034
exception does not apply to United States reserve technicians. 33035

(7) A commercial motor vehicle that is operated for 33036
nonbusiness purposes. "Operated for nonbusiness purposes" means 33037
that the commercial motor vehicle is not used in commerce as 33038
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 33039
regulated by the public utilities commission pursuant to Chapter 33040
4905., 4921., or 4923. of the Revised Code. 33041

(8) A motor vehicle that is designed primarily for the 33042
transportation of goods and not persons, while that motor vehicle 33043
is being used for the occasional transportation of personal 33044
property by individuals not for compensation and not in the 33045
furtherance of a commercial enterprise; 33046

(9) A police SWAT team vehicle; 33047

(10) A police vehicle used to transport prisoners. 33048

(C) Nothing contained in division (B)(5) of this section 33049
shall be construed as preempting or superseding any law, rule, or 33050
regulation of this state concerning the safe operation of 33051
commercial motor vehicles. 33052

(D) Whoever violates this section is guilty of a misdemeanor 33053
of the first degree. 33054

Sec. 4507.12. (A)(1) Except as provided in division (C) of 33055
section 4507.10 of the Revised Code, each person applying for the 33056
renewal of a driver's license shall submit to a screening of the 33057
person's vision before the license may be renewed. The Except as 33058
provided in division (A)(2) of this section, the vision screening 33059
shall be conducted at the office of the deputy registrar receiving 33060
the application for license renewal. 33061

(2) A person applying for the renewal of a driver's license 33062
who is capable of meeting the standards required for licensing, 33063
but who is not capable of passing the vision screening conducted 33064
at the office of the deputy registrar, may have the vision 33065
screening conducted at a licensed optometrist's or 33066
ophthalmologist's office. The person shall have the vision 33067
screening performed within ninety days prior to the time the 33068
person applies for the driver's license renewal. The person shall 33069
bring any forms required by the registrar to the vision screening 33070
conducted at the optometrist's or ophthalmologist's office to be 33071
completed by the optometrist or ophthalmologist. The person shall 33072
submit such forms to the registrar or deputy registrar at the time 33073
the person applies for the driver's license renewal to verify that 33074
the vision screening results meet the vision standards required 33075
for licensing. 33076

(B) When the results of a vision screening given under 33077
division (A) of this section indicate that the vision of the 33078
person examined meets the standards required for licensing, the 33079
deputy registrar may renew the person's driver's license at that 33080
time. 33081

(C) When the results of a vision screening given under 33082
division (A) of this section indicate that the vision of the 33083
person screened may not meet the standards required for licensing, 33084
the deputy registrar shall not renew the person's driver's license 33085
at that time but shall refer the person to a driver's license 33086
examiner appointed by the director of public safety under section 33087
5502.05 of the Revised Code for a further examination of the 33088
person's vision. ~~When~~ 33089

(D) When a person referred to a driver's license examiner by 33090
a deputy registrar does not meet the vision standards required for 33091
licensing, the driver's license examiner shall retain the person's 33092
operator's ~~or chauffeur's~~ license and shall immediately notify the 33093
registrar of motor vehicles of that fact. The driver's license 33094
examiner shall refer the person to a licensed optometrist or 33095
ophthalmologist of the person's choice. The person may have the 33096
optometrist or ophthalmologist conduct a vision screening and 33097
shall request the optometrist or ophthalmologist to certify the 33098
vision screening results on any forms required by the registrar. 33099
The person shall submit such forms to the registrar, deputy 33100
registrar, or driver's license examiner to verify that the vision 33101
screening results meet the vision standards required for 33102
licensing. 33103

(E) No driver's license shall be issued to ~~any such~~ a person, 33104
until the person's vision is corrected to meet the standards 33105
required for licensing ~~and the person passes the vision screening~~ 33106
~~required~~ by this section. Any person who operates a motor vehicle 33107
on a highway, or on any public or private property used by the 33108

public for purposes of vehicular travel or parking, during the 33109
time the person's driver's license is held by a driver's license 33110
examiner under this division, shall be deemed to be operating a 33111
motor vehicle in violation of division (A) of section 4510.12 of 33112
the Revised Code. 33113

~~(D)~~(F) The registrar shall adopt rules and shall provide any 33114
forms necessary to properly conduct vision screenings at the 33115
office of a deputy registrar, a driver examination station, or at 33116
the office of a licensed optometrist or ophthalmologist. 33117

~~(E)~~ ~~No~~ (G) A person conducting vision screenings under this 33118
section ~~shall be~~ is not personally liable for damages for injury 33119
or loss to persons or property and for death caused by the 33120
operation of a motor vehicle by any person whose driver's license 33121
was renewed by the deputy registrar under division (B) of this 33122
section. 33123

Sec. 4701.16. (A) After notice and hearing as provided in 33124
Chapter 119. of the Revised Code, the accountancy board may 33125
discipline as described in division (B) of this section a person 33126
holding an Ohio permit, an Ohio registration, a firm registration, 33127
a CPA certificate, or a PA registration or any other person whose 33128
activities are regulated by the board for any one or any 33129
combination of the following causes: 33130

(1) Fraud or deceit in obtaining a firm registration or in 33131
obtaining a CPA certificate, a PA registration, an Ohio permit, or 33132
an Ohio registration; 33133

(2) Dishonesty, fraud, or gross negligence in the practice of 33134
public accounting; 33135

(3) Violation of any of the provisions of section 4701.14 of 33136
the Revised Code; 33137

(4) Violation of a rule of professional conduct promulgated 33138

by the board under the authority granted by this chapter;	33139
(5) Conviction of a felony under the laws of any state or of the United States;	33140 33141
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	33142 33143 33144
(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state;	33145 33146 33147 33148 33149
(8) Suspension or revocation of the right to practice before any state or federal agency;	33150 33151
(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;	33152 33153 33154 33155
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	33156 33157 33158
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	33159 33160
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	33161 33162
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	33163 33164 33165
(2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest in a public accounting firm or qualified firm;	33166 33167 33168

(3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;

(4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense.

(5) In the case of violations of division (A)(2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code;

(6) In the case of violations of division (A)(2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards;

(7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign certificate.

(C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for a violation of division (A)(2) or (4) of this section, it may waive all or any portion of the fine or suspension if the holder of the CPA certificate, PA registration, or firm registration complies fully with division (B)(5) or (6) of this section.

(D) A person engaged in the practice of public accounting does not commit a crime and shall not be subject to discipline by

the accountancy board solely because the person provided 33200
professional accounting services to the holder of a license under 33201
Chapter 3796. of the Revised Code. 33202

Sec. 4712.02. (A) A credit services organization shall file a 33203
registration application with, and receive a certificate of 33204
registration from, the division of financial institutions before 33205
conducting business in this state. The registration application 33206
shall be accompanied by a one-hundred-dollar fee and shall contain 33207
all of the following information: 33208

(1) The name and address of the credit services organization; 33209

(2) The name and address of any person that directly or 33210
indirectly owns or controls ten per cent or more of the 33211
outstanding shares of stock in the organization; 33212

(3) Either of the following: 33213

(a) A full and complete disclosure of any litigation 33214
commenced against the organization or unresolved complaint that 33215
relates to the operation of the organization and that is filed 33216
with the attorney general, the secretary of state, or any other 33217
governmental authority of the United States, this state, or any 33218
other state of the United States; 33219

(b) A notarized statement stating that no litigation has been 33220
commenced and no unresolved complaint relating to the operation of 33221
the organization has been filed with the attorney general, the 33222
secretary of state, or any other governmental authority of the 33223
United States, this state, or any other state of the United 33224
States. 33225

(4) Any other information required at any time by the 33226
division. 33227

(B)(1) Except as otherwise provided in division (B)(2) of 33228
this section, each credit services organization shall notify the 33229

division in writing within thirty days after the date of a change 33230
in the information required by division (A) of this section. 33231

(2) Each organization shall notify the division in writing no 33232
later than thirty days prior to any change in the information 33233
required by division (A)(1) or (2) of this section and shall 33234
receive approval from the division before making any such change. 33235

(C)(1) A credit services organization shall attach both of 33236
the following to the registration application submitted pursuant 33237
to division (A) of this section: 33238

(a) A copy of the contract that the organization intends to 33239
execute with its customers; 33240

(b) Evidence of the bond required under section 4712.06 of 33241
the Revised Code. 33242

(2) Any modification made to the contract described in 33243
division (C)(1)(a) of this section shall be filed with the 33244
division prior to its use by the organization. 33245

(D) Each credit services organization registering under this 33246
section shall maintain a copy of the registration application in 33247
its files. The organization shall allow a buyer to inspect the 33248
registration application upon request. 33249

(E) Each nonresident credit services organization registering 33250
under this section shall designate and maintain a resident of this 33251
state as the organization's statutory agent for purposes of 33252
receipt of service of process. 33253

(F) If, in order to issue a certificate of registration to a 33254
credit services organization, investigation by the division 33255
outside this state is necessary, the division may require the 33256
organization to advance sufficient funds to pay the actual 33257
expenses of the investigation. 33258

(G) Each credit services organization registering under this 33259

section shall use no more than one fictitious or trade name. 33260

(H)(1) A certificate of registration issued by the division 33261
pursuant to this section shall expire annually on the thirtieth 33262
day of April, or annually on a different date established by the 33263
superintendent pursuant to section 1181.23 of the Revised Code. 33264

(2) A credit services organization may renew its certificate 33265
of registration by filing with the division a renewal application 33266
accompanied by a one-hundred-dollar renewal fee. 33267

(I) All money collected by the division pursuant to this 33268
section shall be deposited by it in the state treasury to the 33269
credit of the consumer finance fund. 33270

(J)(1) No credit services organization shall fail to comply 33271
with division (A) of this section. 33272

(2) No credit services organization shall fail to comply with 33273
division (B), (D), (E), (F), or (G) of this section. 33274

Sec. 4713.14. No individual shall do any of the following: 33275

(A) Use fraud or deceit in making application for a license, 33276
permit, or registration; 33277

(B) Aid or abet any individual or entity in any of the 33278
following: 33279

(1) Violating this chapter or a rule adopted under it; 33280

(2) Obtaining a license, permit, or registration 33281
fraudulently; 33282

(3) Falsely pretending to hold a current, valid license or 33283
permit. 33284

(C) Practice a branch of cosmetology, for pay, free, or 33285
otherwise, without one of the following authorizing the practice 33286
of that branch of cosmetology: 33287

(1) A current, valid license under section 4713.28, 4713.30,	33288
or 4713.34 of the Revised Code;	33289
(2) A current, valid temporary pre-examination work permit	33290
issued under section 4713.22 of the Revised Code;	33291
(3) A current, valid temporary special occasion work permit	33292
issued under section 4713.37 of the Revised Code;	33293
(4) A current, valid temporary work permit issued under rules	33294
adopted by the board pursuant to section 4713.08 of the Revised	33295
Code;	33296
(5) A current, valid registration under section 4713.69 of	33297
the Revised Code.	33298
(D) Employ an individual to practice a branch of cosmetology	33299
if the individual does not hold one of the following authorizing	33300
the practice of that branch of cosmetology:	33301
(1) A current, valid license under section 4713.28, 4713.30,	33302
or 4713.34 of the Revised Code;	33303
(2) A current, valid temporary pre-examination work permit	33304
issued under section 4713.22 of the Revised Code;	33305
(3) A current, valid temporary special occasion work permit	33306
issued under section 4713.37 of the Revised Code;	33307
(4) A current, valid temporary work permit issued under rules	33308
adopted by the board pursuant to section 4713.08 of the Revised	33309
Code;	33310
(5) A current, valid registration under section 4713.69 of	33311
the Revised Code.	33312
(E) Except for apprentice instructors and as provided in	33313
section 4713.45 of the Revised Code, teach the theory or practice	33314
of a branch of cosmetology at a school of cosmetology without	33315
either of the following authorizing the teaching of that branch of	33316
cosmetology:	33317

(1) A current, valid license under section 4713.31 or 4713.34 33318
of the Revised Code; 33319

(2) A current, valid temporary special occasion work permit 33320
issued under section 4713.37 of the Revised Code. 33321

(F) Advertise or operate a glamour photography service in 33322
which a branch of cosmetology is practiced unless the individual 33323
practicing the branch of cosmetology holds either of the following 33324
authorizing the practice of that branch of cosmetology: 33325

(1) A current, valid license under section 4713.28, 4713.30, 33326
or 4713.34 of the Revised Code; 33327

(2) A current, valid temporary special occasion work permit 33328
issued under section 4713.37 of the Revised Code. 33329

(G) Advertise or operate a glamour photography service in 33330
which a branch of cosmetology is practiced at a location not 33331
specified by rules adopted under section 4713.08 of the Revised 33332
Code; 33333

(H) Practice a branch of cosmetology at a salon as an 33334
independent contractor without a current, valid independent 33335
contractor license issued under section 4713.39 of the Revised 33336
Code; 33337

(I) Operate a salon without a current, valid license under 33338
section 4713.41 of the Revised Code; 33339

(J) Provide cosmetic therapy or massage therapy at a salon 33340
for pay, free, or otherwise without a current, valid ~~certificate~~ 33341
license issued by the state medical board under section 4731.15 of 33342
the Revised Code or provide any other professional service at a 33343
salon for pay, free, or otherwise without a current, valid license 33344
or certificate issued by the professional regulatory board of this 33345
state that regulates the profession; 33346

(K) Teach a branch of cosmetology at a salon, unless the 33347

individual receiving the instruction holds either of the following 33348
authorizing the practice of that branch of cosmetology: 33349

(1) A current, valid license under section 4713.28, 4713.30, 33350
or 4713.34 of the Revised Code; 33351

(2) A current, valid temporary pre-examination work permit 33352
issued under section 4713.22 of the Revised Code. 33353

(L) Operate a school of cosmetology without a current, valid 33354
license under section 4713.44 of the Revised Code; 33355

(M) At a salon or school of cosmetology, do any of the 33356
following: 33357

(1) Use or possess a cosmetic product containing an 33358
ingredient that the United States food and drug administration has 33359
prohibited by regulation; 33360

(2) Use a cosmetic product in a manner inconsistent with a 33361
restriction established by the United States food and drug 33362
administration by regulation; 33363

(3) Use or possess a liquid nail monomer containing any trace 33364
of methyl methacrylate (MMA). 33365

(N) While in charge of a salon or school of cosmetology, 33366
permit any individual to sleep in, or use for residential 33367
purposes, any room used wholly or in part as the salon or school 33368
of cosmetology; 33369

(O) Maintain, as an established place of business for the 33370
practice of one or more of the branches of cosmetology, a room 33371
used wholly or in part for sleeping or residential purposes; 33372

(P) Operate a tanning facility that is offered to the public 33373
for a fee or other compensation without a current, valid permit 33374
under section 4713.48 of the Revised Code; 33375

(Q) Practice a branch of cosmetology in a location other than 33376
a licensed facility unless otherwise exempted under section 33377

4713.16 or 4713.17 of the Revised Code; 33378

(R) Use any of the services or arts that are part of 33379
cosmetology to treat or attempt to cure a physical or mental 33380
disease or ailment. 33381

Sec. 4713.16. (A) This chapter does not prohibit any of the 33382
following: 33383

(1) Practicing a branch of cosmetology without a license or 33384
registration if the individual does so for free at the 33385
individual's home for a family member who resides in the same 33386
household as the individual; 33387

(2) The retail sale, or trial demonstration by application to 33388
the skin for purposes of retail sale, of cosmetics, preparations, 33389
tonics, antiseptics, creams, lotions, wigs, or hairpieces without 33390
a practicing license or registration; 33391

(3) The retailing, at a salon, of cosmetics, preparations, 33392
tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, 33393
or any other items that pose no risk of creating unsanitary 33394
conditions at the salon; 33395

(4) The provision of glamour photography services at a 33396
licensed salon if either of the following is the case: 33397

(a) A branch of cosmetology is not practiced as part of the 33398
services. 33399

(b) If a branch of cosmetology is practiced as part of the 33400
services, the part of the services that is a branch of cosmetology 33401
is performed by an individual who holds either of the following 33402
authorizing the individual to practice that branch of cosmetology: 33403

(i) A current, valid license under section 4713.28, 4713.30, 33404
or 4713.34 of the Revised Code; 33405

(ii) A current, valid temporary special occasion work permit 33406

issued under section 4713.37 of the Revised Code. 33407

(5) A student engaging, as a student, in work connected with 33408
a branch of cosmetology taught at the school of cosmetology at 33409
which the student is enrolled; 33410

(6) Practicing a branch of cosmetology without a license or 33411
registration if the individual does so for free for the purpose of 33412
researching or developing a cosmetic as defined in section 3715.01 33413
of the Revised Code. 33414

(B) A student in a career-technical program learning a branch 33415
of cosmetology may continue developing skills in the respective 33416
branch of cosmetology after completing the required coursework or 33417
obtaining a license in the respective branch of cosmetology by 33418
working in the licensed career-technical school clinic if the 33419
student does not receive any compensation. This allowance 33420
terminates upon the graduation of the student from the 33421
career-technical school. 33422

Sec. 4713.17. (A) The following persons are exempt from the 33423
provisions of this chapter, except, as applicable, section 4713.42 33424
of the Revised Code: 33425

(1) All individuals authorized to practice medicine, surgery, 33426
dentistry, and nursing or any of its branches in this state; 33427

(2) Commissioned surgical and medical officers of the United 33428
States army, navy, air force, or marine hospital service when 33429
engaged in the actual performance of their official duties, and 33430
attendants attached to same; 33431

(3) Funeral directors, embalmers, and apprentices licensed or 33432
registered under Chapter 4717. of the Revised Code; 33433

(4) Persons who are engaged in the retail sale, cleaning, or 33434
beautification of wigs and hairpieces but who do not engage in any 33435
other act constituting the practice of a branch of cosmetology; 33436

(5) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient.

(6) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who practice a branch of cosmetology on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis;

(7) Cosmetic therapists and massage therapists who hold current, valid ~~certificates~~ licenses to practice cosmetic or massage therapy issued by the state medical board under section 4731.15 of the Revised Code, to the extent their actions are authorized by their ~~certificates to practice~~ licenses;

(8) Inmates who provide services related to a branch of cosmetology to other inmates, except when those services are provided in a licensed school of cosmetology within a state correctional institution for females.

(B) The director of rehabilitation and correction shall oversee the services described in division (A)(8) of this section with respect to sanitation and adopt rules governing those types of services provided by inmates.

Sec. 4713.42. An individual holding a current, valid ~~certificate~~ license issued under section 4731.15 of the Revised Code to provide cosmetic therapy or massage therapy may provide cosmetic therapy or massage therapy, as appropriate, in a salon. An individual holding a current, valid license or certificate issued by a professional regulatory board of this state may

practice the individual's profession in a salon if the 33468
individual's profession is authorized by rules adopted under 33469
section 4713.08 of the Revised Code to practice in a salon. 33470

An individual providing cosmetic therapy, massage therapy, or 33471
other professional service in a salon pursuant to this section 33472
shall satisfy the standards established by rules adopted under 33473
section 4713.08 of the Revised Code. 33474

Sec. 4715.22. (A)(1) This section applies only when a 33475
licensed dental hygienist is not practicing in accordance with 33476
either of the following: 33477

(a) A permit issued pursuant to section 4715.363 of the 33478
Revised Code authorizing practice under the oral health access 33479
supervision of a dentist; 33480

(b) Section 4715.431 of the Revised Code. 33481

(2) As used in this section, "health care facility" means 33482
either of the following: 33483

(a) A hospital registered under section 3701.07 of the 33484
Revised Code; 33485

(b) A ~~"home"~~ home, as defined in section 3721.01 of the 33486
Revised Code. 33487

(B) A licensed dental hygienist shall practice under the 33488
supervision, order, control, and full responsibility of a dentist 33489
licensed under this chapter. A dental hygienist may practice in a 33490
dental office, public or private school, health care facility, 33491
dispensary, or public institution. Except as provided in divisions 33492
(C) to (E) of this section, a dental hygienist may not provide 33493
dental hygiene services to a patient when the supervising dentist 33494
is not physically present at the location where the dental 33495
hygienist is practicing. 33496

(C) A dental hygienist may provide, for not more than fifteen 33497
consecutive business days, dental hygiene services to a patient 33498
when the supervising dentist is not physically present at the 33499
location where the services are provided if all of the following 33500
requirements are met: 33501

(1) The dental hygienist has at least one year and a minimum 33502
of one thousand five hundred hours of experience in the practice 33503
of dental hygiene. 33504

(2) The dental hygienist has successfully completed a course 33505
approved by the state dental board in the identification and 33506
prevention of potential medical emergencies. 33507

(3) The dental hygienist does not perform, while the 33508
supervising dentist is absent from the location, procedures while 33509
the patient is anesthetized, definitive root planing, definitive 33510
subgingival curettage, or other procedures identified in rules the 33511
state dental board adopts. 33512

(4) The supervising dentist has evaluated the dental 33513
hygienist's skills. 33514

(5) The supervising dentist examined the patient not more 33515
than one year prior to the date the dental hygienist provides the 33516
dental hygiene services to the patient. 33517

(6) The dental hygienist complies with written protocols or 33518
written standing orders that the supervising dentist establishes, 33519
including those established for emergencies. 33520

(7) The supervising dentist completed and evaluated a medical 33521
and dental history of the patient not more than one year prior to 33522
the date the dental hygienist provides dental hygiene services to 33523
the patient and, except when the dental hygiene services are 33524
provided in a health care facility, the supervising dentist 33525
determines that the patient is in a medically stable condition. 33526

(8) If the dental hygiene services are provided in a health care facility, a doctor of medicine and surgery or osteopathic medicine and surgery ~~who holds a current certificate issued~~ licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code is present in the health care facility when the services are provided.

(9) In advance of the appointment for dental hygiene services, the patient is notified that the supervising dentist will be absent from the location and that the dental hygienist cannot diagnose the patient's dental health care status.

(10) The dental hygienist is employed by, or under contract with, one of the following:

(a) The supervising dentist;

(b) A dentist licensed under this chapter who is one of the following:

(i) The employer of the supervising dentist;

(ii) A shareholder in a professional association formed under Chapter 1785. of the Revised Code of which the supervising dentist is a shareholder;

(iii) A member or manager of a limited liability company formed under Chapter 1705. of the Revised Code of which the supervising dentist is a member or manager;

(iv) A shareholder in a corporation formed under division (B) of section 1701.03 of the Revised Code of which the supervising dentist is a shareholder;

(v) A partner or employee of a partnership or a limited liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee.

(c) A government entity that employs the dental hygienist to

provide dental hygiene services in a public school or in 33557
connection with other programs the government entity administers. 33558

(D) A dental hygienist may provide dental hygiene services to 33559
a patient when the supervising dentist is not physically present 33560
at the location where the services are provided if the services 33561
are provided as part of a dental hygiene program that is approved 33562
by the state dental board and all of the following requirements 33563
are met: 33564

(1) The program is operated through a school district board 33565
of education or the governing board of an educational service 33566
center; the board of health of a city or general health district 33567
or the authority having the duties of a board of health under 33568
section 3709.05 of the Revised Code; a national, state, district, 33569
or local dental association; or any other public or private entity 33570
recognized by the state dental board. 33571

(2) The supervising dentist is employed by or a volunteer 33572
for, and the patients are referred by, the entity through which 33573
the program is operated. 33574

(3)(a) Except as provided in division (D)(3)(b) of this 33575
section, the services are performed after examination and 33576
diagnosis by the dentist and in accordance with the dentist's 33577
written treatment plan. 33578

(b) The requirement in division (D)(3)(a) of this section 33579
does not apply when the only services to be provided by the dental 33580
hygienist are the placement of pit and fissure sealants and the 33581
application of fluoride varnish. 33582

(E) A dental hygienist may do any of the following when the 33583
supervising dentist is not physically present at the location 33584
where the services are provided, regardless of whether the dentist 33585
has examined the patient, if the dental hygienist is employed by, 33586
or under contract with, the supervising dentist or another person 33587

or government entity specified in division (C)(10)(b) or (c) of	33588
this section:	33589
(1) Apply fluoride varnish;	33590
(2) Apply desensitizing agents, excluding silver diamine	33591
fluoride;	33592
(3) Apply disclosing solutions;	33593
(4) Apply pit and fissure sealants;	33594
(5) Recement temporary crowns or recement crowns with	33595
temporary cement;	33596
(6) Conduct caries susceptibility testing;	33597
(7) Provide instruction on oral hygiene home care, including	33598
the use of toothbrushes and dental floss;	33599
(8) Discuss general nonmedical nutrition information for the	33600
purpose of maintaining good oral health.	33601
As used in division (E)(8) of this section, "general	33602
nonmedical nutrition information" means information on the	33603
following: principles of good nutrition and food preparation, food	33604
to be included in the normal daily diet, the essential nutrients	33605
needed by the body, recommended amounts of the essential	33606
nutrients, the actions of nutrients on the body, the effects of	33607
deficiencies or excesses of nutrients, or food and supplements	33608
that are good sources of essential nutrients.	33609
(F) No person shall do either of the following:	33610
(1) Practice dental hygiene in a manner that is separate or	33611
otherwise independent from the dental practice of a supervising	33612
dentist;	33613
(2) Establish or maintain an office or practice that is	33614
primarily devoted to the provision of dental hygiene services.	33615
(G) The state dental board shall adopt rules under division	33616

(C) of section 4715.03 of the Revised Code identifying procedures 33617
a dental hygienist may not perform when practicing in the absence 33618
of the supervising dentist pursuant to division (C) or (D) of this 33619
section. 33620

Sec. 4715.52. (A) Except as provided in division (B) of this 33621
section, no person shall practice or hold that person out as a 33622
dental x-ray machine operator without a valid certificate issued 33623
under section 4715.53 of the Revised Code. 33624

(B) Division (A) of this section does not apply to any of the 33625
following: 33626

(1) Dentists or dental hygienists licensed under this 33627
chapter; 33628

(2) As specified in 42 C.F.R. 75, radiologic personnel 33629
employed by the federal government or serving in a branch of the 33630
armed forces of the United States; 33631

(3) Students engaging in any of the activities performed by 33632
dental x-ray machine operators as an integral part of a program of 33633
study leading to receipt of a license or certificate issued under 33634
this chapter, or a license issued under Chapter 4731., 4734., or 33635
~~Chapter 4773. of the Revised Code, or a certificate issued under~~ 33636
~~Chapter 4731. of the Revised Code.~~ 33637

Sec. 4717.03. (A) Members of the board of embalmers and 33638
funeral directors shall annually in July, or within thirty days 33639
after the senate's confirmation of the new members appointed in 33640
that year, meet and organize by selecting from among its members a 33641
president, vice-president, and secretary-treasurer. The board may 33642
hold other meetings as it determines necessary. A quorum of the 33643
board consists of four members, of whom at least three shall be 33644
members who are funeral directors. The concurrence of at least 33645
four members is necessary for the board to take any action. The 33646

president and secretary-treasurer shall sign all licenses issued 33647
under this chapter and affix the board's seal to each license. 33648

(B) The board may appoint an individual who is not a member 33649
of the board to serve as executive director of the board. The 33650
executive director serves at the pleasure of the board and shall 33651
do all of the following: 33652

(1) Serve as the board's chief administrative officer; 33653

(2) Act as custodian of the board's records; 33654

(3) Execute all of the board's orders; 33655

(4) Employ staff who are not members of the board and who 33656
serve at the pleasure of the executive director to provide any 33657
assistance that the board considers necessary. 33658

(C) In executing the board's orders as required by division 33659
(B)(3) of this section, the executive director may enter the 33660
premises, establishment, office, or place of business of any 33661
embalmer, funeral director, or crematory operator in this state. 33662
The executive director may serve and execute any process issued by 33663
any court under this chapter. 33664

(D) The executive director may employ necessary inspectors, 33665
who shall be licensed embalmers and funeral directors. An 33666
inspector employed by the executive director may enter the 33667
premises, establishment, office, or place of business of any 33668
embalmer, funeral director, or crematory operator, embalming 33669
facility, funeral home, or crematory facility in this state, for 33670
the purposes of inspecting the facility and premises; the license, 33671
permit, and ~~registration~~ certification of embalmers, funeral 33672
directors, and crematory operators operating in the facility; and 33673
the license of the funeral home, embalming facility, or crematory 33674
facility and perform any other duties delegated to the inspector 33675
by the board or assigned to the inspector by the executive 33676

director. The executive director may enter the facility or 33677
premises of a funeral home, embalming facility, or crematory for 33678
the purpose of an inspection if accompanied by an inspector or, if 33679
an inspector is not available, when a situation presents a danger 33680
of immediate and serious harm to the public. 33681

(E) The president of the board shall designate three of the 33682
board's members to serve on the crematory review board, which is 33683
hereby created, for such time as the president finds appropriate 33684
to carry out the provisions of this chapter. Those members of the 33685
crematory review board designated by the president to serve and 33686
three members designated by the cemetery dispute resolution 33687
commission shall designate, by a majority vote, one person who 33688
holds a crematory operator permit, who is experienced in the 33689
operation of a crematory facility, and who is not affiliated with 33690
a cemetery or a funeral home to serve on the crematory review 33691
board for such time as the crematory review board finds 33692
appropriate. Members serving on the crematory review board shall 33693
not receive any additional compensation for serving on the board, 33694
but may be reimbursed for their actual and necessary expenses 33695
incurred in the performance of official duties as members of the 33696
board. Members of the crematory review board shall designate one 33697
from among its members to serve as a chairperson for such time as 33698
the board finds appropriate. Costs associated with conducting an 33699
adjudicatory hearing in accordance with division (F) of this 33700
section shall be paid from funds available to the board of 33701
embalmers and funeral directors. 33702

(F) Upon receiving written notice from the board of embalmers 33703
and funeral directors of any of the following, the crematory 33704
review board shall conduct an adjudicatory hearing on the matter 33705
in accordance with Chapter 119. of the Revised Code, except as 33706
otherwise provided in this section or division (C) of section 33707
4717.14 of the Revised Code: 33708

(1) Notice provided under division (I) of this section of an 33709
alleged violation of any provision of this chapter or any rules 33710
adopted under this chapter governing or in connection with 33711
crematory operators, crematory facilities, or cremation; 33712

(2) Notice provided under division (B) of section 4717.14 of 33713
the Revised Code that the board of embalmers and funeral directors 33714
proposes to refuse to grant or renew, or to suspend or revoke, a 33715
license to operate a crematory facility; 33716

(3) Notice provided under division (C) of section 4717.14 of 33717
the Revised Code that the board of embalmers and funeral directors 33718
has issued an order summarily suspending a crematory operator 33719
permit or a license to operate a crematory facility; 33720

(4) Notice provided under division (B) of section 4717.15 of 33721
the Revised Code that the board of embalmers and funeral directors 33722
proposes to issue a notice of violation and order requiring 33723
payment of a forfeiture for any violation described in divisions 33724
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 33725
connection with a crematory operator, crematory facility, or 33726
cremation. 33727

Nothing in division (F) of this section precludes the 33728
crematory review board from appointing an independent examiner in 33729
accordance with section 119.09 of the Revised Code to conduct any 33730
adjudication hearing required under division (F) of this section. 33731

The crematory review board shall submit a written report of 33732
findings and advisory recommendations, and a written transcript of 33733
its proceedings, to the board of embalmers and funeral directors. 33734
The board of embalmers and funeral directors shall serve a copy of 33735
the written report of the crematory review board's findings and 33736
advisory recommendations on the party to the adjudication or the 33737
party's attorney, by certified mail, within five days after 33738
receiving the report and advisory recommendations. A party may 33739

file objections to the written report with the board of embalmers 33740
and funeral directors within ten days after receiving the report. 33741
No written report is final or appealable until it is issued as a 33742
final order by the board of embalmers and funeral directors and 33743
entered on the record of the proceedings. The board of embalmers 33744
and funeral directors shall consider objections filed by the party 33745
prior to issuing a final order. After reviewing the findings and 33746
advisory recommendations of the crematory review board, the 33747
written transcript of the crematory review board's proceedings, 33748
and any objections filed by a party, the board of embalmers and 33749
funeral directors shall issue a final order in the matter. Any 33750
party may appeal the final order issued by the board of embalmers 33751
and funeral directors in a matter described in divisions (F)(1) to 33752
(4) of this section in accordance with section 119.12 of the 33753
Revised Code, except that the appeal may be made to the court of 33754
common pleas in the county in which is located the crematory 33755
facility to which the final order pertains, or in the county in 33756
which the party resides. 33757

(G) On its own initiative or on receiving a written complaint 33758
from any person whose identity is made known to the board of 33759
embalmers and funeral directors, the board shall investigate the 33760
acts or practices of any person holding or claiming to hold a 33761
license, permit, or ~~registration~~ certification under this chapter 33762
that, if proven to have occurred, would violate this chapter or 33763
any rules adopted under it. The board may compel witnesses by 33764
subpoena to appear and testify in relation to investigations 33765
conducted under this chapter and may require by subpoena duces 33766
tecum the production of any book, paper, or document pertaining to 33767
an investigation. If a person does not comply with a subpoena or 33768
subpoena duces tecum, the board may apply to the court of common 33769
pleas of any county in this state for an order compelling the 33770
person to comply with the subpoena or subpoena duces tecum, or for 33771
failure to do so, to be held in contempt of court. 33772

(H) If, as a result of its investigation conducted under 33773
division (G) of this section, the board of embalmers and funeral 33774
directors has reasonable cause to believe that the person 33775
investigated is violating any provision of this chapter or any 33776
rules adopted under this chapter governing or in connection with 33777
embalming, funeral directing, cremation, funeral homes, embalming 33778
facilities, or cremation facilities, or the operation of funeral 33779
homes, embalming facilities, or crematory facilities, it may, 33780
after providing the opportunity for an adjudicatory hearing, issue 33781
an order directing the person to cease the acts or practices that 33782
constitute the violation. The board shall conduct the adjudicatory 33783
hearing in accordance with Chapter 119. of the Revised Code except 33784
that, notwithstanding the provisions of that chapter, the 33785
following shall apply: 33786

(1) The board shall send the notice informing the person of 33787
the person's right to a hearing by certified mail. 33788

(2) The person is entitled to a hearing only if the person 33789
requests a hearing and if the board receives the request within 33790
thirty days after the mailing of the notice described in division 33791
(H)(1) of this section. 33792

(3) A stenographic record shall be taken, in the manner 33793
prescribed in section 119.09 of the Revised Code, at every 33794
adjudicatory hearing held under this section, regardless of 33795
whether the record may be the basis of an appeal to a court. 33796

(I) If, as a result of its investigation conducted under 33797
division (G) of this section, the board of embalmers and funeral 33798
directors has reasonable cause to believe that the person 33799
investigated is violating any provision of this chapter or any 33800
rules adopted under this chapter governing or in connection with 33801
crematory operators, crematory facilities, or cremation, the board 33802
shall send written notice of the alleged violation to the 33803
crematory review board. If, after the conclusion of the 33804

adjudicatory hearing in the matter conducted under division (F) of 33805
this section, the board of embalmers and funeral directors finds 33806
that a person is in violation of any provision of this chapter or 33807
any rules adopted under this chapter governing or in connection 33808
with crematory operators, crematory facilities, or cremation, the 33809
board may issue a final order under that division directing the 33810
person to cease the acts or practices that constitute the 33811
violation. 33812

(J) The board of embalmers and funeral directors may bring a 33813
civil action to enjoin any violation or threatened violation of 33814
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 33815
under any of those sections; division (A) or (B) of section 33816
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 33817
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 33818
division (D)(1) of section 4717.27; divisions (A) to (C) of 33819
section 4717.28, or division (D) or (E) of section 4717.31 of the 33820
Revised Code. The action shall be brought in the county where the 33821
violation occurred or the threatened violation is expected to 33822
occur. At the request of the board, the attorney general shall 33823
represent the board in any matter arising under this chapter. 33824

(K) The board of embalmers and funeral directors and the 33825
crematory review board may issue subpoenas for any person holding 33826
a license or permit under this chapter or persons holding 33827
themselves out as such, or for any other person whose testimony, 33828
in the opinion of either board, is necessary. The subpoena shall 33829
require the person to appear before the appropriate board or any 33830
designated member of either board, upon any hearing conducted 33831
under this chapter. The penalty for disobedience to the command of 33832
such a subpoena is the same as for refusal to answer such a 33833
process issued under authority of the court of common pleas. 33834

(L) Except as provided in section 4717.41 of the Revised 33835
Code, all moneys received by the board of embalmers and funeral 33836

directors from any source shall be deposited in the state treasury 33837
to the credit of the occupational licensing and regulatory fund 33838
created in section 4743.05 of the Revised Code. 33839

(M) The board of embalmers and funeral directors shall submit 33840
a written report to the governor on or before the first Monday of 33841
July of each year. This report shall contain a detailed statement 33842
of the nature and amount of the board's receipts and the amount 33843
and manner of its expenditures. 33844

Sec. 4717.05. (A) Any person who desires to be licensed as an 33845
embalmer shall apply to the board of embalmers and funeral 33846
directors on a form provided by the board. The applicant shall 33847
include with the application an initial license fee as set forth 33848
in section 4717.07 of the Revised Code and evidence, verified by 33849
oath and satisfactory to the board, that the applicant meets all 33850
of the following requirements: 33851

(1) The applicant is at least eighteen years of age and of 33852
good moral character. 33853

(2) If the applicant has pleaded guilty to, has been found by 33854
a judge or jury to be guilty of, or has had a judicial finding of 33855
eligibility for treatment in lieu of conviction entered against 33856
the applicant in this state for aggravated murder, murder, 33857
voluntary manslaughter, felonious assault, kidnapping, rape, 33858
sexual battery, gross sexual imposition, aggravated arson, 33859
aggravated robbery, or aggravated burglary, or has pleaded guilty 33860
to, has been found by a judge or jury to be guilty of, or has had 33861
a judicial finding of eligibility for treatment in lieu of 33862
conviction entered against the applicant in another jurisdiction 33863
for a substantially equivalent offense, at least five years has 33864
elapsed since the applicant was released from incarceration, a 33865
community control sanction, a post-release control sanction, 33866
parole, or treatment in connection with the offense. 33867

(3) The applicant holds at least a bachelor's degree from a college or university authorized to confer degrees by the department of higher education or the comparable legal agency of another state in which the college or university is located and submits an official transcript from that college or university with the application.

(4) The applicant has satisfactorily completed at least twelve months of instruction in a prescribed course in mortuary science as approved by the board and has presented to the board a certificate showing successful completion of the course. The course of mortuary science college training may be completed either before or after the completion of the educational standard set forth in division (A)(3) of this section.

(5) The applicant has ~~registered with~~ been certified by the board prior to beginning an embalmer apprenticeship.

(6) The applicant has satisfactorily completed at least one year of apprenticeship under an embalmer licensed in this state and has participated in embalming at least twenty-five dead human bodies.

(7) The applicant, upon meeting the educational standards provided for in divisions (A)(3) and (4) of this section and completing the apprenticeship required in division (A)(6) of this section, has completed the examination for an embalmer's license required by the board.

(B) Upon receiving satisfactory evidence verified by oath that the applicant meets all the requirements of division (A) of this section, the board shall issue the applicant an embalmer's license.

(C) Any person who desires to be licensed as a funeral director shall apply to the board on a form prescribed by the board. The application shall include an initial license fee as set

forth in section 4717.07 of the Revised Code and evidence, 33899
verified by oath and satisfactory to the board, that the applicant 33900
meets all of the following requirements: 33901

(1) Except as otherwise provided in division (D) of this 33902
section, the applicant has satisfactorily met all the requirements 33903
for an embalmer's license as described in divisions (A)(1) to (4) 33904
of this section. 33905

(2) The applicant has ~~registered with~~ been certified by the 33906
board prior to beginning a funeral director apprenticeship. 33907

(3) The applicant, following mortuary science college 33908
training described in division (A)(4) of this section, has 33909
satisfactorily completed a one-year apprenticeship under a 33910
licensed funeral director in this state and has participated in 33911
directing at least twenty-five funerals. 33912

(4) The applicant has satisfactorily completed the 33913
examination for a funeral director's license as required by the 33914
board. 33915

(D) In lieu of mortuary science college training required for 33916
a funeral director's license under division (C)(1) of this 33917
section, the applicant may substitute a satisfactorily completed 33918
two-year apprenticeship under a licensed funeral director in this 33919
state assisting that person in directing at least fifty funerals. 33920

(E) Upon receiving satisfactory evidence that the applicant 33921
meets all the requirements of division (C) of this section, the 33922
board shall issue to the applicant a funeral director's license. 33923

(F) A funeral director or embalmer may request the funeral 33924
director's or embalmer's license be placed on inactive status by 33925
submitting to the board a form prescribed by the board and such 33926
other information as the board may request. A funeral director or 33927
embalmer may not place the funeral director's or embalmer's 33928
license on inactive status unless the funeral director or embalmer 33929

is in good standing with the board and is in compliance with 33930
applicable continuing education requirements. A funeral director 33931
or embalmer who is granted inactive status is prohibited from 33932
participating in any activity for which a funeral director's or 33933
embalmer's license is required in this state. A funeral director 33934
or embalmer who has been granted inactive status is exempt from 33935
the continuing education requirements under section 4717.09 of the 33936
Revised Code during the period of the inactive status. 33937

(G) A funeral director or embalmer who has been granted 33938
inactive status may not return to active status for at least two 33939
years following the date that the inactive status was granted. 33940
Following a period of at least two years of inactive status, the 33941
funeral director or embalmer may apply to return to active status 33942
upon completion of all of the following conditions: 33943

(1) The funeral director or embalmer files with the board a 33944
form prescribed by the board seeking active status and provides 33945
any other information as the board may request; 33946

(2) The funeral director or embalmer takes and passes the 33947
Ohio laws examination for each license being activated; 33948

(3) The funeral director or embalmer pays a reactivation fee 33949
to the board in the amount of one hundred forty dollars for each 33950
license being reactivated. 33951

(H) As used in this section: 33952

(1) "Community control sanction" has the same meaning as in 33953
section 2929.01 of the Revised Code. 33954

(2) "Post-release control sanction" has the same meaning as 33955
in section 2967.01 of the Revised Code. 33956

Sec. 4717.07. (A) The board of embalmers and funeral 33957
directors shall charge and collect the following fees: 33958

(1) For applying for an initial or biennial renewal of an 33959

embalmer's or funeral director's license, ~~one~~ two hundred ~~fifty~~ 33960
dollars; 33961

~~(2) For applying for an embalmer or funeral director~~ 33962
~~registration, twenty-five dollars;~~ 33963

~~(3)~~ For ~~filing~~ applying for an embalmer or funeral director 33964
certificate of apprenticeship, ~~ten~~ thirty-five dollars; 33965

~~(4)~~ (3) For the application to take the examination for a 33966
license to practice as an embalmer or funeral director, or to 33967
retake a section of the examination, thirty-five dollars; 33968

~~(5)~~ (4) For applying for an initial license to operate a 33969
funeral home, ~~three~~ four hundred ~~fifty~~ dollars and biennial 33970
renewal of a license to operate a funeral home, ~~three~~ four hundred 33971
~~fifty~~ dollars; 33972

~~(6)~~ (5) For the reinstatement of a lapsed embalmer's or 33973
funeral director's license, the renewal fee prescribed in division 33974
(A)(1) of this section plus fifty dollars for each month or 33975
portion of a month the license is lapsed, but not more than one 33976
thousand dollars; 33977

~~(7)~~ (6) For the reinstatement of a lapsed license to operate a 33978
funeral home, the renewal fee prescribed in division (A)~~(5)~~ (4) of 33979
this section plus fifty dollars for each month or portion of a 33980
month the license is lapsed until reinstatement, but not more than 33981
one thousand dollars; 33982

~~(8)~~ (7) For applying for a license to operate an embalming 33983
facility, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of 33984
a license to operate an embalming facility, ~~three~~ four hundred 33985
~~fifty~~ dollars; 33986

~~(9)~~ (8) For the reinstatement of a lapsed license to operate 33987
an embalming facility, the renewal fee prescribed in division 33988
(A)~~(8)~~ (7) of this section plus fifty dollars for each month or 33989

portion of a month the license is lapsed until reinstatement, but 33990
not more than one thousand dollars; 33991

~~(10)~~(9) For applying for a license to operate a crematory 33992
facility, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of 33993
a license to operate a crematory facility, ~~three~~ four hundred 33994
~~fifty~~ dollars; 33995

~~(11)~~(10) For the reinstatement of a lapsed license to operate 33996
a crematory facility, the renewal fee prescribed in division 33997
(A)~~(10)~~(9) of this section plus fifty dollars for each month or 33998
portion of a month the license is lapsed until reinstatement, but 33999
not more than five hundred dollars; 34000

~~(12)~~(11) For applying for the initial or biennial renewal of 34001
a crematory operator permit, one hundred fifty dollars; 34002

~~(13)~~(12) For the reinstatement of a lapsed crematory operator 34003
permit, the renewal fee prescribed in division (A)~~(12)~~(11) of this 34004
section plus fifty dollars for each month or portion of a month 34005
the permit is lapsed, but not more than five hundred dollars; 34006

~~(14)~~(13) For the issuance of a duplicate of a license issued 34007
under this chapter, ten dollars; 34008

~~(15)~~(14) For each preneed funeral contract sold in the state 34009
other than those funded by the assignment of an existing insurance 34010
policy, ten dollars. 34011

(B) In addition to the fees set forth in division (A) of this 34012
section, an applicant shall pay the examination fee assessed by 34013
any examining agency the board uses for any section of an 34014
examination required under this chapter. 34015

(C) Subject to the approval of the controlling board, the 34016
board of embalmers and funeral directors may establish fees in 34017
excess of the amounts set forth in this section, provided that 34018
these fees do not exceed the amounts set forth in this section by 34019

more than fifty per cent. 34020

Sec. 4717.41. (A) There is hereby created the preneed 34021
recovery fund, which shall be in the custody of the treasurer of 34022
state but shall not be part of the state treasury. All fees 34023
collected under division (A)~~(15)~~(14) of section 4717.07 of the 34024
Revised Code shall be deposited into the fund. The fund shall be 34025
used to reimburse purchasers of preneed funeral contracts who have 34026
suffered financial loss as a result of the malfeasance, 34027
misfeasance, default, failure, or insolvency in connection with 34028
the sale of a preneed funeral contract by any licensee under this 34029
chapter, regardless of whether the sale of such contract occurred 34030
before or after the establishment of the fund. The fund, and all 34031
investment earnings thereon, shall only be used for the purposes 34032
set forth in this section and shall not be used for any other 34033
purposes. The fund shall be administered by the board of embalmers 34034
and funeral directors. 34035

(B) All fees collected under division (A)~~(15)~~(14) of section 34036
4717.07 of the Revised Code shall be deposited into the fund. 34037
Deposits to and disbursements from the fund account shall be 34038
subject to rules established by the board. 34039

(C) If at the end of any fiscal year for this state, the 34040
balance in the fund exceeds two million dollars, the fee required 34041
by division (A)~~(15)~~(14) of section 4717.07 of the Revised Code for 34042
the upcoming fiscal year shall be reduced by fifty per cent. If 34043
the balance in the fund at the end of a fiscal year exceeds three 34044
million dollars, the payment of the fee required by division 34045
(A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be 34046
suspended for the upcoming fiscal year. 34047

(D) The board shall adopt rules governing management of the 34048
fund, the presentation and processing of applications for 34049
reimbursement, subrogation, or assignment of the rights of any 34050

reimbursed applicant. 34051

(E) The board may expend moneys in the fund for the following 34052
purposes: 34053

(1) To make reimbursements on approved applications; 34054

(2) To purchase insurance to cover losses as considered 34055
appropriate by the board and not inconsistent with the purposes of 34056
the fund; 34057

(3) To invest such portions of the fund as are not currently 34058
needed to reimburse losses and maintain adequate reserves, as are 34059
permitted to be made by fiduciaries under the laws of this state; 34060

(4) To pay the expenses of the board for administering the 34061
fund, including employment of local counsel to prosecute 34062
subrogation claims. 34063

(F) Reimbursements from the fund shall be made only to the 34064
extent to which those losses are not bonded or otherwise covered, 34065
protected, or reimbursed and only after the applicant has complied 34066
with all applicable rules of the board. 34067

(G) The board shall investigate all applications made and may 34068
reject or allow such claims in whole or in part to the extent that 34069
moneys are available in the fund. The board shall have complete 34070
discretion to determine the order and manner of payment of 34071
approved applications. All payments shall be a matter of privilege 34072
and not of right, and no person shall have any right in the fund 34073
as a third-party beneficiary or otherwise. No attorney may be 34074
compensated by the board for prosecuting an application for 34075
reimbursement. 34076

(H) If reimbursement is made to an applicant under this 34077
section, the board shall be subrogated in the reimbursement amount 34078
and may bring any action it considers advisable against any 34079
person. The board may enforce any claims it may have for 34080

restitution or otherwise and may employ and compensate 34081
consultants, agents, legal counsel, accountants, and other persons 34082
it considers appropriate. 34083

Sec. 4723.08. (A) The board of nursing may impose fees not to 34084
exceed the following limits: 34085

(1) For application for licensure by examination or 34086
endorsement to practice nursing as a registered nurse or as a 34087
licensed practical nurse, seventy-five dollars; 34088

(2) For application for licensure to practice nursing as an 34089
advanced practice registered nurse, one hundred fifty dollars; 34090

(3) For application for a dialysis technician intern 34091
certificate, the amount specified in rules adopted under section 34092
4723.79 of the Revised Code; 34093

(4) For application for a dialysis technician certificate, 34094
the amount specified in rules adopted under section 4723.79 of the 34095
Revised Code; 34096

(5) For providing, pursuant to division (B) of section 34097
4723.271 of the Revised Code, written verification of a nursing 34098
license, dialysis technician certificate, medication aide 34099
certificate, or community health worker certificate to another 34100
jurisdiction, fifteen dollars; 34101

(6) For providing, pursuant to division (A) of section 34102
4723.271 of the Revised Code, a replacement copy of a wall 34103
certificate suitable for framing as described in that division, 34104
twenty-five dollars; 34105

(7) For renewal of a license to practice as a registered 34106
nurse or licensed practical nurse, sixty-five dollars; 34107

(8) For renewal of a license to practice as an advanced 34108
practice registered nurse, one hundred thirty-five dollars; 34109

(9) For renewal of a dialysis technician certificate, the	34110
amount specified in rules adopted under section 4723.79 of the	34111
Revised Code;	34112
(10) For processing a late application for renewal of a	34113
nursing license, certificate of authority , or dialysis technician	34114
certificate, fifty dollars;	34115
(11) For application for authorization to approve continuing	34116
education programs and courses from an applicant accredited by a	34117
national accreditation system for nursing, five hundred dollars;	34118
(12) For application for authorization to approve continuing	34119
education programs and courses from an applicant not accredited by	34120
a national accreditation system for nursing, one thousand dollars;	34121
(13) For each year for which authorization to approve	34122
continuing education programs and courses is renewed, one hundred	34123
fifty dollars;	34124
(14) For application for approval to operate a dialysis	34125
training program, the amount specified in rules adopted under	34126
section 4723.79 of the Revised Code;	34127
(15) For reinstatement of a lapsed license or certificate	34128
issued under this chapter, one hundred dollars except as provided	34129
in section 5903.10 of the Revised Code;	34130
(16) For processing a check returned to the board by a	34131
financial institution, twenty-five dollars;	34132
(17) The amounts specified in rules adopted under section	34133
4723.88 of the Revised Code pertaining to the issuance of	34134
certificates to community health workers, including fees for	34135
application for a certificate, renewal of a certificate,	34136
processing a late application for renewal of a certificate,	34137
reinstatement of a lapsed certificate, application for approval of	34138
a community health worker training program for community health	34139

workers, and renewal of the approval of a training program for 34140
community health workers. 34141

(B) Each quarter, for purposes of transferring funds under 34142
section 4743.05 of the Revised Code to the nurse education 34143
assistance fund created in section 3333.28 of the Revised Code, 34144
the board of nursing shall certify to the director of budget and 34145
management the number of licenses renewed under this chapter 34146
during the preceding quarter and the amount equal to that number 34147
times five dollars. 34148

(C) The board may charge a participant in a board-sponsored 34149
continuing education activity an amount not exceeding fifteen 34150
dollars for each activity. 34151

(D) The board may contract for services pertaining to the 34152
process of providing written verification of a license or 34153
certificate when the verification is performed for purposes other 34154
than providing verification to another jurisdiction. The contract 34155
may include provisions pertaining to the collection of the fee 34156
charged for providing the written verification. As part of these 34157
provisions, the board may permit the contractor to retain a 34158
portion of the fees as compensation, before any amounts are 34159
deposited into the state treasury. 34160

Sec. 4723.28. (A) The board of nursing, by a vote of a 34161
quorum, may impose one or more of the following sanctions if it 34162
finds that a person committed fraud in passing an examination 34163
required to obtain a license or dialysis technician certificate 34164
issued by the board or to have committed fraud, misrepresentation, 34165
or deception in applying for or securing any nursing license or 34166
dialysis technician certificate issued by the board: deny, revoke, 34167
suspend, or place restrictions on any nursing license or dialysis 34168
technician certificate issued by the board; reprimand or otherwise 34169
discipline a holder of a nursing license or dialysis technician 34170

certificate; or impose a fine of not more than five hundred 34171
dollars per violation. 34172

(B) The board of nursing, by a vote of a quorum, may impose 34173
one or more of the following sanctions: deny, revoke, suspend, or 34174
place restrictions on any nursing license or dialysis technician 34175
certificate issued by the board; reprimand or otherwise discipline 34176
a holder of a nursing license or dialysis technician certificate; 34177
or impose a fine of not more than five hundred dollars per 34178
violation. The sanctions may be imposed for any of the following: 34179

(1) Denial, revocation, suspension, or restriction of 34180
authority to engage in a licensed profession or practice a health 34181
care occupation, including nursing or practice as a dialysis 34182
technician, for any reason other than a failure to renew, in Ohio 34183
or another state or jurisdiction; 34184

(2) Engaging in the practice of nursing or engaging in 34185
practice as a dialysis technician, having failed to renew a 34186
nursing license or dialysis technician certificate issued under 34187
this chapter, or while a nursing license or dialysis technician 34188
certificate is under suspension; 34189

(3) Conviction of, a plea of guilty to, a judicial finding of 34190
guilt of, a judicial finding of guilt resulting from a plea of no 34191
contest to, or a judicial finding of eligibility for a pretrial 34192
diversion or similar program or for intervention in lieu of 34193
conviction for, a misdemeanor committed in the course of practice; 34194

(4) Conviction of, a plea of guilty to, a judicial finding of 34195
guilt of, a judicial finding of guilt resulting from a plea of no 34196
contest to, or a judicial finding of eligibility for a pretrial 34197
diversion or similar program or for intervention in lieu of 34198
conviction for, any felony or of any crime involving gross 34199
immorality or moral turpitude; 34200

(5) Selling, giving away, or administering drugs or 34201
therapeutic devices for other than legal and legitimate 34202
therapeutic purposes; or conviction of, a plea of guilty to, a 34203
judicial finding of guilt of, a judicial finding of guilt 34204
resulting from a plea of no contest to, or a judicial finding of 34205
eligibility for a pretrial diversion or similar program or for 34206
intervention in lieu of conviction for, violating any municipal, 34207
state, county, or federal drug law; 34208

(6) Conviction of, a plea of guilty to, a judicial finding of 34209
guilt of, a judicial finding of guilt resulting from a plea of no 34210
contest to, or a judicial finding of eligibility for a pretrial 34211
diversion or similar program or for intervention in lieu of 34212
conviction for, an act in another jurisdiction that would 34213
constitute a felony or a crime of moral turpitude in Ohio; 34214

(7) Conviction of, a plea of guilty to, a judicial finding of 34215
guilt of, a judicial finding of guilt resulting from a plea of no 34216
contest to, or a judicial finding of eligibility for a pretrial 34217
diversion or similar program or for intervention in lieu of 34218
conviction for, an act in the course of practice in another 34219
jurisdiction that would constitute a misdemeanor in Ohio; 34220

(8) Self-administering or otherwise taking into the body any 34221
dangerous drug, as defined in section 4729.01 of the Revised Code, 34222
in any way that is not in accordance with a legal, valid 34223
prescription issued for that individual, or self-administering or 34224
otherwise taking into the body any drug that is a schedule I 34225
controlled substance; 34226

(9) Habitual or excessive use of controlled substances, other 34227
habit-forming drugs, or alcohol or other chemical substances to an 34228
extent that impairs the individual's ability to provide safe 34229
nursing care or safe dialysis care; 34230

(10) Impairment of the ability to practice according to 34231

acceptable and prevailing standards of safe nursing care or safe	34232
dialysis care because of the use of drugs, alcohol, or other	34233
chemical substances;	34234
(11) Impairment of the ability to practice according to	34235
acceptable and prevailing standards of safe nursing care or safe	34236
dialysis care because of a physical or mental disability;	34237
(12) Assaulting or causing harm to a patient or depriving a	34238
patient of the means to summon assistance;	34239
(13) Misappropriation or attempted misappropriation of money	34240
or anything of value in the course of practice;	34241
(14) Adjudication by a probate court of being mentally ill or	34242
mentally incompetent. The board may reinstate the person's nursing	34243
license or dialysis technician certificate upon adjudication by a	34244
probate court of the person's restoration to competency or upon	34245
submission to the board of other proof of competency.	34246
(15) The suspension or termination of employment by the	34247
United States department of defense or department of veterans	34248
affairs for any act that violates or would violate this chapter;	34249
(16) Violation of this chapter or any rules adopted under it;	34250
(17) Violation of any restrictions placed by the board on a	34251
nursing license or dialysis technician certificate;	34252
(18) Failure to use universal and standard precautions	34253
established by rules adopted under section 4723.07 of the Revised	34254
Code;	34255
(19) Failure to practice in accordance with acceptable and	34256
prevailing standards of safe nursing care or safe dialysis care;	34257
(20) In the case of a registered nurse, engaging in	34258
activities that exceed the practice of nursing as a registered	34259
nurse;	34260
(21) In the case of a licensed practical nurse, engaging in	34261

activities that exceed the practice of nursing as a licensed	34262
practical nurse;	34263
(22) In the case of a dialysis technician, engaging in	34264
activities that exceed those permitted under section 4723.72 of	34265
the Revised Code;	34266
(23) Aiding and abetting a person in that person's practice	34267
of nursing without a license or practice as a dialysis technician	34268
without a certificate issued under this chapter;	34269
(24) In the case of an advanced practice registered nurse,	34270
except as provided in division (M) of this section, either of the	34271
following:	34272
(a) Waiving the payment of all or any part of a deductible or	34273
copayment that a patient, pursuant to a health insurance or health	34274
care policy, contract, or plan that covers such nursing services,	34275
would otherwise be required to pay if the waiver is used as an	34276
enticement to a patient or group of patients to receive health	34277
care services from that provider;	34278
(b) Advertising that the nurse will waive the payment of all	34279
or any part of a deductible or copayment that a patient, pursuant	34280
to a health insurance or health care policy, contract, or plan	34281
that covers such nursing services, would otherwise be required to	34282
pay.	34283
(25) Failure to comply with the terms and conditions of	34284
participation in the substance use disorder monitoring program	34285
established under section 4723.35 of the Revised Code;	34286
(26) Failure to comply with the terms and conditions required	34287
under the practice intervention and improvement program	34288
established under section 4723.282 of the Revised Code;	34289
(27) In the case of an advanced practice registered nurse:	34290
(a) Engaging in activities that exceed those permitted for	34291

the nurse's nursing specialty under section 4723.43 of the Revised Code; 34292
34293

(b) Failure to meet the quality assurance standards 34294
established under section 4723.07 of the Revised Code. 34295

(28) In the case of an advanced practice registered nurse 34296
other than a certified registered nurse anesthetist, failure to 34297
maintain a standard care arrangement in accordance with section 34298
4723.431 of the Revised Code or to practice in accordance with the 34299
standard care arrangement; 34300

(29) In the case of an advanced practice registered nurse who 34301
is designated as a clinical nurse specialist, certified 34302
nurse-midwife, or certified nurse practitioner, failure to 34303
prescribe drugs and therapeutic devices in accordance with section 34304
4723.481 of the Revised Code; 34305

(30) Prescribing any drug or device to perform or induce an 34306
abortion, or otherwise performing or inducing an abortion; 34307

(31) Failure to establish and maintain professional 34308
boundaries with a patient, as specified in rules adopted under 34309
section 4723.07 of the Revised Code; 34310

(32) Regardless of whether the contact or verbal behavior is 34311
consensual, engaging with a patient other than the spouse of the 34312
registered nurse, licensed practical nurse, or dialysis technician 34313
in any of the following: 34314

(a) Sexual contact, as defined in section 2907.01 of the 34315
Revised Code; 34316

(b) Verbal behavior that is sexually demeaning to the patient 34317
or may be reasonably interpreted by the patient as sexually 34318
demeaning. 34319

(33) Assisting suicide, as defined in section 3795.01 of the 34320
Revised Code; 34321

(34) Failure to comply with the requirements in section 34322
3719.061 of the Revised Code before issuing for a minor a 34323
prescription for an opioid analgesic, as defined in section 34324
3719.01 of the Revised Code; 34325

(35) Failure to comply with section 4723.487 of the Revised 34326
Code, unless the state board of pharmacy no longer maintains a 34327
drug database pursuant to section 4729.75 of the Revised Code; 34328

(36) The revocation, suspension, restriction, reduction, or 34329
termination of clinical privileges by the United States department 34330
of defense or department of veterans affairs or the termination or 34331
suspension of a certificate of registration to prescribe drugs by 34332
the drug enforcement administration of the United States 34333
department of justice. 34334

(C) Disciplinary actions taken by the board under divisions 34335
(A) and (B) of this section shall be taken pursuant to an 34336
adjudication conducted under Chapter 119. of the Revised Code, 34337
except that in lieu of a hearing, the board may enter into a 34338
consent agreement with an individual to resolve an allegation of a 34339
violation of this chapter or any rule adopted under it. A consent 34340
agreement, when ratified by a vote of a quorum, shall constitute 34341
the findings and order of the board with respect to the matter 34342
addressed in the agreement. If the board refuses to ratify a 34343
consent agreement, the admissions and findings contained in the 34344
agreement shall be of no effect. 34345

(D) The hearings of the board shall be conducted in 34346
accordance with Chapter 119. of the Revised Code, the board may 34347
appoint a hearing examiner, as provided in section 119.09 of the 34348
Revised Code, to conduct any hearing the board is authorized to 34349
hold under Chapter 119. of the Revised Code. 34350

In any instance in which the board is required under Chapter 34351
119. of the Revised Code to give notice of an opportunity for a 34352

hearing and the applicant, licensee, or certificate holder does 34353
not make a timely request for a hearing in accordance with section 34354
119.07 of the Revised Code, the board is not required to hold a 34355
hearing, but may adopt, by a vote of a quorum, a final order that 34356
contains the board's findings. In the final order, the board may 34357
order any of the sanctions listed in division (A) or (B) of this 34358
section. 34359

(E) If a criminal action is brought against a registered 34360
nurse, licensed practical nurse, or dialysis technician for an act 34361
or crime described in divisions (B)(3) to (7) of this section and 34362
the action is dismissed by the trial court other than on the 34363
merits, the board shall conduct an adjudication to determine 34364
whether the registered nurse, licensed practical nurse, or 34365
dialysis technician committed the act on which the action was 34366
based. If the board determines on the basis of the adjudication 34367
that the registered nurse, licensed practical nurse, or dialysis 34368
technician committed the act, or if the registered nurse, licensed 34369
practical nurse, or dialysis technician fails to participate in 34370
the adjudication, the board may take action as though the 34371
registered nurse, licensed practical nurse, or dialysis technician 34372
had been convicted of the act. 34373

If the board takes action on the basis of a conviction, plea, 34374
or a judicial finding as described in divisions (B)(3) to (7) of 34375
this section that is overturned on appeal, the registered nurse, 34376
licensed practical nurse, or dialysis technician may, on 34377
exhaustion of the appeal process, petition the board for 34378
reconsideration of its action. On receipt of the petition and 34379
supporting court documents, the board shall temporarily rescind 34380
its action. If the board determines that the decision on appeal 34381
was a decision on the merits, it shall permanently rescind its 34382
action. If the board determines that the decision on appeal was 34383
not a decision on the merits, it shall conduct an adjudication to 34384

determine whether the registered nurse, licensed practical nurse, 34385
or dialysis technician committed the act on which the original 34386
conviction, plea, or judicial finding was based. If the board 34387
determines on the basis of the adjudication that the registered 34388
nurse, licensed practical nurse, or dialysis technician committed 34389
such act, or if the registered nurse, licensed practical nurse, or 34390
dialysis technician does not request an adjudication, the board 34391
shall reinstate its action; otherwise, the board shall permanently 34392
rescind its action. 34393

Notwithstanding the provision of division (C)(2) of section 34394
2953.32 of the Revised Code specifying that if records pertaining 34395
to a criminal case are sealed under that section the proceedings 34396
in the case shall be deemed not to have occurred, sealing of the 34397
following records on which the board has based an action under 34398
this section shall have no effect on the board's action or any 34399
sanction imposed by the board under this section: records of any 34400
conviction, guilty plea, judicial finding of guilt resulting from 34401
a plea of no contest, or a judicial finding of eligibility for a 34402
pretrial diversion program or intervention in lieu of conviction. 34403

The board shall not be required to seal, destroy, redact, or 34404
otherwise modify its records to reflect the court's sealing of 34405
conviction records. 34406

(F) The board may investigate an individual's criminal 34407
background in performing its duties under this section. As part of 34408
such investigation, the board may order the individual to submit, 34409
at the individual's expense, a request to the bureau of criminal 34410
identification and investigation for a criminal records check and 34411
check of federal bureau of investigation records in accordance 34412
with the procedure described in section 4723.091 of the Revised 34413
Code. 34414

(G) During the course of an investigation conducted under 34415
this section, the board may compel any registered nurse, licensed 34416

practical nurse, or dialysis technician or applicant under this 34417
chapter to submit to a mental or physical examination, or both, as 34418
required by the board and at the expense of the individual, if the 34419
board finds reason to believe that the individual under 34420
investigation may have a physical or mental impairment that may 34421
affect the individual's ability to provide safe nursing care. 34422
Failure of any individual to submit to a mental or physical 34423
examination when directed constitutes an admission of the 34424
allegations, unless the failure is due to circumstances beyond the 34425
individual's control, and a default and final order may be entered 34426
without the taking of testimony or presentation of evidence. 34427

If the board finds that an individual is impaired, the board 34428
shall require the individual to submit to care, counseling, or 34429
treatment approved or designated by the board, as a condition for 34430
initial, continued, reinstated, or renewed authority to practice. 34431
The individual shall be afforded an opportunity to demonstrate to 34432
the board that the individual can begin or resume the individual's 34433
occupation in compliance with acceptable and prevailing standards 34434
of care under the provisions of the individual's authority to 34435
practice. 34436

For purposes of this division, any registered nurse, licensed 34437
practical nurse, or dialysis technician or applicant under this 34438
chapter shall be deemed to have given consent to submit to a 34439
mental or physical examination when directed to do so in writing 34440
by the board, and to have waived all objections to the 34441
admissibility of testimony or examination reports that constitute 34442
a privileged communication. 34443

(H) The board shall investigate evidence that appears to show 34444
that any person has violated any provision of this chapter or any 34445
rule of the board. Any person may report to the board any 34446
information the person may have that appears to show a violation 34447
of any provision of this chapter or rule of the board. In the 34448

absence of bad faith, any person who reports such information or 34449
who testifies before the board in any adjudication conducted under 34450
Chapter 119. of the Revised Code shall not be liable for civil 34451
damages as a result of the report or testimony. 34452

(I) All of the following apply under this chapter with 34453
respect to the confidentiality of information: 34454

(1) Information received by the board pursuant to a complaint 34455
or an investigation is confidential and not subject to discovery 34456
in any civil action, except that the board may disclose 34457
information to law enforcement officers and government entities 34458
for purposes of an investigation of either a licensed health care 34459
professional, including a registered nurse, licensed practical 34460
nurse, or dialysis technician, or a person who may have engaged in 34461
the unauthorized practice of nursing or dialysis care. No law 34462
enforcement officer or government entity with knowledge of any 34463
information disclosed by the board pursuant to this division shall 34464
divulge the information to any other person or government entity 34465
except for the purpose of a government investigation, a 34466
prosecution, or an adjudication by a court or government entity. 34467

(2) If an investigation requires a review of patient records, 34468
the investigation and proceeding shall be conducted in such a 34469
manner as to protect patient confidentiality. 34470

(3) All adjudications and investigations of the board shall 34471
be considered civil actions for the purposes of section 2305.252 34472
of the Revised Code. 34473

(4) Any board activity that involves continued monitoring of 34474
an individual as part of or following any disciplinary action 34475
taken under this section shall be conducted in a manner that 34476
maintains the individual's confidentiality. Information received 34477
or maintained by the board with respect to the board's monitoring 34478
activities is not subject to discovery in any civil action and is 34479

confidential, except that the board may disclose information to 34480
law enforcement officers and government entities for purposes of 34481
an investigation of a licensee or certificate holder. 34482

(J) Any action taken by the board under this section 34483
resulting in a suspension from practice shall be accompanied by a 34484
written statement of the conditions under which the person may be 34485
reinstated to practice. 34486

(K) When the board refuses to grant a license or certificate 34487
to an applicant, revokes a license or certificate, or refuses to 34488
reinstate a license or certificate, the board may specify that its 34489
action is permanent. An individual subject to permanent action 34490
taken by the board is forever ineligible to hold a license or 34491
certificate of the type that was refused or revoked and the board 34492
shall not accept from the individual an application for 34493
reinstatement of the license or certificate or for a new license 34494
or certificate. 34495

(L) No unilateral surrender of a nursing license,~~certificate~~ 34496
~~of authority,~~ or dialysis technician certificate issued under this 34497
chapter shall be effective unless accepted by majority vote of the 34498
board. No application for a nursing license,~~certificate of~~ 34499
~~authority,~~ or dialysis technician certificate issued under this 34500
chapter may be withdrawn without a majority vote of the board. The 34501
board's jurisdiction to take disciplinary action under this 34502
section is not removed or limited when an individual has a license 34503
or certificate classified as inactive or fails to renew a license 34504
or certificate. 34505

(M) Sanctions shall not be imposed under division (B)(24) of 34506
this section against any licensee who waives deductibles and 34507
copayments as follows: 34508

(1) In compliance with the health benefit plan that expressly 34509
allows such a practice. Waiver of the deductibles or copayments 34510

shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Sec. 4727.03. (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a pawnbroker's license demonstrates sufficient financial responsibility, reputation, and experience in the pawnbroker business, or in a related business, to act as a pawnbroker in compliance with this chapter. "Experience and fitness in the capacity involved" shall be determined by:

(1) Prior or current ownership or management of, or employment in, a pawnshop;

(2) Demonstration to the satisfaction of the superintendent of financial institutions of a thorough working knowledge of all pawnbroker laws and rules as they relate to the actual operation of a pawnshop.

A demonstration shall include a demonstration of an ability to properly complete forms, knowledge of how to properly calculate interest and storage charges, and knowledge of legal notice and forfeiture procedures. The final determination of whether an applicant's demonstration is adequate rests with the superintendent.

(3) A submission by the applicant and any stockholders, owners, managers, directors, or officers of the pawnshop, and employees of the applicant to a police record check; and

(4) Liquid assets in a minimum amount of one hundred twenty-five thousand dollars at the time of applying for initial

licensure and demonstration of the ability to maintain the liquid 34541
assets at a minimum amount of seventy-five thousand dollars for 34542
the duration of holding a valid pawnbroker's license. If an 34543
applicant holds a pawnbroker's license at the time of application 34544
or is applying for more than one license, this requirement shall 34545
be met separately for each license. 34546

(B) The superintendent may grant a license to act as a 34547
pawnbroker to any person of good character and having experience 34548
and fitness in the capacity involved to engage in the business of 34549
pawnbroking upon the payment to the superintendent of a license 34550
fee determined by the superintendent pursuant to section 1321.20 34551
of the Revised Code. A license is not transferable or assignable. 34552

(C) The superintendent may consider an application withdrawn 34553
and may retain the investigation fee required under division (D) 34554
of this section if both of the following are true: 34555

(1) An application for a license does not contain all of the 34556
information required under division (B) of this section. 34557

(2) The information is not submitted to the superintendent 34558
within ninety days after the superintendent requests the 34559
information from the applicant in writing. 34560

(D) The superintendent shall require an applicant for a 34561
pawnbroker's license to pay to the superintendent a nonrefundable 34562
initial investigation fee of two hundred dollars, which is for the 34563
exclusive use of the state. 34564

(E)(1) Except as otherwise provided in division (E)(2) of 34565
this section, a pawnbroker's license issued by the superintendent 34566
expires on the thirtieth day of June next following the date of 34567
its issuance, or on a different date set by the superintendent 34568
pursuant to section 1181.23 of the Revised Code, and may be 34569
renewed annually ~~by the thirtieth day of June~~ in accordance with 34570
the standard renewal procedure set forth in Chapter 4745. of the 34571

Revised Code. Fifty per cent of the annual license fee shall be 34572
for the use of the state, and fifty per cent shall be paid by the 34573
state to the municipal corporation, or if outside the limits of 34574
any municipal corporation, to the county, in which the office of 34575
the licensee is located. All such fees payable to municipal 34576
corporations or counties shall be paid annually. 34577

(2) A pawnbroker's license issued or renewed by the 34578
superintendent on or after January 1, 2006, expires on the 34579
thirtieth day of June in the even-numbered year next following the 34580
date of its issuance or renewal, as applicable, and may be renewed 34581
biennially by the thirtieth day of June in accordance with the 34582
standard renewal procedure set forth in Chapter 4745. of the 34583
Revised Code. Fifty per cent of the biennial license fee shall be 34584
for the use of the state, and fifty per cent shall be paid by the 34585
state to the municipal corporation, or if outside the limits of 34586
any municipal corporation, to the county, in which the office of 34587
the licensee is located. All such fees payable to municipal 34588
corporations or counties shall be paid biennially. If deemed 34589
necessary for participation, the superintendent may reset the 34590
renewal date and require annual registration pursuant to section 34591
1181.23 of the Revised Code. 34592

(F) The fee for renewal of a license shall be equivalent to 34593
the fee for an initial license established by the superintendent 34594
pursuant to section 1321.20 of the Revised Code. Any licensee who 34595
wishes to renew the pawnbroker's license but who fails to do so on 34596
or before the date the license expires shall reapply for licensure 34597
in the same manner and pursuant to the same requirements as for 34598
initial licensure, unless the licensee pays to the superintendent 34599
on or before the thirty-first day of August of the year the 34600
license expires, a late renewal penalty of one hundred dollars in 34601
addition to the regular renewal fee. Any licensee who fails to 34602
renew the license on or before the date the license expires is 34603

prohibited from acting as a pawnbroker until the license is 34604
renewed or a new license is issued under this section. Any 34605
licensee who renews a license between the first day of July and 34606
the thirty-first day of August of the year the license expires is 34607
not relieved from complying with this division. The superintendent 34608
may refuse to issue to or renew the license of any licensee who 34609
violates this division. 34610

(G) No license shall be granted to any person not a resident 34611
of or the principal office of which is not located in the 34612
municipal corporation or county designated in such license unless 34613
that applicant, in writing and in due form approved by and filed 34614
with the superintendent, first appoints an agent, a resident of 34615
the state, and city or county where the office is to be located, 34616
upon whom all judicial and other process, or legal notice, 34617
directed to the applicant may be served. In case of the death, 34618
removal from the state, or any legal disability or any 34619
disqualification of any such agent, service of such process or 34620
notice may be made upon the superintendent. 34621

The superintendent may, upon notice to the licensee and 34622
reasonable opportunity to be heard, suspend or revoke any license 34623
or assess a penalty against the licensee if the licensee, or the 34624
licensee's officers, agents, or employees, has violated this 34625
chapter. Any penalty shall be appropriate to the violation but in 34626
no case shall the penalty be less than two hundred nor more than 34627
two thousand dollars. Whenever, for any cause, a license is 34628
suspended or revoked, the superintendent shall not issue another 34629
license to the licensee nor to the legal spouse of the licensee, 34630
nor to any business entity of which the licensee is an officer or 34631
member or partner, nor to any person employed by the licensee, 34632
until the expiration of at least two years from the date of 34633
revocation or suspension of the license. The superintendent shall 34634
deposit all penalties allocated pursuant to this section into the 34635

state treasury to the credit of the consumer finance fund. 34636

Any proceedings for the revocation or suspension of a license 34637
or to assess a penalty against a licensee are subject to Chapter 34638
119. of the Revised Code. 34639

(H) If a licensee surrenders or chooses not to renew the 34640
pawnbroker's license, the licensee shall notify the superintendent 34641
thirty days prior to the date on which the licensee intends to 34642
close the licensee's business as a pawnbroker. Prior to the date, 34643
the licensee shall do either of the following with respect to all 34644
active loans: 34645

(1) Dispose of an active loan by selling the loan to another 34646
person holding a valid pawnbroker's license issued under this 34647
section; 34648

(2) Reduce the rate of interest on pledged articles held as 34649
security for a loan to eight per cent per annum or less effective 34650
on the date that the pawnbroker's license is no longer valid. 34651

Sec. 4728.03. (A) As used in this section, "experience and 34652
fitness in the capacity involved" means that the applicant for a 34653
precious metals dealer's license has had sufficient financial 34654
responsibility, reputation, and experience in the business of 34655
precious metals dealer, or a related business, to act as a 34656
precious metals dealer in compliance with this chapter. 34657

(B)(1) The division of financial institutions in the 34658
department of commerce may grant a precious metals dealer's 34659
license to any person of good character, having experience and 34660
fitness in the capacity involved, who demonstrates a net worth of 34661
at least ten thousand dollars and the ability to maintain that net 34662
worth during the licensure period. The superintendent of financial 34663
institutions shall compute the applicant's net worth according to 34664
generally accepted accounting principles. 34665

(2) In place of the demonstration of net worth required by 34666
division (B)(1) of this section, an applicant may obtain a surety 34667
bond issued by a surety company authorized to do business in this 34668
state if all of the following conditions are met: 34669

(a) A copy of the surety bond is filed with the division; 34670

(b) The bond is in favor of any person, and of the state for 34671
the benefit of any person, injured by any violation of this 34672
chapter; 34673

(c) The bond is in the amount of not less than ten thousand 34674
dollars. 34675

(3) Before granting a license under this division, the 34676
division shall determine that the applicant meets the requirements 34677
of division (B)(1) or (2) of this section. 34678

(C) The division shall require an applicant for a precious 34679
metals dealer's license to pay to the division a nonrefundable, 34680
initial investigation fee of two hundred dollars which shall be 34681
for the exclusive use of the state. The license fee for a precious 34682
metals dealer's license and the renewal fee shall be determined by 34683
the superintendent, provided that the fee may not exceed three 34684
hundred dollars. A license issued by the division shall expire on 34685
the last day of June next following the date of its issuance or 34686
annually on a different date set by the superintendent pursuant to 34687
section 1181.23 of the Revised Code. Fifty per cent of license 34688
fees shall be for the use of the state, and fifty per cent shall 34689
be paid to the municipal corporation, or if outside the limits of 34690
any municipal corporation, to the county in which the office of 34691
the licensee is located. All portions of license fees payable to 34692
municipal corporations or counties shall be paid as they accrue, 34693
by the treasurer of state, on vouchers issued by the director of 34694
budget and management. 34695

(D) Every such license shall be renewed annually by the last 34696

day of June, or annually on a different date set by the 34697
superintendent pursuant to section 1181.23 of the Revised Code, 34698
according to the standard renewal procedure of Chapter 4745. of 34699
the Revised Code. No license shall be granted to any person not a 34700
resident of or the principal office of which is not located in the 34701
municipal corporation or county designated in such license, 34702
unless, and until such applicant shall, in writing and in due 34703
form, to be first approved by and filed with the division, appoint 34704
an agent, a resident of the state, and city or county where the 34705
office is to be located, upon whom all judicial and other process, 34706
or legal notice, directed to the applicant may be served; and in 34707
case of the death, removal from the state, or any legal disability 34708
or any disqualification of any agent, service of process or notice 34709
may be made upon the superintendent. 34710

(E) The division may, pursuant to Chapter 119. of the Revised 34711
Code, upon notice to the licensee and after giving the licensee 34712
reasonable opportunity to be heard, revoke or suspend any license, 34713
if the licensee or the licensee's officers, agents, or employees 34714
violate this chapter. Whenever, for any cause, the license is 34715
revoked or suspended, the division shall not issue another license 34716
to the licensee nor to the husband or wife of the licensee, nor to 34717
any copartnership or corporation of which the licensee is an 34718
officer, nor to any person employed by the licensee, until the 34719
expiration of at least one year from the date of revocation of the 34720
license. 34721

(F) In conducting an investigation to determine whether an 34722
applicant satisfies the requirements for licensure under this 34723
section, the superintendent may request that the superintendent of 34724
the bureau of criminal identification and investigation 34725
investigate and determine whether the bureau has procured any 34726
information pursuant to section 109.57 of the Revised Code 34727
pertaining to the applicant. 34728

If the superintendent of financial institutions determines 34729
that conducting an investigation to determine whether an applicant 34730
satisfies the requirements for licensure under this section will 34731
require procuring information outside the state, then, in addition 34732
to the fee established under division (C) of this section, the 34733
superintendent may require the applicant to pay any of the actual 34734
expenses incurred by the division to conduct such an 34735
investigation, provided that the superintendent shall assess the 34736
applicant a total no greater than one thousand dollars for such 34737
expenses. The superintendent may require the applicant to pay in 34738
advance of the investigation, sufficient funds to cover the 34739
estimated cost of the actual expenses. If the superintendent 34740
requires the applicant to pay investigation expenses, the 34741
superintendent shall provide to the applicant an itemized 34742
statement of the actual expenses incurred by the division to 34743
conduct the investigation. 34744

(G)(1) Except as otherwise provided in division (G)(2) of 34745
this section a precious metals dealer licensed under this section 34746
shall maintain a net worth of at least ten thousand dollars, 34747
computed as required under division (B)(1) of this section, for as 34748
long as the licensee holds a valid precious metals dealer's 34749
license issued pursuant to this section. 34750

(2) A licensee who obtains a surety bond under division 34751
(B)(2) of this section is exempt from the requirement of division 34752
(G)(1) of this section, but shall maintain the bond for at least 34753
two years after the date on which the licensee ceases to conduct 34754
business in this state. 34755

Sec. 4729.20. As used in this section, "medication 34756
synchronization" means a pharmacy service that synchronizes the 34757
filling or refilling of prescriptions in a manner that allows the 34758
dispensed drugs to be obtained on the same date each month. 34759

A pharmacist may dispense a drug in a manner that varies from
the prescription for the drug by dispensing a quantity or amount
of the drug that is less than a thirty-day supply, if the
pharmacist's action is taken solely for the purpose of medication
synchronization pursuant to section 1751.68, 3923.602, or
5164.7511, ~~or 5167.12~~ of the Revised Code.

Sec. 4729.48. When filling a prescription, if a pharmacist,
pharmacy intern, or terminal distributor of dangerous drugs has
information indicating that the cost-sharing amount required by
the patient's health benefit plan exceeds the amount that may
otherwise be charged for the same drug, both of the following
apply:

(A) The pharmacist, pharmacy intern, or terminal distributor
shall provide this information to the patient.

(B) The patient shall not be charged the higher amount.

Sec. 4729.571. (A) The state board of pharmacy may suspend
without a hearing the license of a terminal distributor of
dangerous drugs if the board determines that there is clear and
convincing evidence of a danger of immediate and serious harm to
others due to either of the following:

(1) The method used by the terminal distributor to possess or
distribute dangerous drugs;

(2) The method of prescribing dangerous drugs used by a
licensed health professional authorized to prescribe drugs who
holds a terminal distributor license or practices in the employ of
or under contract with a terminal distributor.

(B) The board shall follow the procedure for suspension
without a prior hearing in section 119.07 of the Revised Code. The
suspension shall remain in effect, unless removed by the board,
until the board's final adjudication order becomes effective,

except that if the board does not issue its final adjudication 34790
order within one hundred twenty days after the suspension, the 34791
suspension shall be void on the one hundred twenty-first day after 34792
the suspension. 34793

If the terminal distributor holds a license with a pain 34794
management clinic classification issued under section 4729.552 of 34795
the Revised Code or a license with an office-based opioid 34796
treatment classification issued under section 4729.553 of the 34797
Revised Code and the person holding the license also holds a 34798
~~certificate~~ license issued under Chapter 4731. of the Revised Code 34799
to practice medicine and surgery or osteopathic medicine and 34800
surgery, prior to suspending the license without a hearing, the 34801
board shall consult with the secretary of the state medical board 34802
or, if the secretary is unavailable, another physician member of 34803
the board. 34804

Sec. 4729.80. (A) If the state board of pharmacy establishes 34805
and maintains a drug database pursuant to section 4729.75 of the 34806
Revised Code, the board is authorized or required to provide 34807
information from the database only as follows: 34808

(1) On receipt of a request from a designated representative 34809
of a government entity responsible for the licensure, regulation, 34810
or discipline of health care professionals with authority to 34811
prescribe, administer, or dispense drugs, the board may provide to 34812
the representative information from the database relating to the 34813
professional who is the subject of an active investigation being 34814
conducted by the government entity or relating to a professional 34815
who is acting as an expert witness for the government entity in 34816
such an investigation. 34817

(2) On receipt of a request from a federal officer, or a 34818
state or local officer of this or any other state, whose duties 34819
include enforcing laws relating to drugs, the board shall provide 34820

to the officer information from the database relating to the 34821
person who is the subject of an active investigation of a drug 34822
abuse offense, as defined in section 2925.01 of the Revised Code, 34823
being conducted by the officer's employing government entity. 34824

(3) Pursuant to a subpoena issued by a grand jury, the board 34825
shall provide to the grand jury information from the database 34826
relating to the person who is the subject of an investigation 34827
being conducted by the grand jury. 34828

(4) Pursuant to a subpoena, search warrant, or court order in 34829
connection with the investigation or prosecution of a possible or 34830
alleged criminal offense, the board shall provide information from 34831
the database as necessary to comply with the subpoena, search 34832
warrant, or court order. 34833

(5) On receipt of a request from a prescriber or the 34834
prescriber's delegate approved by the board, the board shall 34835
provide to the prescriber a report of information from the 34836
database relating to a patient who is either a current patient of 34837
the prescriber or a potential patient of the prescriber based on a 34838
referral of the patient to the prescriber, if all of the following 34839
conditions are met: 34840

(a) The prescriber certifies in a form specified by the board 34841
that it is for the purpose of providing medical treatment to the 34842
patient who is the subject of the request; 34843

(b) The prescriber has not been denied access to the database 34844
by the board. 34845

(6) On receipt of a request from a pharmacist or the 34846
pharmacist's delegate approved by the board, the board shall 34847
provide to the pharmacist information from the database relating 34848
to a current patient of the pharmacist, if the pharmacist 34849
certifies in a form specified by the board that it is for the 34850
purpose of the pharmacist's practice of pharmacy involving the 34851

patient who is the subject of the request and the pharmacist has 34852
not been denied access to the database by the board. 34853

(7) On receipt of a request from an individual seeking the 34854
individual's own database information in accordance with the 34855
procedure established in rules adopted under section 4729.84 of 34856
the Revised Code, the board may provide to the individual the 34857
individual's own prescription history. 34858

(8) On receipt of a request from a ~~medical director or a~~ 34859
~~pharmacy director of~~ a managed care organization that has entered 34860
into a contract with the department of medicaid under section 34861
5167.10 of the Revised Code and a data security agreement with the 34862
board required by section 5167.14 of the Revised Code, the board 34863
shall provide to the ~~medical director or the pharmacy director~~ 34864
organization information from the database relating to a medicaid 34865
recipient enrolled in the ~~managed care organization~~ organization's 34866
medicaid MCO plan, as defined in section 5167.01 of the Revised 34867
Code, including information in the database related to 34868
prescriptions for the recipient that were not covered or 34869
reimbursed under a program administered by the department of 34870
medicaid. 34871

(9) On receipt of a request from the medicaid director, the 34872
board shall provide to the director information from the database 34873
relating to a recipient of a program administered by the 34874
department of medicaid, including information in the database 34875
related to prescriptions for the recipient that were not covered 34876
or paid by a program administered by the department. 34877

(10) On receipt of a request from a medical director of a 34878
managed care organization that has entered into a contract with 34879
the administrator of workers' compensation under division (B)(4) 34880
of section 4121.44 of the Revised Code and a data security 34881
agreement with the board required by section 4121.447 of the 34882
Revised Code, the board shall provide to the medical director 34883

information from the database relating to a claimant under Chapter 34884
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 34885
managed care organization, including information in the database 34886
related to prescriptions for the claimant that were not covered or 34887
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 34888
Revised Code, if the administrator of workers' compensation 34889
confirms, upon request from the board, that the claimant is 34890
assigned to the managed care organization. 34891

(11) On receipt of a request from the administrator of 34892
workers' compensation, the board shall provide to the 34893
administrator information from the database relating to a claimant 34894
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 34895
including information in the database related to prescriptions for 34896
the claimant that were not covered or reimbursed under Chapter 34897
4121., 4123., 4127., or 4131. of the Revised Code. 34898

(12) On receipt of a request from a prescriber or the 34899
prescriber's delegate approved by the board, the board shall 34900
provide to the prescriber information from the database relating 34901
to a patient's mother, if the prescriber certifies in a form 34902
specified by the board that it is for the purpose of providing 34903
medical treatment to a newborn or infant patient diagnosed as 34904
opioid dependent and the prescriber has not been denied access to 34905
the database by the board. 34906

(13) On receipt of a request from the director of health, the 34907
board shall provide to the director information from the database 34908
relating to the duties of the director or the department of health 34909
in implementing the Ohio violent death reporting system 34910
established under section 3701.93 of the Revised Code. 34911

(14) On receipt of a request from a requestor described in 34912
division (A)(1), (2), (5), or (6) of this section who is from or 34913
participating with another state's prescription monitoring 34914
program, the board may provide to the requestor information from 34915

the database, but only if there is a written agreement under which 34916
the information is to be used and disseminated according to the 34917
laws of this state. 34918

(15) On receipt of a request from a delegate of a retail 34919
dispensary licensed under Chapter 3796. of the Revised Code who is 34920
approved by the board to serve as the dispensary's delegate, the 34921
board shall provide to the delegate a report of information from 34922
the database pertaining only to a patient's use of medical 34923
marijuana, if both of the following conditions are met: 34924

(a) The delegate certifies in a form specified by the board 34925
that it is for the purpose of dispensing medical marijuana for use 34926
in accordance with Chapter 3796. of the Revised Code. 34927

(b) The retail dispensary or delegate has not been denied 34928
access to the database by the board. 34929

(16) On receipt of a request from a judge of a program 34930
certified by the Ohio supreme court as a specialized docket 34931
program for drugs, the board shall provide to the judge, or an 34932
employee of the program who is designated by the judge to receive 34933
the information, information from the database that relates 34934
specifically to a current or prospective program participant. 34935

(17) On receipt of a request from a coroner, deputy coroner, 34936
or coroner's delegate approved by the board, the board shall 34937
provide to the requestor information from the database relating to 34938
a deceased person about whom the coroner is conducting or has 34939
conducted an autopsy or investigation. 34940

(18) On receipt of a request from a prescriber, the board may 34941
provide to the prescriber a summary of the prescriber's 34942
prescribing record if such a record is created by the board. 34943
Information in the summary is subject to the confidentiality 34944
requirements of this chapter. 34945

(19)(a) On receipt of a request from a pharmacy's responsible 34946

person, the board may provide to the responsible person a summary 34947
of the pharmacy's dispensing record if such a record is created by 34948
the board. Information in the summary is subject to the 34949
confidentiality requirements of this chapter. 34950

(b) As used in division (A)(19)(a) of this section, 34951
"responsible person" has the same meaning as in rules adopted by 34952
the board under section 4729.26 of the Revised Code. 34953

(20) The board may provide information from the database 34954
without request to a prescriber or pharmacist who is authorized to 34955
use the database pursuant to this chapter. 34956

(21)(a) On receipt of a request from a prescriber or 34957
pharmacist, or the prescriber's or pharmacist's delegate, who is a 34958
designated representative of a peer review committee, the board 34959
shall provide to the committee information from the database 34960
relating to a prescriber who is subject to the committee's 34961
evaluation, supervision, or discipline if the information is to be 34962
used for one of those purposes. The board shall provide only 34963
information that it determines, in accordance with rules adopted 34964
under section 4729.84 of the Revised Code, is appropriate to be 34965
provided to the committee. 34966

(b) As used in division (A)(21)(a) of this section, "peer 34967
review committee" has the same meaning as in section 2305.25 of 34968
the Revised Code, except that it includes only a peer review 34969
committee of a hospital or a peer review committee of a nonprofit 34970
health care corporation that is a member of the hospital or of 34971
which the hospital is a member. 34972

(22) Any personal health information submitted to the board 34973
pursuant to section 4729.772 of the Revised Code may be provided 34974
by the board only as authorized by the submitter of the 34975
information and in accordance with rules adopted under section 34976
4729.84 of the Revised Code. 34977

(B) The state board of pharmacy shall maintain a record of 34978
each individual or entity that requests information from the 34979
database pursuant to this section. In accordance with rules 34980
adopted under section 4729.84 of the Revised Code, the board may 34981
use the records to document and report statistics and law 34982
enforcement outcomes. 34983

The board may provide records of an individual's requests for 34984
database information only to the following: 34985

(1) A designated representative of a government entity that 34986
is responsible for the licensure, regulation, or discipline of 34987
health care professionals with authority to prescribe, administer, 34988
or dispense drugs who is involved in an active criminal or 34989
disciplinary investigation being conducted by the government 34990
entity of the individual who submitted the requests for database 34991
information; 34992

(2) A federal officer, or a state or local officer of this or 34993
any other state, whose duties include enforcing laws relating to 34994
drugs and who is involved in an active investigation being 34995
conducted by the officer's employing government entity of the 34996
individual who submitted the requests for database information; 34997

(3) A designated representative of the department of medicaid 34998
regarding a prescriber who is treating or has treated a recipient 34999
of a program administered by the department and who submitted the 35000
requests for database information. 35001

(C) Information contained in the database and any information 35002
obtained from it is confidential and is not a public record. 35003
Information contained in the records of requests for information 35004
from the database is confidential and is not a public record. 35005
Information contained in the database that does not identify a 35006
person, including any licensee or registrant of the board or other 35007
entity, may be released in summary, statistical, or aggregate 35008

form. 35009

(D) A pharmacist or prescriber shall not be held liable in 35010
damages to any person in any civil action for injury, death, or 35011
loss to person or property on the basis that the pharmacist or 35012
prescriber did or did not seek or obtain information from the 35013
database. 35014

Sec. 4729.801. If the state board of pharmacy establishes and 35015
maintains a drug database pursuant to section 4729.75 of the 35016
Revised Code, all of the following apply to each request for 35017
information from the database as described in division (A)(8) of 35018
section 4729.80 of the Revised Code: 35019

(A) A managed care organization may submit a request to the 35020
board for information about all medicaid recipients enrolled in 35021
the organization's medicaid MCO plan, as defined in section 35022
5167.01 of the Revised Code. 35023

(B) The board shall provide the information described in 35024
division (A) of this section to the organization in a single 35025
electronic file or format. 35026

Sec. 4730.02. (A) No person shall hold that person out as 35027
being able to function as a physician assistant, or use any words 35028
or letters indicating or implying that the person is a physician 35029
assistant, without a current, valid license to practice as a 35030
physician assistant issued pursuant to this chapter. 35031

(B) No person shall practice as a physician assistant without 35032
the supervision, control, and direction of a physician. 35033

(C) No person shall practice as a physician assistant without 35034
having entered into a supervision agreement with a supervising 35035
physician under section 4730.19 of the Revised Code. 35036

(D) No person acting as the supervising physician of a 35037

physician assistant shall authorize the physician assistant to 35038
perform services if either of the following is the case: 35039

(1) The services are not within the physician's normal course 35040
of practice and expertise; 35041

(2) The services are inconsistent with the supervision 35042
agreement under which the physician assistant is being supervised, 35043
including, if applicable, the policies of the health care facility 35044
in which the physician and physician assistant are practicing. 35045

(E) No person practicing as a physician assistant shall 35046
prescribe any drug or device to perform or induce an abortion, or 35047
otherwise perform or induce an abortion. 35048

(F) No person shall advertise to provide services as a 35049
physician assistant, except for the purpose of seeking employment. 35050

(G) No person practicing as a physician assistant shall fail 35051
to wear at all times when on duty a placard, plate, or other 35052
device identifying that person as a "physician assistant." 35053

(H) Division (A) of this section does not apply to a person 35054
who meets ~~both~~ all of the following conditions: 35055

(1) The person holds in good standing a valid license or 35056
other form of authority to practice as a physician assistant 35057
issued by another state. 35058

(2) The person is practicing as a volunteer without 35059
remuneration during a charitable event that lasts not more than 35060
seven days. 35061

(3) The medical care provided by the person will be 35062
supervised by the medical director of the charitable event or by 35063
another physician. 35064

When a person meets the conditions of this division, the 35065
person shall be deemed to hold, during the course of the 35066
charitable event, a license to practice as a physician assistant 35067

from the state medical board and shall be subject to the 35068
provisions of this chapter authorizing the board to take 35069
disciplinary action against a license holder. Not less than seven 35070
calendar days before the first day of the charitable event, the 35071
person or the event's organizer shall notify the board of the 35072
person's intent to practice as a physician assistant at the event. 35073
During the course of the charitable event, the person's scope of 35074
practice is limited to the procedures that a physician assistant 35075
licensed under this chapter is authorized to perform unless the 35076
person's scope of practice in the other state is more restrictive 35077
than in this state. If the latter is the case, the person's scope 35078
of practice is limited to the procedures that a physician 35079
assistant in the other state may perform. 35080

Sec. 4730.12. (A) The state medical board shall review each 35081
application ~~received under section 4730.10 of the Revised Code~~ for 35082
a license to practice as a physician assistant received under 35083
section 4730.10 of the Revised Code. Not later than sixty days 35084
after receiving a complete application, the board shall determine 35085
whether the applicant meets the requirements to receive the 35086
license, as specified in section 4730.11 of the Revised Code. ~~An~~ 35087
~~affirmative vote of not fewer than six members of the board is~~ 35088
~~required to determine that an applicant meets the requirements to~~ 35089
~~receive a license to practice as a physician assistant.~~ 35090

(B) If the board determines that an applicant meets the 35091
requirements to receive the license, the secretary of the board 35092
shall register the applicant as a physician assistant and issue to 35093
the applicant a license to practice as a physician assistant. 35094

Sec. 4730.14. (A) A license to practice as a physician 35095
assistant shall be valid for a two-year period unless revoked or 35096
suspended, shall expire biennially on the date that is two years 35097
after the date of issuance, and may be renewed for additional 35098

two-year periods in accordance with this section. A person seeking 35099
to renew a license ~~to practice as a physician assistant shall, on~~ 35100
~~or before the thirty first day of January of each even numbered~~ 35101
~~year,~~ apply to the state medical board for renewal ~~of the license~~ 35102
prior to the license's expiration date. The ~~state medical~~ board 35103
shall provide renewal notices to license holders at least one 35104
month prior to the expiration date. 35105

Applications shall be submitted to the board in a manner 35106
prescribed by the board. Each application shall be accompanied by 35107
a biennial renewal fee of two hundred dollars. The board shall 35108
deposit the fees in accordance with section 4731.24 of the Revised 35109
Code. 35110

The applicant shall report any criminal offense that 35111
constitutes grounds for refusing to issue a license to practice 35112
under section 4730.25 of the Revised Code to which the applicant 35113
has pleaded guilty, of which the applicant has been found guilty, 35114
or for which the applicant has been found eligible for 35115
intervention in lieu of conviction, since last signing an 35116
application for a license to practice as a physician assistant. 35117

(B) To be eligible for renewal of a license, an applicant is 35118
subject to all of the following: 35119

(1) The applicant must certify to the board that the 35120
applicant has maintained certification by the national commission 35121
on certification of physician assistants or a successor 35122
organization that is recognized by the board by meeting the 35123
standards to hold current certification from the commission or its 35124
successor, including ~~completion of continuing medical education~~ 35125
~~requirements and~~ passing periodic recertification examinations; 35126

(2) Except as provided in ~~division (F) of this section and~~ 35127
section 5903.12 of the Revised Code, the applicant must certify to 35128
the board that the applicant ~~has completed during the current~~ 35129

~~licensure period not less than one hundred hours of is in~~ 35130
~~compliance with the continuing medical education acceptable to the~~ 35131
~~board requirements necessary to hold current certification from~~ 35132
~~the commission or its successor.~~ 35133

(3) The applicant must comply with the renewal eligibility 35134
requirements established under section 4730.49 of the Revised Code 35135
that pertain to the applicant. 35136

~~(C) The board shall adopt rules in accordance with Chapter~~ 35137
~~119. of the Revised Code specifying the types of continuing~~ 35138
~~medical education that must be completed to fulfill the board's~~ 35139
~~requirements under division (B)(2) of this section. Except when~~ 35140
~~additional continuing medical education is required, as specified~~ 35141
~~in section 4730.49 of the Revised Code, the board shall not adopt~~ 35142
~~rules that require a physician assistant to complete in any~~ 35143
~~licensure period more than one hundred hours of continuing medical~~ 35144
~~education acceptable to the board. In fulfilling the board's~~ 35145
~~requirements, a physician assistant may use continuing medical~~ 35146
~~education courses or programs completed to maintain certification~~ 35147
~~by the national commission on certification of physician~~ 35148
~~assistants or a successor organization that is recognized by the~~ 35149
~~board if the standards for acceptable courses and programs of the~~ 35150
~~commission or its successor are at least equivalent to the~~ 35151
~~standards established by the board.~~ 35152

~~(D)~~ If an applicant submits a complete renewal application 35153
and qualifies for renewal pursuant to division (B) of this 35154
section, the board shall issue to the applicant a renewed license 35155
to practice as a physician assistant. 35156

~~(E)~~(D) The board may require a random sample of physician 35157
assistants to submit materials documenting certification both of 35158
the following: 35159

(1) Certification by the national commission on certification 35160

of physician assistants or a successor organization that is 35161
recognized by the board ~~and completion of;~~ 35162

(2) Completion of the required number of hours of continuing 35163
medical education required to hold current certification from the 35164
commission or its successor. 35165

~~(F) The board shall provide for pro rata reductions by month 35166~~
~~of the number of hours of continuing education that must be 35167~~
~~completed for individuals who are in their first licensure period, 35168~~
~~who have been disabled due to illness or accident, or who have 35169~~
~~been absent from the country. The board shall adopt rules, in 35170~~
~~accordance with Chapter 119. of the Revised Code, as necessary to 35171~~
~~implement this division.~~ 35172

~~(G)(1)~~ Division (D) of this section does not limit the 35173
board's authority to conduct investigations pursuant to section 35174
4730.25 of the Revised Code. 35175

(E) A license to practice that is not renewed on or before 35176
its expiration date is automatically suspended on its expiration 35177
date. Continued practice after suspension of the license shall be 35178
considered as practicing in violation of division (A) of section 35179
4730.02 of the Revised Code. 35180

~~(2)(F)~~ (F) If a license has been suspended pursuant to division 35181
~~(G)(1)(E)~~ (E) of this section for two years or less, it may be 35182
reinstated. The board shall reinstate a license suspended for 35183
failure to renew upon an applicant's submission of a renewal 35184
application, the biennial renewal fee, and any applicable monetary 35185
penalty. 35186

If a license has been suspended pursuant to division 35187
~~(G)(1)(E)~~ (E) of this section for more than two years, it may be 35188
restored. In accordance with section 4730.28 of the Revised Code, 35189
the board may restore a license suspended for failure to renew 35190
upon an applicant's submission of a restoration application, the 35191

biennial renewal fee, and any applicable monetary penalty and 35192
compliance with sections 4776.01 to 4776.04 of the Revised Code. 35193
The board shall not restore to an applicant a license to practice 35194
as a physician assistant unless the board, in its discretion, 35195
decides that the results of the criminal records check do not make 35196
the applicant ineligible for a license issued pursuant to section 35197
4730.12 of the Revised Code. 35198

The penalty for reinstatement shall be fifty dollars and the 35199
penalty for restoration shall be one hundred dollars. The board 35200
shall deposit penalties in accordance with section 4731.24 of the 35201
Revised Code. 35202

~~(H) If an individual certifies that the individual has 35203
completed the number of hours and type of continuing medical 35204
education required for renewal or reinstatement of a license to 35205
practice as a physician assistant, and the board finds through a 35206
random sample conducted under division (E) of this section or 35207
through any other means that the individual did not complete the 35208
requisite continuing medical education, the board may impose a 35209
civil penalty of not more than five thousand dollars. 35210~~

~~A civil penalty imposed under this division may be in 35211
addition to or in lieu of any other action the board may take 35212
under section 4730.25 of the Revised Code. The board shall deposit 35213
civil penalties in accordance with section 4731.24 of the Revised 35214
Code. The board shall not conduct an adjudication under Chapter 35215
119. of the Revised Code if the board imposes only a civil penalty 35216~~

(G)(1) If, through a random sample conducted under division 35217
(D) of this section or any other means, the board finds that an 35218
individual who certified completion of the continuing medical 35219
education required to renew, reinstate, or restore a license to 35220
practice did not complete the requisite continuing medical 35221
education, the board may do either of the following: 35222

(a) Take disciplinary action against the individual under 35223
section 4730.25 of the Revised Code, impose a civil penalty, or 35224
both; 35225

(b) Permit the individual to agree in writing to complete the 35226
continuing medical education and pay a civil penalty. 35227

(2) The board's finding in any disciplinary action taken 35228
under division (G)(1)(a) of this section shall be made pursuant to 35229
an adjudication under Chapter 119. of the Revised Code and by an 35230
affirmative vote of not fewer than six of its members. 35231

(3) A civil penalty imposed under division (G)(1)(a) of this 35232
section or paid under division (G)(1)(b) of this section shall be 35233
in an amount specified by the board of not more than five thousand 35234
dollars. The board shall deposit civil penalties in accordance 35235
with section 4731.24 of the Revised Code. 35236

Sec. 4730.19. (A) Before initiating supervision of one or 35237
more physician assistants licensed under this chapter, a physician 35238
shall enter into a supervision agreement with each physician 35239
assistant who will be supervised. A supervision agreement may 35240
apply to one or more physician assistants, but, except as provided 35241
in division (B)(2)(e) of this section, may apply to not more than 35242
one physician. The supervision agreement shall specify that the 35243
physician agrees to supervise the physician assistant and the 35244
physician assistant agrees to practice under that physician's 35245
supervision. 35246

The agreement shall clearly state that the supervising 35247
physician is legally responsible and assumes legal liability for 35248
the services provided by the physician assistant. The agreement 35249
shall be signed by the physician and the physician assistant. 35250

(B) A supervision agreement shall include either or both of 35251
the following: 35252

(1) If a physician assistant will practice within a health 35253
care facility, the agreement shall include terms that require the 35254
physician assistant to practice in accordance with the policies of 35255
the health care facility. 35256

(2) If a physician assistant will practice outside a health 35257
care facility, the agreement shall include terms that specify all 35258
of the following: 35259

(a) The responsibilities to be fulfilled by the physician in 35260
supervising the physician assistant; 35261

(b) The responsibilities to be fulfilled by the physician 35262
assistant when performing services under the physician's 35263
supervision; 35264

(c) Any limitations on the responsibilities to be fulfilled 35265
by the physician assistant; 35266

(d) The circumstances under which the physician assistant is 35267
required to refer a patient to the supervising physician; 35268

(e) If the supervising physician chooses to designate 35269
physicians to act as alternate supervising physicians, the names, 35270
business addresses, and business telephone numbers of the 35271
physicians who have agreed to act in that capacity. 35272

(C) A supervision agreement may be amended to modify the 35273
responsibilities of one or more physician assistants or to include 35274
one or more additional physician assistants. 35275

(D) A The supervising physician who entered into a 35276
supervision agreement shall be kept retain a copy of the agreement 35277
in the records maintained by the supervising physician. Each 35278
physician assistant who entered into the supervision agreement 35279
shall retain a copy of the agreement in the records maintained by 35280
the physician assistant. 35281

(E)(1) ~~The If the board may impose a civil penalty of not~~ 35282

~~more than five thousand dollars if it finds,~~ through a review 35283
conducted under this section or through any other means, any of 35284
the following, the board may take disciplinary action against the 35285
individual under section 4730.25 or 4731.22 of the Revised Code, 35286
impose a civil penalty, or both: 35287

(a) That a physician assistant has practiced in a manner that 35288
departs from, or fails to conform to, the terms of a supervision 35289
agreement entered into under this section; 35290

(b) That a physician has supervised a physician assistant in 35291
a manner that departs from, or fails to conform to, the terms of a 35292
supervision agreement entered into under this section; 35293

(c) That a physician or physician assistant failed to comply 35294
with division (A) or (B) of this section. 35295

(2) If the board finds, through a review conducted under this 35296
section or through any other means, that a physician or physician 35297
assistant failed to comply with division (D) of this section, the 35298
board may do either of the following: 35299

(a) Take disciplinary action against the individual under 35300
section 4730.25 or 4731.22 of the Revised Code, impose a civil 35301
penalty, or both; 35302

(b) Permit the individual to agree in writing to update the 35303
records to comply with division (D) of this section and pay a 35304
civil penalty. 35305

(3) The board's finding in any disciplinary action taken 35306
under division ~~(A)(1)~~(E) of this section shall be made pursuant to 35307
an adjudication conducted under Chapter 119. of the Revised Code. 35308
A 35309

(4) A civil penalty imposed under that division may be in 35310
addition to or in lieu of any other action the board may take 35311
under section 4730.25 or 4731.22 of the Revised Code (E)(1) or 35312

(2)(a) of this section or paid under division (E)(2)(b) of this 35313
section shall be in an amount specified by the board of not more 35314
than five thousand dollars and shall be deposited in accordance 35315
with section 4731.24 of the Revised Code. 35316

Sec. 4730.25. (A) The state medical board, by an affirmative 35317
vote of not fewer than six members, may revoke or may refuse to 35318
grant a license to practice as a physician assistant to a person 35319
found by the board to have committed fraud, misrepresentation, or 35320
deception in applying for or securing the license. 35321

(B) The board, by an affirmative vote of not fewer than six 35322
members, shall, to the extent permitted by law, limit, revoke, or 35323
suspend an individual's license to practice as a physician 35324
assistant or prescriber number, refuse to issue a license to an 35325
applicant, refuse to renew a ~~certificate~~ license, refuse to 35326
reinstate a license, or reprimand or place on probation the holder 35327
of a license for any of the following reasons: 35328

(1) Failure to practice in accordance with the supervising 35329
physician's supervision agreement with the physician assistant, 35330
including, if applicable, the policies of the health care facility 35331
in which the supervising physician and physician assistant are 35332
practicing; 35333

(2) Failure to comply with the requirements of this chapter, 35334
Chapter 4731. of the Revised Code, or any rules adopted by the 35335
board; 35336

(3) Violating or attempting to violate, directly or 35337
indirectly, or assisting in or abetting the violation of, or 35338
conspiring to violate, any provision of this chapter, Chapter 35339
4731. of the Revised Code, or the rules adopted by the board; 35340

(4) Inability to practice according to acceptable and 35341
prevailing standards of care by reason of mental illness or 35342

physical illness, including physical deterioration that adversely 35343
affects cognitive, motor, or perceptive skills; 35344

(5) Impairment of ability to practice according to acceptable 35345
and prevailing standards of care because of habitual or excessive 35346
use or abuse of drugs, alcohol, or other substances that impair 35347
ability to practice; 35348

(6) Administering drugs for purposes other than those 35349
authorized under this chapter; 35350

(7) Willfully betraying a professional confidence; 35351

(8) Making a false, fraudulent, deceptive, or misleading 35352
statement in soliciting or advertising for employment as a 35353
physician assistant; in connection with any solicitation or 35354
advertisement for patients; in relation to the practice of 35355
medicine as it pertains to physician assistants; or in securing or 35356
attempting to secure a license to practice as a physician 35357
assistant. 35358

As used in this division, "false, fraudulent, deceptive, or 35359
misleading statement" means a statement that includes a 35360
misrepresentation of fact, is likely to mislead or deceive because 35361
of a failure to disclose material facts, is intended or is likely 35362
to create false or unjustified expectations of favorable results, 35363
or includes representations or implications that in reasonable 35364
probability will cause an ordinarily prudent person to 35365
misunderstand or be deceived. 35366

(9) Representing, with the purpose of obtaining compensation 35367
or other advantage personally or for any other person, that an 35368
incurable disease or injury, or other incurable condition, can be 35369
permanently cured; 35370

(10) The obtaining of, or attempting to obtain, money or 35371
anything of value by fraudulent misrepresentations in the course 35372
of practice; 35373

(11) A plea of guilty to, a judicial finding of guilt of, or 35374
a judicial finding of eligibility for intervention in lieu of 35375
conviction for, a felony; 35376

(12) Commission of an act that constitutes a felony in this 35377
state, regardless of the jurisdiction in which the act was 35378
committed; 35379

(13) A plea of guilty to, a judicial finding of guilt of, or 35380
a judicial finding of eligibility for intervention in lieu of 35381
conviction for, a misdemeanor committed in the course of practice; 35382

(14) A plea of guilty to, a judicial finding of guilt of, or 35383
a judicial finding of eligibility for intervention in lieu of 35384
conviction for, a misdemeanor involving moral turpitude; 35385

(15) Commission of an act in the course of practice that 35386
constitutes a misdemeanor in this state, regardless of the 35387
jurisdiction in which the act was committed; 35388

(16) Commission of an act involving moral turpitude that 35389
constitutes a misdemeanor in this state, regardless of the 35390
jurisdiction in which the act was committed; 35391

(17) A plea of guilty to, a judicial finding of guilt of, or 35392
a judicial finding of eligibility for intervention in lieu of 35393
conviction for violating any state or federal law regulating the 35394
possession, distribution, or use of any drug, including 35395
trafficking in drugs; 35396

(18) Any of the following actions taken by the state agency 35397
responsible for regulating the practice of physician assistants in 35398
another state, for any reason other than the nonpayment of fees: 35399
the limitation, revocation, or suspension of an individual's 35400
license to practice; acceptance of an individual's license 35401
surrender; denial of a license; refusal to renew or reinstate a 35402
license; imposition of probation; or issuance of an order of 35403
censure or other reprimand; 35404

(19) A departure from, or failure to conform to, minimal	35405
standards of care of similar physician assistants under the same	35406
or similar circumstances, regardless of whether actual injury to a	35407
patient is established;	35408
(20) Violation of the conditions placed by the board on a	35409
license to practice as a physician assistant;	35410
(21) Failure to use universal blood and body fluid	35411
precautions established by rules adopted under section 4731.051 of	35412
the Revised Code;	35413
(22) Failure to cooperate in an investigation conducted by	35414
the board under section 4730.26 of the Revised Code, including	35415
failure to comply with a subpoena or order issued by the board or	35416
failure to answer truthfully a question presented by the board at	35417
a deposition or in written interrogatories, except that failure to	35418
cooperate with an investigation shall not constitute grounds for	35419
discipline under this section if a court of competent jurisdiction	35420
has issued an order that either quashes a subpoena or permits the	35421
individual to withhold the testimony or evidence in issue;	35422
(23) Assisting suicide, as defined in section 3795.01 of the	35423
Revised Code;	35424
(24) Prescribing any drug or device to perform or induce an	35425
abortion, or otherwise performing or inducing an abortion;	35426
(25) Failure to comply with section 4730.53 of the Revised	35427
Code, unless the board no longer maintains a drug database	35428
pursuant to section 4729.75 of the Revised Code;	35429
(26) Failure to comply with the requirements in section	35430
3719.061 of the Revised Code before issuing for a minor a	35431
prescription for an opioid analgesic, as defined in section	35432
3719.01 of the Revised Code;	35433
(27) Having certification by the national commission on	35434

certification of physician assistants or a successor organization 35435
expire, lapse, or be suspended or revoked; 35436

(28) The revocation, suspension, restriction, reduction, or 35437
termination of clinical privileges by the United States department 35438
of defense or department of veterans affairs or the termination or 35439
suspension of a certificate of registration to prescribe drugs by 35440
the drug enforcement administration of the United States 35441
department of justice. 35442

(C) Disciplinary actions taken by the board under divisions 35443
(A) and (B) of this section shall be taken pursuant to an 35444
adjudication under Chapter 119. of the Revised Code, except that 35445
in lieu of an adjudication, the board may enter into a consent 35446
agreement with a physician assistant or applicant to resolve an 35447
allegation of a violation of this chapter or any rule adopted 35448
under it. A consent agreement, when ratified by an affirmative 35449
vote of not fewer than six members of the board, shall constitute 35450
the findings and order of the board with respect to the matter 35451
addressed in the agreement. If the board refuses to ratify a 35452
consent agreement, the admissions and findings contained in the 35453
consent agreement shall be of no force or effect. 35454

(D) For purposes of divisions (B)(12), (15), and (16) of this 35455
section, the commission of the act may be established by a finding 35456
by the board, pursuant to an adjudication under Chapter 119. of 35457
the Revised Code, that the applicant or license holder committed 35458
the act in question. The board shall have no jurisdiction under 35459
these divisions in cases where the trial court renders a final 35460
judgment in the license holder's favor and that judgment is based 35461
upon an adjudication on the merits. The board shall have 35462
jurisdiction under these divisions in cases where the trial court 35463
issues an order of dismissal upon technical or procedural grounds. 35464

(E) The sealing of conviction records by any court shall have 35465
no effect upon a prior board order entered under the provisions of 35466

this section or upon the board's jurisdiction to take action under 35467
the provisions of this section if, based upon a plea of guilty, a 35468
judicial finding of guilt, or a judicial finding of eligibility 35469
for intervention in lieu of conviction, the board issued a notice 35470
of opportunity for a hearing prior to the court's order to seal 35471
the records. The board shall not be required to seal, destroy, 35472
redact, or otherwise modify its records to reflect the court's 35473
sealing of conviction records. 35474

(F) For purposes of this division, any individual who holds a 35475
license issued under this chapter, or applies for a license issued 35476
under this chapter, shall be deemed to have given consent to 35477
submit to a mental or physical examination when directed to do so 35478
in writing by the board and to have waived all objections to the 35479
admissibility of testimony or examination reports that constitute 35480
a privileged communication. 35481

(1) In enforcing division (B)(4) of this section, the board, 35482
upon a showing of a possible violation, may compel any individual 35483
who holds a license issued under this chapter or who has applied 35484
for a license pursuant to this chapter to submit to a mental 35485
examination, physical examination, including an HIV test, or both 35486
a mental and physical examination. The expense of the examination 35487
is the responsibility of the individual compelled to be examined. 35488
Failure to submit to a mental or physical examination or consent 35489
to an HIV test ordered by the board constitutes an admission of 35490
the allegations against the individual unless the failure is due 35491
to circumstances beyond the individual's control, and a default 35492
and final order may be entered without the taking of testimony or 35493
presentation of evidence. If the board finds a physician assistant 35494
unable to practice because of the reasons set forth in division 35495
(B)(4) of this section, the board shall require the physician 35496
assistant to submit to care, counseling, or treatment by 35497
physicians approved or designated by the board, as a condition for 35498

an initial, continued, reinstated, or renewed license. An 35499
individual affected under this division shall be afforded an 35500
opportunity to demonstrate to the board the ability to resume 35501
practicing in compliance with acceptable and prevailing standards 35502
of care. 35503

(2) For purposes of division (B)(5) of this section, if the 35504
board has reason to believe that any individual who holds a 35505
license issued under this chapter or any applicant for a license 35506
suffers such impairment, the board may compel the individual to 35507
submit to a mental or physical examination, or both. The expense 35508
of the examination is the responsibility of the individual 35509
compelled to be examined. Any mental or physical examination 35510
required under this division shall be undertaken by a treatment 35511
provider or physician qualified to conduct such examination and 35512
chosen by the board. 35513

Failure to submit to a mental or physical examination ordered 35514
by the board constitutes an admission of the allegations against 35515
the individual unless the failure is due to circumstances beyond 35516
the individual's control, and a default and final order may be 35517
entered without the taking of testimony or presentation of 35518
evidence. If the board determines that the individual's ability to 35519
practice is impaired, the board shall suspend the individual's 35520
license or deny the individual's application and shall require the 35521
individual, as a condition for initial, continued, reinstated, or 35522
renewed licensure, to submit to treatment. 35523

Before being eligible to apply for reinstatement of a license 35524
suspended under this division, the physician assistant shall 35525
demonstrate to the board the ability to resume practice or 35526
prescribing in compliance with acceptable and prevailing standards 35527
of care. The demonstration shall include the following: 35528

(a) Certification from a treatment provider approved under 35529
section 4731.25 of the Revised Code that the individual has 35530

successfully completed any required inpatient treatment; 35531

(b) Evidence of continuing full compliance with an aftercare 35532
contract or consent agreement; 35533

(c) Two written reports indicating that the individual's 35534
ability to practice has been assessed and that the individual has 35535
been found capable of practicing according to acceptable and 35536
prevailing standards of care. The reports shall be made by 35537
individuals or providers approved by the board for making such 35538
assessments and shall describe the basis for their determination. 35539

The board may reinstate a license suspended under this 35540
division after such demonstration and after the individual has 35541
entered into a written consent agreement. 35542

When the impaired physician assistant resumes practice or 35543
prescribing, the board shall require continued monitoring of the 35544
physician assistant. The monitoring shall include compliance with 35545
the written consent agreement entered into before reinstatement or 35546
with conditions imposed by board order after a hearing, and, upon 35547
termination of the consent agreement, submission to the board for 35548
at least two years of annual written progress reports made under 35549
penalty of falsification stating whether the physician assistant 35550
has maintained sobriety. 35551

(G) If the secretary and supervising member determine that 35552
there is clear and convincing evidence that a physician assistant 35553
has violated division (B) of this section and that the 35554
individual's continued practice or prescribing presents a danger 35555
of immediate and serious harm to the public, they may recommend 35556
that the board suspend the individual's license without a prior 35557
hearing. Written allegations shall be prepared for consideration 35558
by the board. 35559

The board, upon review of those allegations and by an 35560
affirmative vote of not fewer than six of its members, excluding 35561

the secretary and supervising member, may suspend a license 35562
without a prior hearing. A telephone conference call may be 35563
utilized for reviewing the allegations and taking the vote on the 35564
summary suspension. 35565

The board shall issue a written order of suspension by 35566
certified mail or in person in accordance with section 119.07 of 35567
the Revised Code. The order shall not be subject to suspension by 35568
the court during pendency of any appeal filed under section 119.12 35569
of the Revised Code. If the physician assistant requests an 35570
adjudicatory hearing by the board, the date set for the hearing 35571
shall be within fifteen days, but not earlier than seven days, 35572
after the physician assistant requests the hearing, unless 35573
otherwise agreed to by both the board and the license holder. 35574

A summary suspension imposed under this division shall remain 35575
in effect, unless reversed on appeal, until a final adjudicative 35576
order issued by the board pursuant to this section and Chapter 35577
119. of the Revised Code becomes effective. The board shall issue 35578
its final adjudicative order within sixty days after completion of 35579
its hearing. Failure to issue the order within sixty days shall 35580
result in dissolution of the summary suspension order, but shall 35581
not invalidate any subsequent, final adjudicative order. 35582

(H) If the board takes action under division (B)(11), (13), 35583
or (14) of this section, and the judicial finding of guilt, guilty 35584
plea, or judicial finding of eligibility for intervention in lieu 35585
of conviction is overturned on appeal, upon exhaustion of the 35586
criminal appeal, a petition for reconsideration of the order may 35587
be filed with the board along with appropriate court documents. 35588
Upon receipt of a petition and supporting court documents, the 35589
board shall reinstate the individual's license. The board may then 35590
hold an adjudication under Chapter 119. of the Revised Code to 35591
determine whether the individual committed the act in question. 35592
Notice of opportunity for hearing shall be given in accordance 35593

with Chapter 119. of the Revised Code. If the board finds, 35594
pursuant to an adjudication held under this division, that the 35595
individual committed the act, or if no hearing is requested, it 35596
may order any of the sanctions identified under division (B) of 35597
this section. 35598

(I) The license to practice issued to a physician assistant 35599
and the physician assistant's practice in this state are 35600
automatically suspended as of the date the physician assistant 35601
pleads guilty to, is found by a judge or jury to be guilty of, or 35602
is subject to a judicial finding of eligibility for intervention 35603
in lieu of conviction in this state or treatment or intervention 35604
in lieu of conviction in another state for any of the following 35605
criminal offenses in this state or a substantially equivalent 35606
criminal offense in another jurisdiction: aggravated murder, 35607
murder, voluntary manslaughter, felonious assault, kidnapping, 35608
rape, sexual battery, gross sexual imposition, aggravated arson, 35609
aggravated robbery, or aggravated burglary. Continued practice 35610
after the suspension shall be considered practicing without a 35611
license. 35612

The board shall notify the individual subject to the 35613
suspension by certified mail or in person in accordance with 35614
section 119.07 of the Revised Code. If an individual whose license 35615
is suspended under this division fails to make a timely request 35616
for an adjudication under Chapter 119. of the Revised Code, the 35617
board shall enter a final order permanently revoking the 35618
individual's license to practice. 35619

(J) In any instance in which the board is required by Chapter 35620
119. of the Revised Code to give notice of opportunity for hearing 35621
and the individual subject to the notice does not timely request a 35622
hearing in accordance with section 119.07 of the Revised Code, the 35623
board is not required to hold a hearing, but may adopt, by an 35624
affirmative vote of not fewer than six of its members, a final 35625

order that contains the board's findings. In that final order, the 35626
board may order any of the sanctions identified under division (A) 35627
or (B) of this section. 35628

(K) Any action taken by the board under division (B) of this 35629
section resulting in a suspension shall be accompanied by a 35630
written statement of the conditions under which the physician 35631
assistant's license may be reinstated. The board shall adopt rules 35632
in accordance with Chapter 119. of the Revised Code governing 35633
conditions to be imposed for reinstatement. Reinstatement of a 35634
license suspended pursuant to division (B) of this section 35635
requires an affirmative vote of not fewer than six members of the 35636
board. 35637

(L) When the board refuses to grant or issue to an applicant 35638
a license to practice as a physician assistant, revokes an 35639
individual's license, refuses to renew an individual's license, or 35640
refuses to reinstate an individual's license, the board may 35641
specify that its action is permanent. An individual subject to a 35642
permanent action taken by the board is forever thereafter 35643
ineligible to hold the license and the board shall not accept an 35644
application for reinstatement of the license or for issuance of a 35645
new license. 35646

(M) Notwithstanding any other provision of the Revised Code, 35647
all of the following apply: 35648

(1) The surrender of a license issued under this chapter is 35649
not effective unless or until accepted by the board. Reinstatement 35650
of a license surrendered to the board requires an affirmative vote 35651
of not fewer than six members of the board. 35652

(2) An application made under this chapter for a license may 35653
not be withdrawn without approval of the board. 35654

(3) Failure by an individual to renew a license in accordance 35655
with section 4730.14 of the Revised Code shall not remove or limit 35656

the board's jurisdiction to take disciplinary action under this 35657
section against the individual. 35658

Sec. 4730.28. (A) ~~An individual whose license to practice as 35659
a physician assistant issued under this chapter has been suspended 35660
or is in an inactive state for any cause for more than two years 35661
may apply to the state medical board to have the license restored. 35662~~

~~(B)(1) The board shall not restore a license under this 35663
section unless the applicant complies with sections 4776.01 to 35664
4776.04 of the Revised Code. The board shall determine the 35665
applicant's present fitness to resume practice. The board shall 35666
consider the moral background and the activities of the applicant 35667
during the period of suspension or inactivity. 35668~~

~~(2) When restoring a license, the board may impose terms and 35669
conditions, including the following: 35670~~

~~(a) Requiring the applicant to obtain additional training and 35671
pass an examination upon completion of the training; 35672~~

~~(b) Restricting or limiting the extent, scope, or type of 35673
practice as a physician assistant that the individual may resume 35674
This section applies to both of the following: 35675~~

~~(1) An applicant seeking restoration of a license issued 35676
under this chapter that has been in a suspended or inactive state 35677
for any cause for more than two years; 35678~~

~~(2) An applicant seeking issuance of a license pursuant to 35679
this chapter who for more than two years has not been practicing 35680
as a physician assistant as either of the following: 35681~~

~~(a) An active practitioner; 35682~~

~~(b) A student in a program as described in division (B) or 35683
(C) of section 4730.11 of the Revised Code. 35684~~

~~(B) Before issuing a license to an applicant subject to this 35685~~

section or restoring a license to good standing for an applicant 35686
subject to this section, the state medical board may impose terms 35687
and conditions including any one or more of the following: 35688

(1) Requiring the applicant to pass an oral or written 35689
examination, or both, to determine the applicant's present fitness 35690
to resume practice; 35691

(2) Requiring the applicant to obtain additional training and 35692
to pass an examination upon completion of such training; 35693

(3) Requiring an assessment of the applicant's physical 35694
skills for purposes of determining whether the applicant's 35695
coordination, fine motor skills, and dexterity are sufficient for 35696
performing evaluations and procedures in a manner that meets the 35697
minimal standards of care; 35698

(4) Requiring an assessment of the applicant's skills in 35699
recognizing and understanding diseases and conditions; 35700

(5) Requiring the applicant to undergo a comprehensive 35701
physical examination, which may include an assessment of physical 35702
abilities, evaluation of sensory capabilities, or screening for 35703
the presence of neurological disorders; 35704

(6) Restricting or limiting the extent, scope, or type of 35705
practice of the applicant. 35706

The board shall consider the moral background and the 35707
activities of the applicant during the period of suspension or 35708
inactivity. The board shall not issue or restore a license under 35709
this section unless the applicant complies with sections 4776.01 35710
to 4776.04 of the Revised Code. 35711

Sec. 4730.43. (A) A physician assistant who holds a valid 35712
prescriber number issued by the state medical board and has been 35713
granted physician-delegated prescriptive authority may personally 35714
furnish to a patient samples of drugs and therapeutic devices that 35715

are included in the physician assistant's physician-delegated 35716
prescriptive authority, subject to all of the following: 35717

(1) The amount of the sample furnished shall not exceed a 35718
seventy-two-hour supply, except when the minimum available 35719
quantity of the sample is packaged in an amount that is greater 35720
than a seventy-two-hour supply, in which case the physician 35721
assistant may furnish the sample in the package amount. 35722

(2) No charge may be imposed for the sample or for furnishing 35723
it. 35724

(3) Samples of controlled substances may not be personally 35725
furnished. 35726

(B) A physician assistant who holds a valid prescriber number 35727
issued by the state medical board and has been granted 35728
physician-delegated prescriptive authority may personally furnish 35729
to a patient a complete or partial supply of the drugs and 35730
therapeutic devices that are included in the physician assistant's 35731
physician-delegated prescriptive authority, subject to all of the 35732
following: 35733

(1) The physician assistant shall personally furnish only 35734
antibiotics, antifungals, scabicides, contraceptives, prenatal 35735
vitamins, antihypertensives, drugs and devices used in the 35736
treatment of diabetes, drugs and devices used in the treatment of 35737
asthma, and drugs used in the treatment of dyslipidemia. 35738

(2) The physician assistant shall not furnish the drugs and 35739
devices in locations other than a health department operated by 35740
the board of health of a city or general health district or the 35741
authority having the duties of a board of health under section 35742
3709.05 of the Revised Code, a federally funded comprehensive 35743
primary care clinic, or a nonprofit health care clinic or program. 35744

(3) The physician assistant shall comply with all standards 35745

and procedures for personally furnishing supplies of drugs and 35746
devices, as established in rules adopted under section 4730.39 of 35747
the Revised Code. 35748

Sec. 4730.49. (A) To be eligible for renewal of a license to 35749
practice as a physician assistant, an applicant who has been 35750
granted physician-delegated prescriptive authority is subject to 35751
both of the following: 35752

(1) The applicant shall complete every two years at least 35753
twelve hours of continuing education in pharmacology obtained 35754
through a program or course approved by the state medical board or 35755
a person the board has authorized to approve continuing 35756
pharmacology education programs and courses. Except as provided ~~in~~ 35757
~~division (B) of this section and~~ in section 5903.12 of the Revised 35758
Code, the continuing education shall be completed not later than 35759
the ~~thirty first day of January of each even numbered year~~ date on 35760
which the applicant's license expires. 35761

(2)(a) Except as provided in division (A)(2)(b) of this 35762
section, in the case of an applicant who prescribes opioid 35763
analgesics or benzodiazepines, as defined in section 3719.01 of 35764
the Revised Code, the applicant shall certify to the board whether 35765
the applicant has been granted access to the drug database 35766
established and maintained by the state board of pharmacy pursuant 35767
to section 4729.75 of the Revised Code. 35768

(b) The requirement described in division (A)(2)(a) of this 35769
section does not apply if any of the following is the case: 35770

(i) The state board of pharmacy notifies the state medical 35771
board pursuant to section 4729.861 of the Revised Code that the 35772
applicant has been restricted from obtaining further information 35773
from the drug database. 35774

(ii) The state board of pharmacy no longer maintains the drug 35775

database. 35776

(iii) The applicant does not practice as a physician 35777
assistant in this state. 35778

(c) If an applicant certifies to the state medical board that 35779
the applicant has been granted access to the drug database and the 35780
board finds through an audit or other means that the applicant has 35781
not been granted access, the board may take action under section 35782
4730.25 of the Revised Code. 35783

(B) The state medical board shall provide for pro rata 35784
reductions by month of the number of hours of continuing education 35785
in pharmacology that is required to be completed for physician 35786
assistants ~~who are in their first licensure period after~~ 35787
~~completing the period of supervision required under section~~ 35788
~~4730.44 of the Revised Code,~~ who have been disabled due to illness 35789
or accident, or ~~who~~ have been absent from the country. The board 35790
shall adopt rules, in accordance with Chapter 119. of the Revised 35791
Code, as necessary to implement this division. 35792

(C) The continuing education required by this section is in 35793
addition to the continuing education required under section 35794
4730.14 of the Revised Code. 35795

(D) If the board chooses to authorize persons to approve 35796
continuing pharmacology education programs and courses, it shall 35797
establish standards for granting that authority and grant the 35798
authority in accordance with the standards. 35799

Sec. 4731.04. As used in this chapter: 35800

(A) "Cosmetic therapy" means the permanent removal of hair 35801
from the human body through the use of electric modalities 35802
approved by the state medical board for use in cosmetic therapy 35803
and may include the systematic friction, stroking, slapping, and 35804
kneading or tapping of the face, neck, scalp, or shoulders. 35805

(B) "Fifth pathway training" means supervised clinical 35806
training obtained in the United States as a substitute for the 35807
internship or social service requirements of a foreign medical 35808
school. 35809

(C) "Graduate medical education" means education received 35810
through any of the following: 35811

(1) An internship ~~or, residency, or clinical fellowship~~ 35812
program conducted in the United States and accredited by either 35813
the accreditation council for graduate medical education of the 35814
American medical association or the American osteopathic 35815
association; 35816

(2) A clinical fellowship program that is not accredited as 35817
described in division (C)(1) of this section, but is conducted in 35818
the United States at an institution with a residency program that 35819
is accredited ~~by either the accreditation council for graduate~~ 35820
~~medical education of the American medical association or the~~ 35821
~~American osteopathic association that~~ as described in that 35822
division and is in a clinical field the same as or related to the 35823
clinical field of the fellowship program; 35824

(3) An internship program conducted in Canada and accredited 35825
by the committee on accreditation of preregistration physician 35826
training programs of the federation of provincial medical 35827
licensing authorities of Canada; 35828

(4) A residency program conducted in Canada and accredited by 35829
either the royal college of physicians and surgeons of Canada or 35830
the college of family physicians of Canada. 35831

(D) "Massage therapy" means the treatment of disorders of the 35832
human body by the manipulation of soft tissue through the 35833
systematic external application of massage techniques including 35834
touch, stroking, friction, vibration, percussion, kneading, 35835
stretching, compression, and joint movements within the normal 35836

physiologic range of motion; and adjunctive thereto, the external 35837
application of water, heat, cold, topical preparations, and 35838
mechanical devices. 35839

Sec. 4731.05. (A) The state medical board shall adopt rules 35840
in accordance with Chapter 119. of the Revised Code to carry out 35841
the purposes of this chapter. All adjudicative proceedings of the 35842
state medical board shall be conducted in accordance with Chapter 35843
119. of the Revised Code. 35844

(B) The state medical board shall appoint an executive 35845
director who shall be in the unclassified service of the state. 35846
The board may appoint other employees of the board as are 35847
necessary and shall prescribe their titles and duties. 35848

(C) The state medical board shall develop requirements for 35849
and provide appropriate initial and continuing training for 35850
investigators employed by the board to carry out its duties under 35851
Chapter 4731. of the Revised Code. The training and continuing 35852
education may include enrollment in courses operated or approved 35853
by the Ohio peace officer training commission that the board 35854
considers appropriate under conditions set forth in section 109.79 35855
of the Revised Code. 35856

(D)(1) The state medical board shall adopt internal 35857
management rules pursuant to section 111.15 of the Revised Code. 35858
The rules shall set forth criteria for assessing the board's 35859
accomplishments, activities, and performance data, including 35860
metrics detailing the board's revenues and reimbursements; budget 35861
distribution; investigation and licensing activity, including 35862
issuance of licenses and processing time frames; and enforcement 35863
data, including processing time frames. The board shall include 35864
the assessment in the annual report required by section 149.01 of 35865
the Revised Code. 35866

(2) The state medical board shall cause the internal 35867

management rules and annual report described in division (D)(1) of 35868
this section to be publicly accessible on the state medical 35869
board's web site. 35870

Sec. 4731.07. (A) The state medical board shall keep a record 35871
of its proceedings. The minutes of a meeting of the board shall, 35872
on approval by the board, constitute an official record of its 35873
proceedings. 35874

(B) The board shall keep a register of applicants for 35875
licenses and certificates issued under this chapter and Chapters 35876
4760., 4762., and 4774. of the Revised Code and; licenses issued 35877
under this chapter and Chapters 4730., 4759., 4761., 4760., 4762., 35878
4774., and 4778.; and licenses and limited permits issued under 35879
Chapters 4759. and 4761. of the Revised Code. The register shall 35880
show the name of the applicant and whether the applicant was 35881
granted or refused a certificate or the license, certificate, or 35882
limited permit being sought. ~~With~~ 35883

With respect to applicants to practice medicine and surgery 35884
or osteopathic medicine and surgery, the register shall show the 35885
name of the institution that granted the applicant the degree of 35886
doctor of medicine or osteopathic medicine. With respect to 35887
applicants to practice respiratory care, the register shall show 35888
the addresses of the person's last known place of business and 35889
residence, the effective date and identification number of the 35890
license or limited permit, and, if applicable, the name and 35891
location of the institution that granted the person's degree or 35892
certificate of completion of respiratory care educational 35893
requirements, and the date the degree or certificate of completion 35894
was issued. ~~The~~ 35895

(C) The books and records of the board shall be prima-facie 35896
evidence of matters therein contained. 35897

Sec. 4731.14. (A) The state medical board shall review all 35898
applications submitted under section 4731.09 ~~or 4731.296~~ of the 35899
Revised Code and determine whether each applicant meets the 35900
requirements for a license to practice medicine and surgery or 35901
osteopathic medicine and surgery. ~~An affirmative vote of not fewer~~ 35902
~~than six members of the board is necessary for the board to~~ 35903
~~determine that an applicant meets the requirements for a license.~~ 35904

(B) If the board determines that the evidence submitted with 35905
an application is satisfactory and the applicant meets the 35906
requirements for a license, the board shall issue to the applicant 35907
a license to practice medicine and surgery or osteopathic medicine 35908
and surgery, as applicable. If the applicant holds a medical 35909
degree other than the degree of doctor of medicine or doctor of 35910
osteopathic medicine, the license shall indicate that the 35911
applicant is authorized to practice medicine and surgery pursuant 35912
to the laws of this state. Each license issued by the board shall 35913
be signed by its president and secretary, and attested by its 35914
seal. 35915

(C) The holder of a license to practice medicine and surgery 35916
issued under this chapter may use the titles "Dr.," "doctor," 35917
"M.D.," or "physician." The holder of a license to practice 35918
osteopathic medicine and surgery issued under this chapter may use 35919
the titles "Dr.," "doctor," "D.O.," or "physician." 35920

(D) The holder of a license issued under this section shall 35921
either provide verification of licensure status from the board's 35922
internet web site on request or prominently display a wall 35923
certificate in the license holder's office or place where the 35924
majority of the holder's practice is conducted. 35925

Sec. 4731.15. (A) The state medical board also shall regulate 35926
the following limited branches of medicine: massage therapy and 35927

cosmetic therapy, and to the extent specified in section 4731.151 35928
of the Revised Code, naprapathy and mechanotherapy. The board 35929
shall adopt rules governing the limited branches of medicine under 35930
its jurisdiction. The rules shall be adopted in accordance with 35931
Chapter 119. of the Revised Code. 35932

(B) A ~~certificate~~ license to practice a limited branch of 35933
medicine issued by the state medical board is valid for a two-year 35934
period, ~~except when an initial certificate is issued for a shorter~~ 35935
~~period or when division (C)(2) of this section is applicable~~ 35936
unless revoked or suspended and expires on the date that is two 35937
years after the date of issuance. The ~~certificate~~ license may be 35938
renewed for additional two-year periods in accordance with 35939
division (C) of this section. 35940

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 35941
~~both~~ Both of the following apply with respect to the renewal of 35942
~~certificates~~ licenses to practice a limited branch of medicine: 35943

~~(a)(1)~~ Each person seeking to renew a ~~certificate~~ license to 35944
practice a limited branch of medicine shall apply for biennial 35945
renewal with the state medical board in a manner prescribed by the 35946
board. An applicant for renewal shall pay a biennial renewal fee 35947
of one hundred dollars. 35948

~~(b)(2)~~ At least one month before a ~~certificate~~ license 35949
expires, the board shall provide a renewal notice to the 35950
~~certificate~~ license holder. 35951

~~(2) The board shall implement a staggered renewal system that~~ 35952
~~is substantially similar to the staggered renewal system the board~~ 35953
~~uses under division (A) of section 4731.281 of the Revised Code.~~ 35954

(D) All persons who hold a ~~certificate~~ license to practice a 35955
limited branch of medicine issued by the state medical board shall 35956
provide the board notice of any change of address. The notice 35957
shall be submitted to the board not later than thirty days after 35958

the change of address. 35959

(E) A ~~certificate~~ license to practice a limited branch of 35960
medicine shall be automatically suspended if the ~~certificate~~ 35961
license holder fails to renew the ~~certificate~~ license in 35962
accordance with division (C) of this section. Continued practice 35963
after the suspension of the ~~certificate~~ license to practice shall 35964
be considered as practicing in violation of sections 4731.34 and 35965
4731.41 of the Revised Code. 35966

If a ~~certificate to practice~~ license has been suspended 35967
pursuant to this division for two years or less, it may be 35968
reinstated. The board shall reinstate the ~~certificate~~ license upon 35969
an applicant's submission of a renewal application and payment of 35970
a reinstatement fee of one hundred twenty-five dollars. With 35971
regard to reinstatement of a ~~certificate~~ license to practice 35972
cosmetic therapy, the applicant also shall submit with the 35973
application a certification that the number of hours of continuing 35974
education necessary to have a suspended ~~certificate~~ license 35975
reinstated have been completed, as specified in rules the board 35976
shall adopt in accordance with Chapter 119. of the Revised Code. 35977

If a ~~certificate~~ license has been suspended pursuant to this 35978
division for more than two years, it may be restored. Subject to 35979
section 4731.222 of the Revised Code, the board may restore the 35980
~~certificate~~ license upon an applicant's submission of a 35981
restoration application and a restoration fee of one hundred fifty 35982
dollars and compliance with sections 4776.01 to 4776.04 of the 35983
Revised Code. The board shall not restore to an applicant a 35984
~~certificate~~ license to practice unless the board, in its 35985
discretion, decides that the results of the criminal records check 35986
do not make the applicant ineligible for a ~~certificate~~ license 35987
issued pursuant to section 4731.17 of the Revised Code. 35988

Sec. 4731.155. (A) The state medical board may adopt rules 35989

that establish continuing education requirements for renewal under 35990
section 4731.15 of the Revised Code of a ~~certificate~~ license to 35991
practice a limited branch of medicine. The rules shall be adopted 35992
in accordance with Chapter 119. of the Revised Code. 35993

(B)(1) If the board adopts rules establishing continuing 35994
education requirements for holders of licenses to practice a 35995
limited branch of medicine, the board may require a holder to 35996
certify to the board that the holder has satisfied the continuing 35997
education requirements. 35998

(2) The board may require a random sample of license holders 35999
to submit materials documenting that the continuing education 36000
requirements adopted under this section have been satisfied. 36001

Division (B)(2) of this section does not limit the board's 36002
authority to conduct investigations pursuant to section 4731.22 of 36003
the Revised Code. 36004

(3) If, through a random sample conducted under division 36005
(B)(2) of this section or any other means, the board finds that an 36006
individual who certified completion of the number of hours and 36007
type of continuing education required to renew, reinstate, or 36008
restore a license to practice did not complete the requisite 36009
continuing education, the board may do either of the following: 36010

(a) Take disciplinary action against the individual under 36011
section 4731.22 of the Revised Code, impose a civil penalty, or 36012
both; 36013

(b) Permit the individual to agree in writing to complete the 36014
continuing education and pay a civil penalty. 36015

(4) The board's finding in any disciplinary action taken 36016
under division (B)(3)(a) of this section shall be made pursuant to 36017
an adjudication under Chapter 119. of the Revised Code and by an 36018
affirmative vote of not fewer than six of its members. 36019

(5) A civil penalty imposed under division (B)(3)(a) of this section or paid under division (B)(3)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

Sec. 4731.17. (A) The state medical board shall review all applications received under section 4731.19 of the Revised Code. The board shall determine whether an applicant meets the requirements for a certificate license to practice the applicable limited branch of medicine. ~~An affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate.~~

(B) If the board determines that the applicant meets the requirements for a certificate license and that the documentation required for a certificate license is acceptable, the board shall issue to the applicant the appropriate certificate license to practice. Each certificate license shall be signed by the president and secretary of the board and attested by its seal.

(C) A certificate license shall authorize the holder to practice the limited branch of medicine for which the certificate license was issued. No person who holds a certificate license to practice a limited branch of medicine issued by the board under this section shall do any of the following:

(1) Practice a limited branch of medicine other than the limited branch of medicine for which the certificate license was issued;

(2) Treat infectious, contagious, or venereal diseases;

(3) Prescribe or administer drugs;

(4) Perform surgery or practice medicine in any other form.

Sec. 4731.171. In addition to any other eligibility 36049
requirement set forth in this chapter, each applicant for a 36050
~~certificate~~ license to practice massage therapy or cosmetic 36051
therapy shall comply with sections 4776.01 to 4776.04 of the 36052
Revised Code. The state medical board shall not grant to an 36053
applicant a ~~certificate~~ license to practice massage therapy or 36054
cosmetic therapy unless the board, in its discretion, decides that 36055
the results of the criminal records check do not make the 36056
applicant ineligible for a ~~certificate~~ license issued pursuant to 36057
section 4731.17 of the Revised Code. 36058

Sec. 4731.19. (A) A person seeking a ~~certificate~~ license to 36059
practice a limited branch of medicine shall file with the state 36060
medical board an application in a manner prescribed by the board. 36061
The application shall include or be accompanied by all of the 36062
following: 36063

(1) Evidence that the applicant is at least eighteen years of 36064
age and of good moral character; 36065

(2) Evidence that the applicant has attained high school 36066
graduation or its equivalent; 36067

(3) Evidence that the applicant holds one of the following: 36068

(a) A diploma or certificate from a school, college, or 36069
institution in good standing as determined by the board, showing 36070
the completion of the required courses of instruction; 36071

(b) A diploma or certificate from a school, college, or 36072
institution in another state or jurisdiction showing completion of 36073
a course of instruction that meets course requirements determined 36074
by the board through rules adopted under section 4731.05 of the 36075
Revised Code; 36076

(c) ~~For not less than five years~~ During the five-year period 36077
immediately preceding the date of application, a current license, 36078

registration, or certificate in good standing in another state for 36079
massage therapy or cosmetic therapy. 36080

(4) Evidence that the applicant has successfully passed an 36081
examination, prescribed in rules described in section 4731.16 of 36082
the Revised Code, to determine competency to practice the 36083
applicable limited branch of medicine; 36084

(5) An attestation that the information submitted under this 36085
section is accurate and truthful and that the applicant consents 36086
to release of information; 36087

(6) Any other information the board requires. 36088

(B) An applicant for a ~~certificate~~ license to practice a 36089
limited branch of medicine shall comply with the requirements of 36090
section 4731.171 of the Revised Code. 36091

(C) At the time of making application for a ~~certificate~~ 36092
license to practice a limited branch of medicine, the applicant 36093
shall pay to the board a fee of one hundred fifty dollars, no part 36094
of which shall be returned. No application shall be considered 36095
filed until the board receives the appropriate fee. 36096

(D) The board may investigate the application materials 36097
received under this section and contact any agency or organization 36098
for recommendations or other information about the applicant. 36099

Sec. 4731.222. (A) This section applies to both of the 36100
following: 36101

(1) An applicant seeking restoration of a license or 36102
certificate issued under this chapter that has been in a suspended 36103
or inactive state for any cause for more than two years; 36104

(2) An applicant seeking issuance of a license or certificate 36105
pursuant to this chapter who for more than two years has not been 36106
engaged in the practice of medicine and surgery, osteopathic 36107
medicine and surgery, podiatric medicine and surgery, or a limited 36108

branch of medicine as any of the following: 36109

(a) An active practitioner; 36110

(b) A participant in a program of graduate medical education, 36111
as defined in section 4731.04 of the Revised Code; 36112

(c) A participant in a podiatric internship residency, or 36113
clinical fellowship program; 36114

(d) A student in a college of podiatry determined by the 36115
state medical board to be in good standing; 36116

(e) A student in a school, college, or institution giving 36117
instruction in a limited branch of medicine determined by the 36118
board to be in good standing under section 4731.16 of the Revised 36119
Code. 36120

(B) Before ~~restoring a license or certificate to good~~ 36121
~~standing for or~~ issuing a license or certificate to an applicant 36122
subject to this section or restoring a license or certificate to 36123
good standing for an applicant subject to this section, the state 36124
medical board may impose terms and conditions including any one or 36125
more of the following: 36126

(1) Requiring the applicant to pass an oral or written 36127
examination, or both, to determine the applicant's present fitness 36128
to resume practice; 36129

(2) Requiring the applicant to obtain additional training and 36130
to pass an examination upon completion of such training; 36131

(3) Requiring an assessment of the applicant's physical 36132
skills for purposes of determining whether the applicant's 36133
coordination, fine motor skills, and dexterity are sufficient for 36134
performing medical evaluations and procedures in a manner that 36135
meets the minimal standards of care; 36136

(4) Requiring an assessment of the applicant's skills in 36137
recognizing and understanding diseases and conditions; 36138

(5) Requiring the applicant to undergo a comprehensive 36139
physical examination, which may include an assessment of physical 36140
abilities, evaluation of sensory capabilities, or screening for 36141
the presence of neurological disorders; 36142

(6) Restricting or limiting the extent, scope, or type of 36143
practice of the applicant. 36144

The board shall consider the moral background and the 36145
activities of the applicant during the period of suspension or 36146
inactivity, in accordance with section 4731.09, 4731.19, or 36147
4731.52 of the Revised Code. The board shall not issue or restore 36148
a license or certificate under this section unless the applicant 36149
complies with sections 4776.01 to 4776.04 of the Revised Code. 36150

Sec. 4731.228. (A) As used in this section: 36151

(1) "Federally qualified health center" has the same meaning 36152
as in section 3701.047 of the Revised Code. 36153

(2) "Federally qualified health center look-alike" has the 36154
same meaning as in section 3701.047 of the Revised Code. 36155

(3) "Health care entity" means any of the following that 36156
employs a physician to provide physician services: 36157

(a) A hospital registered with the department of health under 36158
section 3701.07 of the Revised Code; 36159

(b) A corporation formed under division (B) of section 36160
1701.03 of the Revised Code; 36161

(c) A corporation formed under Chapter 1702. of the Revised 36162
Code; 36163

(d) A limited liability company formed under Chapter 1705. of 36164
the Revised Code; 36165

(e) A health insuring corporation holding a certificate of 36166
authority under Chapter 1751. of the Revised Code; 36167

(f) A partnership; 36168

(g) A professional association formed under Chapter 1785. of 36169
the Revised Code. 36170

(4) "Physician" means an individual authorized under this 36171
chapter to practice medicine and surgery, osteopathic medicine and 36172
surgery, or podiatric medicine and surgery. 36173

(5) "Physician services" means direct patient care services 36174
provided by a physician ~~pursuant to a certificate issued to the~~ 36175
~~physician by the state medical board.~~ 36176

(6) "Termination" means the end of a physician's employment 36177
with a health care entity for any reason. 36178

(B) This section applies when a physician's employment with a 36179
health care entity to provide physician services is terminated for 36180
any reason, unless the physician continues to provide medical 36181
services for patients of the health care entity on an independent 36182
contractor basis. 36183

(C)(1) Except as provided in division (C)(2) of this section, 36184
a health care entity shall send notice of the termination of a 36185
physician's employment to each patient who received physician 36186
services from the physician in the two-year period immediately 36187
preceding the date of employment termination. Only patients of the 36188
health care entity who received services from the physician are to 36189
receive the notice. 36190

(2) If the health care entity provides to the physician a 36191
list of patients treated and patient contact information, the 36192
health care entity may require the physician to send the notice 36193
required by this section. 36194

(D) The notice provided under division (C) of this section 36195
shall be provided not later than the date of termination or thirty 36196
days after the health care entity has actual knowledge of 36197

termination or resignation of the physician, whichever is later. 36198

The notice shall be provided in accordance with rules adopted by 36199

the state medical board under section 4731.05 of the Revised Code. 36200

The notice shall include at least all of the following: 36201

(1) A notice to the patient that the physician will no longer 36202

be practicing medicine as an employee of the health care entity; 36203

(2) Except in situations in which the health care entity has 36204

a good faith concern that the physician's conduct or the medical 36205

care provided by the physician would jeopardize the health and 36206

safety of patients, the physician's name and, if known by the 36207

health care entity, information provided by the physician that the 36208

patient may use to contact the physician; 36209

(3) The date on which the physician ceased or will cease to 36210

practice as an employee of the health care entity; 36211

(4) Contact information for an alternative physician or 36212

physicians employed by the health care entity or contact 36213

information for a group practice that can provide care for the 36214

patient; 36215

(5) Contact information that enables the patient to obtain 36216

information on the patient's medical records. 36217

(E) The requirements of this section do not apply to any of 36218

the following: 36219

(1) A physician rendering services to a patient on an 36220

episodic basis or in an emergency department or urgent care 36221

center, when it should not be reasonably expected that related 36222

medical services will be rendered by the physician to the patient 36223

in the future; 36224

(2) A medical director or other physician providing services 36225

in a similar capacity to a medical director to patients through a 36226

hospice care program licensed pursuant to section 3712.04 of the 36227

Revised Code. 36228

(3) Medical residents, interns, and fellows who work in 36229
hospitals, health systems, federally qualified health centers, and 36230
federally qualified health center look-alikes as part of their 36231
medical education and training. 36232

(4) A physician providing services to a patient through a 36233
community mental health ~~agency~~ services provider certified by the 36234
director of mental health and addiction services under section 36235
~~5119.611~~ 5119.36 of the Revised Code or ~~an alcohol and drug~~ 36236
~~addiction program~~ a community addiction services provider 36237
certified by the ~~department of alcohol and drug addiction services~~ 36238
director under that section ~~3793.06~~ of the Revised Code. 36239

(5) A physician providing services to a patient through a 36240
federally qualified health center or a federally qualified health 36241
center look-alike. 36242

Sec. 4731.229. Any disciplinary action taken on an 36243
individual's ~~certificate~~ license to practice by the state medical 36244
board under section 4731.22 of the Revised Code operates 36245
automatically on the individual's certificate to recommend and 36246
remains in effect for as long as the action remains in effect on 36247
the ~~certificate~~ license to practice. 36248

Sec. 4731.281. (A)(1) ~~Each person holding a~~ A license issued 36249
under this chapter to practice medicine and surgery, osteopathic 36250
medicine and surgery, or podiatric medicine and surgery ~~wishing to~~ 36251
~~renew that license shall apply to the board for renewal~~ shall be 36252
valid for a two-year period unless revoked or suspended. A license 36253
shall expire on the date that is two years from the date of 36254
issuance and may be renewed for additional two-year periods. 36255
Applications for renewal shall be submitted to the state medical 36256
board in a manner prescribed by the board. ~~Each~~ 36257

Each application shall be accompanied by a biennial renewal 36258
fee of three hundred five dollars. ~~Applications shall be submitted~~ 36259
~~according to the following schedule:~~ 36260

~~(a) Persons whose last name begins with the letters "A"~~ 36261
~~through "B," on or before the first day of July of every~~ 36262
~~odd-numbered year;~~ 36263

~~(b) Persons whose last name begins with the letters "C"~~ 36264
~~through "D," on or before the first day of April of every~~ 36265
~~odd-numbered year;~~ 36266

~~(c) Persons whose last name begins with the letters "E"~~ 36267
~~through "G," on or before the first day of January of every~~ 36268
~~odd-numbered year;~~ 36269

~~(d) Persons whose last name begins with the letters "H"~~ 36270
~~through "K," on or before the first day of October of every~~ 36271
~~even-numbered year;~~ 36272

~~(e) Persons whose last name begins with the letters "L"~~ 36273
~~through "M," on or before the first day of July of every~~ 36274
~~even-numbered year;~~ 36275

~~(f) Persons whose last name begins with the letters "N"~~ 36276
~~through "R," on or before the first day of April of every~~ 36277
~~even-numbered year;~~ 36278

~~(g) Persons whose last name begins with the letter "S," on or~~ 36279
~~before the first day of January of every even-numbered year;~~ 36280

~~(h) Persons whose last name begins with the letters "T"~~ 36281
~~through "Z," on or before the first day of October of every~~ 36282
~~odd-numbered year.~~ 36283

The board shall deposit the fee in accordance with section 36284
4731.24 of the Revised Code, except that the board shall deposit 36285
twenty dollars of the fee into the state treasury to the credit of 36286
the physician loan repayment fund created by section 3702.78 of 36287

the Revised Code. 36288

(2) The board shall provide a renewal notice to every person 36289
holding a license to practice medicine and surgery, osteopathic 36290
medicine and surgery, or podiatric medicine and surgery, a renewal 36291
notice ~~or~~. The board may provide the notice to the person through 36292
the secretary of any recognized medical, osteopathic, or podiatric 36293
society. The notice shall be provided to the person at least one 36294
month prior to the date on which the person's license expires. 36295

(3) Failure of any person to receive a notice of renewal from 36296
the board shall not excuse the person from the requirements 36297
contained in this section. 36298

(4) The board's notice shall inform the applicant of the 36299
renewal procedure. The board shall provide the application for 36300
renewal in a form determined by the board. 36301

(5) The applicant shall provide in the application the 36302
applicant's full name; the applicant's residence address, business 36303
address, and electronic mail address; the number of the 36304
applicant's license to practice; and any other information 36305
required by the board. 36306

(6)(a) Except as provided in division (A)(6)(b) of this 36307
section, in the case of an applicant who prescribes or personally 36308
furnishes opioid analgesics or benzodiazepines, as defined in 36309
section 3719.01 of the Revised Code, the applicant shall certify 36310
to the board whether the applicant has been granted access to the 36311
drug database established and maintained by the state board of 36312
pharmacy pursuant to section 4729.75 of the Revised Code. 36313

(b) The requirement described in division (A)(6)(a) of this 36314
section does not apply if any of the following is the case: 36315

(i) The state board of pharmacy notifies the state medical 36316
board pursuant to section 4729.861 of the Revised Code that the 36317
applicant has been restricted from obtaining further information 36318

from the drug database. 36319

(ii) The state board of pharmacy no longer maintains the drug 36320
database. 36321

(iii) The applicant does not practice medicine and surgery, 36322
osteopathic medicine and surgery, or podiatric medicine and 36323
surgery in this state. 36324

(c) If an applicant certifies to the state medical board that 36325
the applicant has been granted access to the drug database and the 36326
board finds through an audit or other means that the applicant has 36327
not been granted access, the board may take action under section 36328
4731.22 of the Revised Code. 36329

(7) The applicant shall indicate whether the applicant 36330
currently collaborates, as that term is defined in section 4723.01 36331
of the Revised Code, with any clinical nurse specialists, 36332
certified nurse-midwives, or certified nurse practitioners. 36333

(8) The applicant shall report any criminal offense to which 36334
the applicant has pleaded guilty, of which the applicant has been 36335
found guilty, or for which the applicant has been found eligible 36336
for intervention in lieu of conviction, since last submitting an 36337
application for a license to practice or renewal of a license. 36338

(9) The applicant shall execute and deliver the application 36339
to the board in a manner prescribed by the board. 36340

(B) The board shall renew a license under this chapter to 36341
practice medicine and surgery, osteopathic medicine and surgery, 36342
or podiatric medicine and surgery upon application and 36343
qualification therefor in accordance with this section. A renewal 36344
shall be valid for a two-year period. 36345

(C) Failure of any license holder to renew and comply with 36346
this section shall operate automatically to suspend the holder's 36347
license to practice and if applicable, the holder's certificate to 36348

recommend issued under section 4731.30 of the Revised Code. 36349
Continued practice after the suspension shall be considered as 36350
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 36351
the Revised Code. 36352

If the license has been suspended pursuant to this division 36353
for two years or less, it may be reinstated. The board shall 36354
reinstate a license to practice suspended for failure to renew 36355
upon an applicant's submission of a renewal application and 36356
payment of a reinstatement fee of four hundred five dollars. 36357

If the license has been suspended pursuant to this division 36358
for more than two years, it may be restored. Subject to section 36359
4731.222 of the Revised Code, the board may restore a license to 36360
practice suspended for failure to renew upon an applicant's 36361
submission of a restoration application, payment of a restoration 36362
fee of five hundred five dollars, and compliance with sections 36363
4776.01 to 4776.04 of the Revised Code. The board shall not 36364
restore to an applicant a license ~~to practice~~ unless the board, in 36365
its discretion, decides that the results of the criminal records 36366
check do not make the applicant ineligible for a license issued 36367
pursuant to section 4731.14 or 4731.56 of the Revised Code. ~~Any~~ 36368

Any reinstatement or restoration of a license to practice 36369
under this section shall operate automatically to renew the 36370
holder's certificate to recommend. 36371

(D) The state medical board may obtain information not 36372
protected by statutory or common law privilege from courts and 36373
other sources concerning malpractice claims against any person 36374
holding a license to practice under this chapter or practicing as 36375
provided in section 4731.36 of the Revised Code. 36376

(E) Each ~~mailing sent~~ renewal notice provided by the board 36377
under division (A)(2) of this section to a person holding a 36378
license to practice medicine and surgery or osteopathic medicine 36379

and surgery shall inform the applicant of the reporting 36380
requirement established by division (H) of section 3701.79 of the 36381
Revised Code. At the discretion of the board, the information may 36382
be included on the application for renewal or on an accompanying 36383
page. 36384

(F) Each person holding a license to practice medicine and 36385
surgery, osteopathic medicine and surgery, or podiatric medicine 36386
and surgery shall give notice to the board of a change in the 36387
license holder's residence address, business address, or 36388
electronic mail address not later than thirty days after the 36389
change occurs. 36390

Sec. 4731.282. (A)(1) Except as provided in division (D) of 36391
this section, each person holding a license to practice medicine 36392
and surgery, osteopathic medicine and surgery, or podiatric 36393
medicine and surgery issued by the state medical board shall 36394
complete biennially not less than ~~one hundred~~ fifty hours of 36395
continuing medical education that has been approved by the board. 36396

(2) Each person holding a license to practice shall be given 36397
sufficient choice of continuing education programs to ensure that 36398
the person has had a reasonable opportunity to participate in 36399
continuing education programs that are relevant to the person's 36400
medical practice in terms of subject matter and level. 36401

(B) In determining whether a course, program, or activity 36402
qualifies for credit as continuing medical education, the board 36403
shall approve all of the following: 36404

(1) Continuing medical education completed by holders of 36405
licenses to practice medicine and surgery that is certified by the 36406
Ohio state medical association; 36407

(2) Continuing medical education completed by holders of 36408
licenses to practice osteopathic medicine and surgery that is 36409

certified by the Ohio osteopathic association; 36410

(3) Continuing medical education completed by holders of 36411
licenses to practice podiatric medicine and surgery that is 36412
certified by the Ohio podiatric medical association. 36413

(C) The board shall approve one or more continuing medical 36414
education courses of study included within the programs certified 36415
by the Ohio state medical association and the Ohio osteopathic 36416
association under divisions (B)(1) and (2) of this section that 36417
assist doctors of medicine and doctors of osteopathic medicine in 36418
both of the following: 36419

(1) Recognizing the signs of domestic violence and its 36420
relationship to child abuse; 36421

(2) Diagnosing and treating chronic pain, as defined in 36422
section 4731.052 of the Revised Code. 36423

(D) The board shall adopt rules providing for pro rata 36424
reductions by month of the number of hours of continuing education 36425
that must be completed for license holders who ~~are in their first~~ 36426
~~renewal period,~~ have been disabled by illness or accident, or have 36427
been absent from the country. The board shall adopt the rules in 36428
accordance with Chapter 119. of the Revised Code. 36429

(E) The board may require a random sample of holders of 36430
licenses to practice medicine and surgery, osteopathic medicine 36431
and surgery, or podiatric medicine and surgery to submit materials 36432
documenting completion of the required number of hours of 36433
continuing medical education. This division does not limit the 36434
board's authority to conduct investigations pursuant to section 36435
4731.22 of the Revised Code. 36436

(F)(1) If, through a random sample conducted under division 36437
(E) of this section or any other means, the board finds that an 36438
individual who certified completion of the number of hours and 36439
type of continuing medical education required to renew, reinstate, 36440

or restore a license to practice did not complete the requisite 36441
continuing medical education, the board may do either of the 36442
following: 36443

(a) Take disciplinary action against the individual under 36444
section 4731.22 of the Revised Code,⁷ impose a civil penalty, or 36445
both; 36446

(b) Permit the individual to agree in writing to complete the 36447
continuing medical education and pay a civil penalty. 36448

(2) The board's finding in any disciplinary action taken 36449
under division (F)(1)(a) of this section shall be made pursuant to 36450
an adjudication under Chapter 119. of the Revised Code and by an 36451
affirmative vote of not fewer than six of its members. 36452

(3) A civil penalty ~~paid~~ imposed under division (F)(1)(~~b~~)(a) 36453
of this section or ~~imposed~~ paid under division (F)(1)(~~a~~)(b) of 36454
this section shall be in an amount specified by the board of not 36455
more than five thousand dollars. The board shall deposit civil 36456
penalties in accordance with section 4731.24 of the Revised Code. 36457

Sec. 4731.291. (A) An individual seeking to pursue an 36458
internship, residency, clinical fellowship program, or elective 36459
clinical rotation in this state, who does not hold a license to 36460
practice medicine and surgery or osteopathic medicine or surgery 36461
issued under this chapter, shall apply to the state medical board 36462
for a training certificate. The application shall be made on forms 36463
that the board shall furnish and shall be accompanied by an 36464
application fee of one hundred thirty dollars. 36465

An applicant for a training certificate shall furnish to the 36466
board all of the following: 36467

(1) Evidence satisfactory to the board that the applicant is 36468
at least eighteen years of age and is of good moral character. 36469

(2) Evidence satisfactory to the board that the applicant has 36470

been accepted or appointed to participate in this state in one of 36471
the following: 36472

(a) An internship ~~or~~, residency, or clinical fellowship 36473
program accredited by either the accreditation council for 36474
graduate medical education of the American medical association or 36475
the American osteopathic association; 36476

(b) A clinical fellowship program that is not accredited as 36477
described in division (A)(2)(a) of this section, but is conducted 36478
at an institution with a residency program that is accredited ~~by~~ 36479
~~either the accreditation council for graduate medical education of~~ 36480
~~the American medical association or the American osteopathic~~ 36481
~~association that~~ as described in that division and is in a 36482
clinical field the same as or related to the clinical field of the 36483
fellowship program; 36484

(c) An elective clinical rotation that lasts not more than 36485
one year and is offered to interns, residents, or clinical fellows 36486
participating in programs that are located outside this state and 36487
meet the requirements of division (A)(2)(a) or (b) of this 36488
section. 36489

(3) Information identifying the beginning and ending dates of 36490
the period for which the applicant has been accepted or appointed 36491
to participate in the internship, residency, or clinical 36492
fellowship program; 36493

(4) Any other information that the board requires. 36494

(B) If no grounds for denying a license or certificate under 36495
section 4731.22 of the Revised Code apply, and the applicant meets 36496
the requirements of division (A) of this section, the board shall 36497
issue a training certificate to the applicant. The board shall not 36498
require an examination as a condition of receiving a training 36499
certificate. 36500

A training certificate issued pursuant to this section shall 36501

be valid only for three years, but may ~~in the discretion of the~~ 36502
~~board and upon application duly made,~~ be renewed by the board for 36503
one additional three-year period. ~~The~~ To renew a training 36504
certificate, the holder shall apply to the board on or before the 36505
certificate's expiration date. 36506

The fee for renewal of a training certificate shall be one 36507
hundred dollars. A late application may be submitted not more than 36508
thirty days after the certificate's expiration date. In such a 36509
case, the holder shall include with the application a 36510
one-hundred-fifty-dollar reinstatement fee. 36511

~~The board shall maintain a register of all individuals who~~ 36512
~~hold training certificates.~~ 36513

(C) The holder of a valid training certificate shall be 36514
entitled to perform such acts as may be prescribed by or 36515
incidental to the holder's internship, residency, or clinical 36516
fellowship program, but the holder shall not be entitled otherwise 36517
to engage in the practice of medicine and surgery or osteopathic 36518
medicine and surgery in this state. The holder shall limit 36519
activities under the certificate to the programs of the hospitals 36520
or facilities for which the training certificate is issued. The 36521
holder shall train only under the supervision of the physicians 36522
responsible for supervision as part of the internship, residency, 36523
or clinical fellowship program. 36524

A training certificate may be revoked by the board upon 36525
proof, satisfactory to the board, that the holder thereof has 36526
engaged in practice in this state outside the scope of the 36527
internship, residency, or clinical fellowship program for which 36528
the training certificate has been issued, or upon proof, 36529
satisfactory to the board, that the holder thereof has engaged in 36530
unethical conduct or that there are grounds for action against the 36531
holder under section 4731.22 of the Revised Code. 36532

(D) The board may adopt rules as the board finds necessary to 36533
effect the purpose of this section. 36534

Sec. 4731.293. (A) The state medical board may issue, without 36535
examination, a clinical research faculty certificate to practice 36536
medicine and surgery, osteopathic medicine and surgery, or 36537
podiatric medicine and surgery to any person who applies for the 36538
certificate and provides to the board all of the following: 36539

(1) Evidence satisfactory to the board of all of the 36540
following: 36541

(a) That the applicant holds a current, unrestricted license 36542
to practice medicine and surgery, osteopathic medicine and 36543
surgery, or podiatric medicine and surgery issued by another state 36544
or country; 36545

(b) That the applicant has been appointed to serve in this 36546
state on the academic staff of a medical school accredited by the 36547
liaison committee on medical education, an osteopathic medical 36548
school accredited by the American osteopathic association, or a 36549
college of podiatric medicine and surgery in good standing with 36550
the board; 36551

(c) That the applicant is an international medical graduate 36552
who holds a medical degree from an educational institution listed 36553
in the international medical education directory. 36554

(2) An affidavit and supporting documentation from the dean 36555
of the school or college, or the department director or 36556
chairperson of a teaching hospital affiliated with the school or 36557
college, that the applicant is qualified to perform teaching and 36558
research activities and will be permitted to work only under the 36559
authority of the department director or chairperson of a teaching 36560
hospital affiliated with the school or college where the 36561
applicant's teaching and research activities will occur; 36562

(3) A description from the school, college, or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;

(4) A description from the school, college, or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.

(B) An applicant for an initial clinical research faculty certificate shall pay a fee of three hundred seventy-five dollars.

(C) The holder of a clinical research faculty certificate may do one of the following, as applicable:

(1) Practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school;

(2) Practice podiatric medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the college of podiatric medicine and surgery or a teaching hospital affiliated with the college.

(D) The board may revoke a certificate on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(E) A clinical research faculty certificate is valid for three years, except that the certificate ceases to be valid if the holder's academic staff appointment described in division

(A)(1)(b) of this section is no longer valid or the certificate is revoked pursuant to division (D) of this section.

(F)(1) The board shall provide a renewal notice to the certificate holder at least one month before the certificate expires. Failure of a certificate holder to receive a notice of renewal from the board shall not excuse the certificate holder from the requirements contained in this section. The notice shall inform the certificate holder of the renewal procedure. The notice also shall inform the certificate holder of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(2) A clinical research faculty certificate may be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board. The board shall provide the application for renewal in a form determined by the board.

(3) An applicant is eligible for renewal if the applicant does all of the following:

(a) Pays a renewal fee of three hundred seventy-five dollars;

(b) Reports any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a clinical research faculty certificate;

(c) Provides to the board an affidavit and supporting documentation from the dean of the school or college, or the department director or chairperson of a teaching hospital affiliated with the school or college, that the applicant is in compliance with the applicant's current clinical research faculty certificate;

(d) Provides evidence satisfactory to the board of all of the following: 36624
36625

(i) That the applicant continues to maintain a current, 36626
unrestricted license to practice medicine and surgery, osteopathic 36627
medicine and surgery, or podiatric medicine and surgery issued by 36628
another state or country; 36629

(ii) That the applicant's initial appointment to serve in 36630
this state on the academic staff of a school or college is still 36631
valid or has been renewed; 36632

(iii) That the applicant has completed ~~one hundred fifty~~ 36633
seventy-five hours of continuing medical education that meet the 36634
requirements set forth in section 4731.282 of the Revised Code. 36635

(4) Regardless of whether the certificate has expired, a 36636
person who was granted a visiting medical faculty certificate 36637
under this section as it existed immediately prior to June 6, 36638
2012, may apply for a clinical research faculty certificate as a 36639
renewal. The board may issue the clinical research faculty 36640
certificate if the applicant meets the requirements of division 36641
(F)(3) of this section. The board may not issue a clinical 36642
research faculty certificate if the visiting medical faculty 36643
certificate was revoked. 36644

~~(G) The board shall maintain a register of all persons who~~ 36645
~~hold clinical research faculty certificates.~~ 36646

~~(H)~~ The board may adopt any rules it considers necessary to 36647
implement this section. The rules shall be adopted in accordance 36648
with Chapter 119. of the Revised Code. 36649

Sec. 4731.294. (A) The state medical board may issue, without 36650
examination, a special activity certificate to any person seeking 36651
to practice medicine and surgery or osteopathic medicine and 36652
surgery in conjunction with a special activity, program, or event 36653

taking place in this state. 36654

(B) An applicant for a special activity certificate shall 36655
~~hold a telemedicine certificate issued under section 4731.296 of~~ 36656
~~the Revised Code or~~ submit evidence satisfactory to the board of 36657
all of the following: 36658

(1) The applicant holds a current, unrestricted license to 36659
practice medicine and surgery or osteopathic medicine and surgery 36660
issued by another state or country and that within the two-year 36661
period immediately preceding application, the applicant has done 36662
one of the following: 36663

(a) Actively practiced medicine and surgery or osteopathic 36664
medicine and surgery in the United States; 36665

(b) Participated in a graduate medical education program 36666
accredited by either the accreditation council for graduate 36667
medical education of the American medical association or the 36668
American osteopathic association; 36669

(c) Successfully passed the federation licensing examination 36670
established by the federation of state medical boards, a special 36671
examination established by the federation of state medical boards, 36672
or all parts of a standard medical licensing examination 36673
established for purposes of determining the competence of 36674
individuals to practice medicine and surgery or osteopathic 36675
medicine and surgery in the United States. 36676

(2) The applicant meets the same educational requirements 36677
that individuals must meet under sections 4731.09 and 4731.14 of 36678
the Revised Code. 36679

(3) The applicant's practice in conjunction with the special 36680
activity, program, or event will be in the public interest. 36681

(C) The applicant shall pay a fee of one hundred twenty-five 36682
dollars ~~unless the applicant holds a telemedicine certificate~~ 36683

~~issued under section 4731.296 of the Revised Code. If the~~ 36684
~~applicant holds a telemedicine certificate, the board shall not~~ 36685
~~charge a fee for issuing a certificate under this section. The~~ 36686
~~board shall maintain a register of all persons who hold a special~~ 36687
~~activity certificate.~~ 36688

(D) The holder of a special activity certificate may practice 36689
medicine and surgery or osteopathic medicine and surgery only in 36690
conjunction with the special activity, event, or program for which 36691
the certificate is issued. The board may revoke a certificate on 36692
receiving proof satisfactory to the board that the holder of the 36693
certificate has engaged in practice in this state outside the 36694
scope of the certificate or that there are grounds for action 36695
against the certificate holder under section 4731.22 of the 36696
Revised Code. 36697

(E) A special activity certificate is valid for the shorter 36698
of thirty days or the duration of the special activity, program, 36699
or event. The certificate may not be renewed. 36700

(F) The state medical board shall adopt rules in accordance 36701
with Chapter 119. of the Revised Code that specify how often an 36702
applicant may be granted a certificate under this section. 36703

Sec. 4731.299. (A) The state medical board may issue, without 36704
examination, to an applicant who meets all of the requirements of 36705
this section an expedited license to practice medicine and surgery 36706
or osteopathic medicine and surgery by endorsement. 36707
36708

(B) An individual who seeks an expedited license by 36709
endorsement shall file with the board a written application on a 36710
form prescribed and supplied by the board. The application shall 36711
include all of the information the board considers necessary to 36712
process it. 36713

(C) To be eligible to receive an expedited license by
endorsement, an applicant shall do both of the following:

(1) Provide evidence satisfactory to the board that the
applicant meets all of the following requirements:

(a) Has passed one of the following:

(i) Steps one, two, and three of the United States medical
licensing examination;

(ii) Levels one, two, and three of the comprehensive
osteopathic medical licensing examination of the United States;

(iii) Any other medical licensing examination recognized by
the board.

(b) ~~For at least five years~~ During the five-year period
immediately preceding the date of application, has held a current,
unrestricted license to practice medicine and surgery or
osteopathic medicine and surgery issued by the licensing authority
of another state or a Canadian province;

(c) For at least two years immediately preceding the date of
application, has actively practiced medicine and surgery or
osteopathic medicine and surgery in a clinical setting;

(d) Is in compliance with the medical education and training
requirements in sections 4731.09 and 4731.14 of the Revised Code.

(2) Certify to the board that all of the following are the
case:

(a) Not more than two malpractice claims, which resulted in a
finding of liability or in payment, have been filed against the
applicant ~~within a~~ during the ten-year period of ten years
immediately preceding the date of application and no malpractice
claim against the applicant during that ten-year period has
resulted in total payment of more than five hundred thousand
dollars.

(b) The applicant does not have a criminal record according 36744
to the criminal records check required by section 4731.08 of the 36745
Revised Code. 36746

(c) The applicant does not have a medical condition that 36747
could affect the applicant's ability to practice according to 36748
acceptable and prevailing standards of care. 36749

(d) No adverse action has been taken against the applicant by 36750
a health care institution. 36751

(e) To the applicant's knowledge, no federal agency, medical 36752
society, medical association, or branch of the United States 36753
military has investigated or taken action against the applicant. 36754

(f) No professional licensing or regulatory authority has 36755
filed a complaint against, investigated, or taken action against 36756
the applicant and the applicant has not withdrawn a professional 36757
license application. 36758

(g) The applicant has not been suspended or expelled from any 36759
institution of higher education or school, including a medical 36760
school. 36761

(D) An applicant for an expedited license by endorsement 36762
shall comply with section 4731.08 of the Revised Code. 36763

(E) At the time of application, the applicant shall pay to 36764
the board a fee of one thousand dollars, no part of which shall be 36765
returned. No application shall be considered filed until the board 36766
receives the fee. 36767

(F) The secretary and supervising member of the board shall 36768
review all applications received under this section. 36769

If the secretary and supervising member determine that an 36770
applicant meets the requirements for an expedited license by 36771
endorsement, the board shall issue the license to the applicant. 36772

If the secretary and supervising member determine that an 36773

applicant does not meet the requirements for an expedited license 36774
by endorsement, the application shall be treated as an application 36775
under section 4731.09 of the Revised Code. 36776

(G) Each license issued by the board under this section shall 36777
be signed by the president and secretary of the board and attested 36778
by the board's seal. 36779

(H) Within sixty days after September 29, 2013, the board 36780
shall approve acceptable means of demonstrating compliance with 36781
sections 4731.09 and 4731.14 of the Revised Code as required by 36782
division (C)(1)(d) of this section. 36783

Sec. 4731.56. (A) The state medical board shall review all 36784
applications received under section 4731.52 of the Revised Code. 36785
The board shall determine whether an applicant meets the 36786
requirements for a license to practice podiatric medicine and 36787
surgery. ~~An affirmative vote of not fewer than six members of the~~ 36788
~~board is required to determine that an applicant meets the~~ 36789
~~requirements for a license.~~ 36790

(B) If the board determines that the applicant meets the 36791
requirements for a license and that the documentation provided is 36792
satisfactory to the board, the board shall issue to the applicant 36793
a license to practice podiatric medicine and surgery. Each license 36794
shall be signed by the president and secretary of the board and 36795
attested by its seal. 36796

(C) A person who holds a license to practice podiatric 36797
medicine and surgery issued under this section may use the title 36798
"Dr.," "doctor," "D.P.M.," "physician," or "surgeon." 36799

(D) The holder of a license issued under this section shall 36800
either provide verification of licensure status from the board's 36801
internet web site on request or prominently display a wall 36802
certificate in the license holder's office or the place where a 36803

major portion of the license holder's practice is conducted. 36804

Sec. 4731.572. (A) The state medical board may issue, without 36805
examination, a visiting podiatric faculty certificate to any 36806
person who holds a current, unrestricted license to practice 36807
podiatric medicine and surgery issued by another state or country 36808
and has been appointed to serve in this state on the academic 36809
staff of an approved college of podiatric medicine and surgery in 36810
good standing, as determined by the board. 36811

(B) An applicant for a visiting podiatric faculty certificate 36812
shall submit evidence satisfactory to the board that the applicant 36813
meets the requirements of division (A) of this section. The 36814
applicant shall pay a fee of one hundred twenty-five dollars. ~~The~~ 36815
~~board shall maintain a register of all persons who hold a visiting~~ 36816
~~podiatric faculty certificate.~~ 36817

(C) The holder of a visiting podiatric faculty certificate 36818
may practice podiatric medicine and surgery only as is incidental 36819
to the certificate holder's teaching duties at the college or the 36820
teaching hospitals affiliated with the college. The board may 36821
revoke a certificate on receiving proof satisfactory to the board 36822
that the holder of the certificate has engaged in practice in this 36823
state outside the scope of the certificate or that there are 36824
grounds for action against the certificate holder under section 36825
4731.22 of the Revised Code. 36826

(D) A visiting podiatric faculty certificate is valid for the 36827
shorter of one year or the duration of the holder's appointment to 36828
the academic staff of the college. The certificate may not be 36829
renewed. 36830

Sec. 4731.573. (A) An individual seeking to pursue an 36831
internship, residency, or clinical fellowship program in podiatric 36832
medicine and surgery in this state, who does not hold a license to 36833

practice podiatric medicine and surgery issued under this chapter, 36834
shall apply to the state medical board for a training certificate. 36835
The application shall be made on forms that the board shall 36836
furnish and shall be accompanied by an application fee of one 36837
hundred thirty dollars. 36838

An applicant for a training certificate shall furnish to the 36839
board all of the following: 36840

(1) Evidence satisfactory to the board that the applicant is 36841
at least eighteen years of age and is of good moral character; 36842

(2) Evidence satisfactory to the board that the applicant has 36843
been accepted or appointed to participate in this state in one of 36844
the following: 36845

(a) An internship ~~or~~, residency, or clinical fellowship 36846
program accredited by either the council on podiatric medical 36847
education or the American podiatric medical association; 36848

(b) A clinical fellowship program that is not accredited as 36849
described in division (A)(2)(a) of this section, but is conducted 36850
at an institution with a residency program that is accredited ~~by~~ 36851
~~either the council on podiatric medical education or the American~~ 36852
~~podiatric medical association that~~ as described in that division 36853
and is in a clinical field the same as or related to the clinical 36854
field of the fellowship program. 36855

(3) Information identifying the beginning and ending dates of 36856
the period for which the applicant has been accepted or appointed 36857
to participate in the internship, residency, or clinical 36858
fellowship program; 36859

(4) Any other information that the board requires. 36860

(B) If no grounds for denying a license or certificate under 36861
section 4731.22 of the Revised Code apply and the applicant meets 36862
the requirements of division (A) of this section, the board shall 36863

issue a training certificate to the applicant. The board shall not
require an examination as a condition of receiving a training
certificate.

A training certificate issued pursuant to this section shall
be valid only for three years, but may ~~in the discretion of the~~
~~board and upon application duly made,~~ be renewed by the board for
one additional three-year period. ~~The~~ To renew a training
certificate, the holder shall apply to the board on or before the
certificate's expiration date.

The fee for renewal of a training certificate shall be one
hundred dollars. A late application may be submitted not more than
thirty days after the certificate's expiration date. In such a
case, the holder shall include with the application a
one-hundred-fifty-dollar reinstatement fee.

~~The board shall maintain a register of all individuals who~~
~~hold training certificates.~~

(C) The holder of a valid training certificate shall be
entitled to perform such acts as may be prescribed by or
incidental to the holder's internship, residency, or clinical
fellowship program, but the holder shall not be entitled otherwise
to engage in the practice of podiatric medicine and surgery in
this state. The holder shall limit activities under the
certificate to the programs of the hospitals or facilities for
which the training certificate is issued. The holder shall train
only under the supervision of the podiatrists responsible for
supervision as part of the internship, residency, or clinical
fellowship program. A training certificate may be revoked by the
board upon proof, satisfactory to the board, that the holder
thereof has engaged in practice in this state outside the scope of
the internship, residency, or clinical fellowship program for
which the training certificate has been issued, or upon proof,
satisfactory to the board, that the holder thereof has engaged in

unethical conduct or that there are grounds for action against the 36896
holder under section 4731.22 of the Revised Code. 36897

(D) The board may adopt rules as the board finds necessary to 36898
effect the purpose of this section. 36899

Sec. 4734.281. Except in cases where a chiropractor holds a 36900
~~certificate~~ license issued under section 4762.04 of the Revised 36901
Code or is an individual described in division (B) of section 36902
4762.02 of the Revised Code, a chiropractor licensed under this 36903
chapter shall not engage in the practice of acupuncture unless the 36904
chiropractor holds a valid certificate to practice acupuncture 36905
issued by the state chiropractic board under this chapter. 36906

Sec. 4735.023. (A) An oil and gas land professional who is 36907
not otherwise permitted to engage in the activities described in 36908
division (A) of section 4735.01 of the Revised Code may perform 36909
such activities, if the oil and gas land professional does all of 36910
the following: 36911

(1)(a) Registers on an annual basis as an oil and gas land 36912
professional with the superintendent of real estate by such date 36913
specified and on a form approved by the superintendent, which form 36914
includes both of the following: 36915

(i) The name and address of the oil and gas land 36916
professional; 36917

(ii) Evidence of the oil and gas land professional's 36918
membership in good standing in a national, state, or local 36919
professional organization that has been in existence for at least 36920
three years and has, as part of its mission, developed a set of 36921
standards of performance and ethics for oil and gas land 36922
professionals. 36923

(b) Pays an annual fee, established by the superintendent in 36924
an amount not to exceed one hundred dollars, which shall accompany 36925

the registration. 36926

(2) At or prior to first contacting any landowner or other 36927
person with an interest in real estate for the purpose of engaging 36928
in the activities of an oil and gas land professional, and on a 36929
form approved by the superintendent, discloses to the landowner or 36930
other person all of the following: 36931

(a) The oil and gas land professional's name and address as 36932
registered with the superintendent; 36933

(b) That the oil and gas land professional is registered as 36934
such with the superintendent and is a member in good standing in a 36935
national, state, or local professional organization that has been 36936
in existence for at least three years and has, as part of its 36937
mission, developed a set of standards of performance and ethics 36938
for oil and gas land professionals; 36939

(c) That the oil and gas land professional is not a licensed 36940
real estate broker or real estate salesperson under Chapter 4735. 36941
of the Revised Code; 36942

(d) That the landowner or other person with an interest in 36943
real estate may seek legal counsel in connection with any 36944
transaction with the oil and gas land professional; 36945

(e) That the oil and gas land professional is not 36946
representing the landowner or other person with an interest in 36947
real estate. 36948

(3) At or prior to entering into any agreements for the 36949
purpose of exploring for, transporting, producing, or developing 36950
oil and gas mineral interests including, but not limited to, oil 36951
and gas leases and pipeline easements with any landowner or other 36952
person with an interest in real estate, and on a form approved by 36953
the superintendent, discloses to the landowner or other person 36954
with an interest in real estate all of the following: 36955

(a) The oil and gas land professional's name and address as 36956
registered with the superintendent; 36957

(b) That the oil and gas land professional is registered as 36958
such with the superintendent and a member in good standing in a 36959
national, state, or local professional organization that has been 36960
in existence for at least three years and has, as part of its 36961
mission, developed a set of standards of performance and ethics 36962
for oil and gas land professionals; 36963

(c) That the oil and gas land professional is not a licensed 36964
real estate broker or real estate salesperson under Chapter 4735. 36965
of the Revised Code; 36966

(d) That the landowner or other person may seek legal counsel 36967
in connection with any transaction with the oil and gas land 36968
professional; 36969

(e) That the oil and gas land professional is not 36970
representing the landowner or other person with an interest in 36971
real estate. 36972

(B) Any oil and gas land professional who must be registered 36973
as such with the superintendent pursuant to this section who 36974
ceases to be a member in good standing of an organization 36975
described in division (A)(1)(a)(ii) of this section shall report 36976
the change in membership status to the superintendent within 36977
thirty days of that change. Failure to report such change in 36978
membership status shall result in the automatic suspension of 36979
registration status and subject the registrant to the penalties 36980
for unlicensed activity as found in section ~~4735.02~~ 4735.052 of 36981
the Revised Code. 36982

(C) Any oil and gas land professional who fails to register 36983
with the superintendent pursuant to this section is subject to the 36984
penalties for unlicensed activity as found in section ~~4735.02~~ 36985
4735.052 of the Revised Code. 36986

Sec. 4735.052. (A) Upon receipt of a written complaint or 36987
upon the superintendent's own motion, the superintendent may 36988
investigate any person that has allegedly violated section 36989
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 36990
superintendent shall not initiate an investigation, pursuant to 36991
this section, of any person who held a suspended or inactive 36992
license under this chapter on the date of the alleged violation. 36993

(B) If, after investigation, the superintendent determines 36994
there exists reasonable evidence of a violation of section 36995
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 36996
business days after that determination, the superintendent shall 36997
send the party who is the subject of the investigation, a written 36998
notice, by regular mail, that includes all of the following 36999
information: 37000

(1) A description of the activity in which the party 37001
allegedly is engaging or has engaged that is a violation of 37002
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 37003

(2) The applicable law allegedly violated; 37004

(3) A statement informing the party that a hearing concerning 37005
the alleged violation will be held, upon the party's request, 37006
before a hearing examiner pursuant to Chapter 119. of the Revised 37007
Code. 37008

(C)(1) If a hearing is requested, the hearing examiner shall 37009
hear the testimony of all parties present at the hearing and 37010
consider any written testimony submitted pursuant to this section, 37011
and determine if there has been a violation of section 4735.02, 4735.023, or 4735.25 of the Revised Code. 37012
37013

(2) After the conclusion of formal hearings, the hearing 37014
examiner shall file a report of findings of fact and conclusions 37015
of law with the superintendent, the commission, the complainant, 37016

and the parties. Within twenty days of receipt of such copy of the
written report of findings of fact and conclusions of law, the
parties and the division may file with the commission written
objections to the report, which shall be considered by the
commission before approving, modifying, or disapproving the
report.

(3) The commission shall review the hearing examiner's report
at the next regularly scheduled commission meeting held at least
twenty business days after receipt of the hearing examiner's
report. The commission shall hear the testimony of the complainant
or the parties upon request.

(4) The commission shall decide whether to impose
disciplinary sanctions upon a party for a violation of section
4735.02 or 4735.023 of the Revised Code. If the commission finds
that a violation has occurred, the commission may assess a civil
penalty, in an amount it determines, not to exceed one thousand
dollars per violation. Each day a violation occurs or continues is
a separate violation. The commission shall determine the terms of
payment. The commission shall maintain a record of the proceedings
of the hearing and issue a written opinion to all parties, citing
its findings and grounds for any action taken.

(D) Civil penalties collected under this section shall be
deposited in the real estate operating fund, which is created in
the state treasury under section 4735.211 of the Revised Code.

(E) If a party fails to pay a civil penalty assessed pursuant
to this section within the time prescribed by the commission, the
superintendent shall forward to the attorney general the name of
the party and the amount of the civil penalty, for the purpose of
collecting that civil penalty. In addition to the civil penalty
assessed pursuant to this section, the party also shall pay any
fee assessed by the attorney general for collection of the civil
penalty.

(F) The superintendent may reserve the right to bring a civil 37049
action against a party that fails to pay a civil penalty for 37050
breach of contract in a court of competent jurisdiction. 37051

Sec. 4735.06. (A) Application for a license as a real estate 37052
broker shall be made to the superintendent of real estate on forms 37053
furnished by the superintendent and filed with the superintendent 37054
and shall be signed by the applicant or its members or officers. 37055
Each application shall state the name of the person applying and 37056
the location of the place of business for which the license is 37057
desired, and give such other information as the superintendent 37058
requires in the form of application prescribed by the 37059
superintendent. 37060

(B)(1) If the applicant is a partnership, limited liability 37061
company, limited liability partnership, or association, the names 37062
of all the members also shall be stated, and, if the applicant is 37063
a corporation, the names of its president and of each of its 37064
officers also shall be stated. 37065

The superintendent has the right to reject the application of 37066
any partnership, association, limited liability company, limited 37067
liability partnership, or corporation if the name proposed to be 37068
used by such partnership, association, limited liability company, 37069
limited liability partnership, or corporation is likely to mislead 37070
the public or if the name is not such as to distinguish it from 37071
the name of any existing partnership, association, limited 37072
liability company, limited liability partnership, or corporation 37073
licensed under this chapter, unless there is filed with the 37074
application the written consent of such existing partnership, 37075
association, limited liability company, limited liability 37076
partnership, or corporation, executed by a duly authorized 37077
representative of it, permitting the use of the name of such 37078
existing partnership, association, limited liability company, 37079

limited liability partnership, or corporation. 37080

(2) The superintendent shall approve the use of a trade name 37081
by a brokerage, if the name meets both of the following criteria: 37082

(a) The proposed name is not the same as or is clearly 37083
distinguishable from a name registered with the division of real 37084
estate and professional licensing by another existing brokerage. 37085
If the superintendent determines that the proposed name is not 37086
clearly distinguishable from any other existing brokerage, the 37087
superintendent may approve the use of the trade name if there is 37088
filed with the superintendent the written consent of the existing 37089
brokerage with the same or similar name. 37090

(b) The name is not misleading or likely to mislead the 37091
public. 37092

(3) The superintendent may approve the use of more than one 37093
trade name for a brokerage. 37094

(4) When a brokerage has received the approval of the 37095
superintendent to conduct business under one or more trade names, 37096
those trade names shall be the only identifying names used by the 37097
brokerage in all advertising. 37098

(C) A fee of one hundred thirty-five dollars shall accompany 37099
the application for a real estate broker's license. The initial 37100
licensing period commences at the time the license is issued and 37101
ends on the applicant's first birthday thereafter. However, if the 37102
applicant was an inactive or active salesperson immediately 37103
preceding application for a broker's license, then the initial 37104
licensing period shall commence at the time the broker's license 37105
is issued and ends on the date the licensee's continuing education 37106
is due as set when the applicant was a salesperson. The 37107
application fee shall be nonrefundable. A fee of one hundred 37108
thirty-five dollars shall be charged by the superintendent for 37109
each successive application made by an applicant. In the case of 37110

issuance of a three-year license, upon passing the examination, or 37111
upon waiver of the examination requirement, if the superintendent 37112
determines it is necessary, the applicant shall submit an 37113
additional fee determined by the superintendent based upon the 37114
number of years remaining in a real estate salesperson's licensing 37115
period. 37116

(D) One dollar of each application fee for a real estate 37117
broker's license shall be credited to the real estate education 37118
and research fund, which is hereby created in the state treasury. 37119
The Ohio real estate commission may use the fund in discharging 37120
the duties prescribed in divisions (E), (F), (G), and (H) of 37121
section 4735.03 of the Revised Code and shall use it in the 37122
advancement of education and research in real estate at any 37123
institution of higher education in the state, or in contracting 37124
with any such institution or a trade organization for a particular 37125
research or educational project in the field of real estate, or in 37126
advancing loans, not exceeding two thousand dollars, to applicants 37127
for salesperson licenses, to defray the costs of satisfying the 37128
educational requirements of division (F) of section 4735.09 of the 37129
Revised Code. Such loans shall be made according to rules 37130
established by the commission under the procedures of Chapter 119. 37131
of the Revised Code, and they shall be repaid to the fund within 37132
three years of the time they are made. No more than twenty-five 37133
thousand dollars shall be lent from the fund in any one fiscal 37134
year. 37135

The governor may appoint a representative from the executive 37136
branch to be a member ex officio of the commission for the purpose 37137
of advising on research requests or educational projects. The 37138
commission shall report to the general assembly on the third 37139
Tuesday after the third Monday in January of each year setting 37140
forth the total amount contained in the fund and the amount of 37141
each research grant that it has authorized and the amount of each 37142

research grant requested. A copy of all research reports shall be 37143
submitted to the state library of Ohio and the library of the 37144
legislative service commission. 37145

(E) If the superintendent, with the consent of the 37146
commission, enters into an agreement with a national testing 37147
service to administer the real estate broker's examination, 37148
pursuant to division (A) of section 4735.07 of the Revised Code, 37149
the superintendent may require an applicant to pay the testing 37150
service's examination fee directly to the testing service. If the 37151
superintendent requires the payment of the examination fee 37152
directly to the testing service, each applicant shall submit to 37153
the superintendent a processing fee in an amount determined by the 37154
Ohio real estate commission pursuant to division (A)(2) of section 37155
4735.10 of the Revised Code. 37156

Sec. 4735.09. (A) Application for a license as a real estate 37157
salesperson shall be made to the superintendent of real estate on 37158
forms furnished by the superintendent and signed by the applicant. 37159
The application shall be in the form prescribed by the 37160
superintendent and shall contain such information as is required 37161
by this chapter and the rules of the Ohio real estate commission. 37162
The application shall be accompanied by the recommendation of the 37163
real estate broker with whom the applicant is associated or with 37164
whom the applicant intends to be associated, certifying that the 37165
applicant is honest, truthful, and of good reputation, has not 37166
been convicted of a felony or a crime involving moral turpitude, 37167
and has not been finally adjudged by a court to have violated any 37168
municipal, state, or federal civil rights laws relevant to the 37169
protection of purchasers or sellers of real estate, which 37170
conviction or adjudication the applicant has not disclosed to the 37171
superintendent, and recommending that the applicant be admitted to 37172
the real estate salesperson examination. 37173

(B) A fee of ~~sixty~~ eighty-one dollars shall accompany the 37174
application, which fee includes the fee for the initial year of 37175
the licensing period, if a license is issued. The initial year of 37176
the licensing period commences at the time the license is issued 37177
and ends on the applicant's first birthday thereafter. The 37178
application fee shall be nonrefundable. A fee of ~~sixty~~ eighty-one 37179
dollars shall be charged by the superintendent for each successive 37180
application made by the applicant. One dollar of each application 37181
fee shall be credited to the real estate education and research 37182
fund. 37183

(C) There shall be no limit placed on the number of times an 37184
applicant may retake the examination. 37185

(D) The superintendent, with the consent of the commission, 37186
may enter into an agreement with a recognized national testing 37187
service to administer the real estate salesperson's examination 37188
under the superintendent's supervision and control, consistent 37189
with the requirements of this chapter as to the contents of the 37190
examination. 37191

If the superintendent, with the consent of the commission, 37192
enters into an agreement with a national testing service to 37193
administer the real estate salesperson's examination, the 37194
superintendent may require an applicant to pay the testing 37195
service's examination fee directly to the testing service. If the 37196
superintendent requires the payment of the examination fee 37197
directly to the testing service, each applicant shall submit to 37198
the superintendent a processing fee in an amount determined by the 37199
Ohio real estate commission pursuant to division (A)(1) of section 37200
4735.10 of the Revised Code. 37201

(E) The superintendent shall issue a real estate 37202
salesperson's license when satisfied that the applicant has 37203
received a passing score on each portion of the salesperson's 37204
examination as determined by rule by the real estate commission, 37205

except that the superintendent may waive one or more of the 37206
requirements of this section in the case of an applicant who is a 37207
licensed real estate salesperson in another state pursuant to a 37208
reciprocity agreement with the licensing authority of the state 37209
from which the applicant holds a valid real estate salesperson's 37210
license. 37211

(F) No applicant for a salesperson's license shall take the 37212
salesperson's examination who has not established to the 37213
satisfaction of the superintendent that the applicant: 37214

(1) Is honest, truthful, and of good reputation; 37215

(2)(a) Has not been convicted of a felony or crime of moral 37216
turpitude or, if the applicant has been so convicted, the 37217
superintendent has disregarded the conviction because the 37218
applicant has proven to the superintendent, by a preponderance of 37219
the evidence, that the applicant's activities and employment 37220
record since the conviction show that the applicant is honest, 37221
truthful, and of good reputation, and there is no basis in fact 37222
for believing that the applicant again will violate the laws 37223
involved; 37224

(b) Has not been finally adjudged by a court to have violated 37225
any municipal, state, or federal civil rights laws relevant to the 37226
protection of purchasers or sellers of real estate or, if the 37227
applicant has been so adjudged, at least two years have passed 37228
since the court decision and the superintendent has disregarded 37229
the adjudication because the applicant has proven, by a 37230
preponderance of the evidence, that the applicant is honest, 37231
truthful, and of good reputation, and there is no basis in fact 37232
for believing that the applicant again will violate the laws 37233
involved. 37234

(3) Has not, during any period in which the applicant was 37235
licensed under this chapter, violated any provision of, or any 37236

rule adopted pursuant to this chapter, or, if the applicant has 37237
violated such provision or rule, has established to the 37238
satisfaction of the superintendent that the applicant will not 37239
again violate such provision or rule; 37240

(4) Is at least eighteen years of age; 37241

(5) If born after the year 1950, has a high school diploma or 37242
a certificate of high school equivalence issued by the department 37243
of education; 37244

(6) Has successfully completed at an institution of higher 37245
education all of the following credit-eligible courses by either 37246
classroom instruction or distance education: 37247

(a) Forty hours of instruction in real estate practice; 37248

(b) Forty hours of instruction that includes the subjects of 37249
Ohio real estate law, municipal, state, and federal civil rights 37250
law, new case law on housing discrimination, desegregation issues, 37251
and methods of eliminating the effects of prior discrimination. If 37252
feasible, the instruction in Ohio real estate law shall be taught 37253
by a member of the faculty of an accredited law school. If 37254
feasible, the instruction in municipal, state, and federal civil 37255
rights law, new case law on housing discrimination, desegregation 37256
issues, and methods of eliminating the effects of prior 37257
discrimination shall be taught by a staff member of the Ohio civil 37258
rights commission who is knowledgeable with respect to those 37259
subjects. The requirements of this division do not apply to an 37260
applicant who is admitted to practice before the supreme court. 37261

(c) Twenty hours of instruction in real estate appraisal; 37262

(d) Twenty hours of instruction in real estate finance. 37263

(G)(1) Successful completion of the instruction required by 37264
division (F)(6) of this section shall be determined by the law in 37265
effect on the date the instruction was completed. 37266

(2) Division (F)(6)(c) of this section does not apply to any 37267
new applicant who holds a valid Ohio real estate appraiser license 37268
or certificate issued prior to the date of application for a real 37269
estate salesperson's license. 37270

(H) Only for noncredit course offerings, an institution of 37271
higher education shall obtain approval from the appropriate state 37272
authorizing entity prior to offering a real estate course that is 37273
designed and marketed as satisfying the salesperson license 37274
education requirements of division (F)(6) of this section. The 37275
state authorizing entity may consult with the superintendent in 37276
reviewing the course for compliance with this section. 37277

(I) Any person who has not been licensed as a real estate 37278
salesperson or broker within a four-year period immediately 37279
preceding the person's current application for the salesperson's 37280
examination shall have successfully completed the prelicensure 37281
instruction required by division (F)(6) of this section within a 37282
ten-year period immediately preceding the person's current 37283
application for the salesperson's examination. 37284

(J) Not earlier than the date of issue of a real estate 37285
salesperson's license to a licensee, but not later than twelve 37286
months after the date of issue of a real estate salesperson 37287
license to a licensee, the licensee shall submit proof 37288
satisfactory to the superintendent, on forms made available by the 37289
superintendent, of the completion of twenty hours of instruction 37290
that shall be completed in schools, seminars, and educational 37291
institutions approved by the commission. The instruction shall 37292
include, but is not limited to, current practices relating to 37293
commercial real estate, property management, short sales, and land 37294
contracts; contract law; federal and state programs; economic 37295
conditions; and fiduciary responsibility. Approval of the 37296
curriculum and providers shall be granted according to rules 37297
adopted pursuant to section 4735.10 of the Revised Code and may be 37298

taken through classroom instruction or distance education. 37299

If proof of completion of the required instruction is not 37300
submitted within twelve months of the date a license is issued 37301
under this section, the licensee's license is suspended 37302
automatically without the taking of any action by the 37303
superintendent. The superintendent immediately shall notify the 37304
broker with whom such salesperson is associated of the suspension 37305
of the salesperson's license. A salesperson whose license has been 37306
suspended under this division shall have twelve months after the 37307
date of the suspension of the salesperson's license to submit 37308
proof of successful completion of the instruction required under 37309
this division. No such license shall be reactivated by the 37310
superintendent until it is established, to the satisfaction of the 37311
superintendent, that the requirements of this division have been 37312
met and that the licensee is in compliance with this chapter. A 37313
licensee's license is revoked automatically without the taking of 37314
any action by the superintendent when the licensee fails to submit 37315
the required proof of completion of the education requirements 37316
under division (I) of this section within twelve months of the 37317
date the license is suspended. 37318

(K) Examinations shall be administered with reasonable 37319
accommodations in accordance with the requirements of the 37320
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 37321
U.S.C. 12189. The contents of an examination shall be consistent 37322
with the classroom instructional requirements of division (F)(6) 37323
of this section. An applicant who has completed the classroom 37324
instructional requirements of division (F)(6) of this section at 37325
the time of application shall be examined no later than twelve 37326
months after the applicant is notified of the applicant's 37327
admission to the examination. 37328

Sec. 4735.12. (A) The real estate recovery fund is hereby 37329

created in the state treasury, to be administered by the 37330
superintendent of real estate. Amounts collected by the 37331
superintendent as prescribed in this section and interest earned 37332
on the assets of the fund shall be credited by the treasurer of 37333
state to the fund. The amount of money in the fund shall be 37334
ascertained by the superintendent as of the first day of July of 37335
each year. 37336

The commission, in accordance with rules adopted under 37337
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 37338
impose a special assessment not to exceed ten dollars per year for 37339
each year of a licensing period on each licensee filing a notice 37340
of renewal under section 4735.14 of the Revised Code if the amount 37341
available in the fund is less than ~~five~~ two hundred fifty thousand 37342
dollars on the first day of July preceding that filing. ~~The~~ 37343
~~commission may impose a special assessment not to exceed five~~ 37344
~~dollars per year for each year of a licensing period if the amount~~ 37345
~~available in the fund is greater than one million dollars, but~~ 37346
~~less than two million dollars on the first day of July preceding~~ 37347
~~that filing.~~ The commission shall not impose a special assessment 37348
if the amount available in the fund exceeds two ~~million~~ hundred 37349
fifty thousand dollars on the first day of July preceding that 37350
filing. 37351

(B)(1) Any person who obtains a final judgment in any court 37352
of competent jurisdiction against any broker or salesperson 37353
licensed under this chapter, on the grounds of conduct that is in 37354
violation of this chapter or the rules adopted under it, and that 37355
is associated with an act or transaction that only a licensed real 37356
estate broker or licensed real estate salesperson is authorized to 37357
perform as specified in division (A) or (C) of section 4735.01 of 37358
the Revised Code, may file a verified application, as described in 37359
division (B)(3) of this section, in the court of common pleas of 37360
Franklin county for an order directing payment out of the real 37361

estate recovery fund of the portion of the judgment that remains 37362
unpaid and that represents the actual and direct loss sustained by 37363
the applicant. 37364

(2) Punitive damages, attorney's fees, and interest on a 37365
judgment are not recoverable from the fund. In the discretion of 37366
the superintendent of real estate, court costs may be recovered 37367
from the fund, and, if the superintendent authorizes the recovery 37368
of court costs, the order of the court of common pleas then may 37369
direct their payment from the fund. 37370

(3) The application shall specify the nature of the act or 37371
transaction upon which the underlying judgment was based, the 37372
activities of the applicant in pursuit of remedies available under 37373
law for the collection of judgments, and the actual and direct 37374
losses, attorney's fees, and the court costs sustained or incurred 37375
by the applicant. The applicant shall attach to the application a 37376
copy of each pleading and order in the underlying court action. 37377

(4) The court shall order the superintendent to make such 37378
payments out of the fund when the person seeking the order has 37379
shown all of the following: 37380

(a) The person has obtained a judgment, as provided in this 37381
division; 37382

(b) All appeals from the judgment have been exhausted and the 37383
person has given notice to the superintendent, as required by 37384
division (C) of this section; 37385

(c) The person is not a spouse of the judgment debtor, or the 37386
personal representative of such spouse; 37387

(d) The person has diligently pursued the person's remedies 37388
against all the judgment debtors and all other persons liable to 37389
the person in the transaction for which the person seeks recovery 37390
from the fund; 37391

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment. 37392
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(5) Divisions (B)(1) to (4) of this section do not apply to any of the following: 37395
37396

(a) Actions arising from property management accounts maintained in the name of the property owner; 37397
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(b) A bonding company when it is not a principal in a real estate transaction; 37399
37400

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 37401
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 37405
37406

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that 37407
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the superintendent shall give written notice to the applicant at 37423
least ten days before such motion. The superintendent may, subject 37424
to court approval, compromise a claim based upon the application 37425
of an aggrieved party. The superintendent shall not be bound by 37426
any prior compromise or stipulation of the judgment debtor. 37427

(D) Notwithstanding any other provision of this section, the 37428
liability of the fund shall not exceed forty thousand dollars for 37429
any one licensee. If a licensee's license is reactivated as 37430
provided in division (E) of this section, the liability of the 37431
fund for the licensee under this section shall again be forty 37432
thousand dollars, but only for transactions that occur subsequent 37433
to the time of reactivation. 37434

If the forty-thousand-dollar liability of the fund is 37435
insufficient to pay in full the valid claims of all aggrieved 37436
persons by whom claims have been filed against any one licensee, 37437
the forty thousand dollars shall be distributed among them in the 37438
ratio that their respective claims bear to the aggregate of valid 37439
claims or in such other manner as the court finds equitable. 37440
Distribution of moneys shall be among the persons entitled to 37441
share in it, without regard to the order of priority in which 37442
their respective judgments may have been obtained or their claims 37443
have been filed. Upon petition of the superintendent, the court 37444
may require all claimants and prospective claimants against one 37445
licensee to be joined in one action, to the end that the 37446
respective rights of all such claimants to the fund may be 37447
equitably adjudicated and settled. 37448

(E) If the superintendent pays from the fund any amount in 37449
settlement of a claim or toward satisfaction of a judgment against 37450
a licensed broker or salesperson, the license of the broker or 37451
salesperson shall be automatically suspended upon the date of 37452
payment from the fund. The superintendent shall not reactivate the 37453
suspended license of that broker or salesperson until the broker 37454

or salesperson has repaid in full, plus interest per annum at the 37455
rate specified in division (A) of section 1343.03 of the Revised 37456
Code, the amount paid from the fund on the broker's or 37457
salesperson's account. A discharge in bankruptcy does not relieve 37458
a person from the suspension and requirements for reactivation 37459
provided in this section unless the underlying judgment has been 37460
included in the discharge and has not been reaffirmed by the 37461
debtor. 37462

(F) If, at any time, the money deposited in the fund is 37463
insufficient to satisfy any duly authorized claim or portion of a 37464
claim, the superintendent shall, when sufficient money has been 37465
deposited in the fund, satisfy such unpaid claims or portions, in 37466
the order that such claims or portions were originally filed, plus 37467
accumulated interest per annum at the rate specified in division 37468
(A) of section 1343.03 of the Revised Code. 37469

(G) When, upon the order of the court, the superintendent has 37470
paid from the fund any sum to the judgment creditor, the 37471
superintendent shall be subrogated to all of the rights of the 37472
judgment creditor to the extent of the amount so paid, and the 37473
judgment creditor shall assign all the judgment creditor's right, 37474
title, and interest in the judgment to the superintendent to the 37475
extent of the amount so paid. Any amount and interest so recovered 37476
by the superintendent on the judgment shall be deposited in the 37477
fund. 37478

(H) Nothing contained in this section shall limit the 37479
authority of the superintendent to take disciplinary action 37480
against any licensee under other provisions of this chapter; nor 37481
shall the repayment in full of all obligations to the fund by any 37482
licensee nullify or modify the effect of any other disciplinary 37483
proceeding brought pursuant to this chapter. 37484

(I) The superintendent shall collect from the fund a service 37485
fee in an amount equivalent to the interest rate specified in 37486

division (A) of section 1343.03 of the Revised Code multiplied by 37487
the annual interest earned on the assets of the fund, to defray 37488
the expenses incurred in the administration of the fund. 37489

Sec. 4735.13. (A) Every real estate broker licensed under 37490
this chapter shall have and maintain a definite place of business 37491
in this state. A post office box address is not a definite place 37492
of business for purposes of this section. The license of a real 37493
estate broker shall be prominently displayed in the office or 37494
place of business of the broker, and no license shall authorize 37495
the licensee to do business except from the location specified in 37496
it. If the broker maintains more than one place of business within 37497
the state, the broker shall apply for and procure a duplicate 37498
license for each branch office maintained by the broker. Each 37499
branch office shall be in the charge of a licensed broker or 37500
salesperson. The branch office license shall be prominently 37501
displayed at the branch office location. 37502

(B) The license of each real estate salesperson shall be 37503
mailed to and remain in the possession of the licensed broker with 37504
whom the salesperson is or is to be associated until the licensee 37505
places the license on inactive or resigned status or until the 37506
salesperson leaves the brokerage or is terminated. The broker 37507
shall keep each salesperson's license in a way that it can, and 37508
shall on request, be made immediately available for public 37509
inspection at the office or place of business of the broker. 37510
Except as provided in divisions (G) and (H) of this section, 37511
immediately upon the salesperson's leaving the association or 37512
termination of the association of a real estate salesperson with 37513
the broker, the broker shall return the salesperson's license to 37514
the superintendent of real estate. 37515

The failure of a broker to return the license of a real 37516
estate salesperson or broker who leaves or who is terminated, via 37517

certified mail return receipt requested, within three business 37518
days of the receipt of a written request from the superintendent 37519
for the return of the license, is prima-facie evidence of 37520
misconduct under division (A)(6) of section 4735.18 of the Revised 37521
Code. 37522

(C) A licensee shall notify the superintendent in writing 37523
within fifteen days of any of the following occurrences: 37524

(1) The licensee is convicted of a felony. 37525

(2) The licensee is convicted of a crime involving moral 37526
turpitude. 37527

(3) The licensee is found to have violated any federal, 37528
state, or municipal civil rights law pertaining to discrimination 37529
in housing. 37530

(4) The licensee is found to have engaged in a discriminatory 37531
practice pertaining to housing accommodations described in 37532
division (H) of section 4112.02 of the Revised Code. 37533

(5) The licensee is the subject of an order by the department 37534
of commerce, the department of insurance, or the department of 37535
agriculture revoking or permanently surrendering any professional 37536
license, certificate, or registration. 37537

(6) The licensee is the subject of an order by any government 37538
agency concerning real estate, financial matters, or the 37539
performance of fiduciary duties with respect to any license, 37540
certificate, or registration. 37541

If a licensee fails to notify the superintendent within the 37542
required time, the superintendent immediately may suspend the 37543
license of the licensee. 37544

Any court that convicts a licensee of a violation of any 37545
municipal civil rights law pertaining to housing discrimination 37546
also shall notify the Ohio civil rights commission within fifteen 37547

days of the conviction. 37548

(D) In case of any change of business location, a broker 37549
shall give notice to the superintendent, on a form prescribed by 37550
the superintendent, within thirty days after the change of 37551
location, whereupon the superintendent shall issue new licenses 37552
for the unexpired period without charge. If a broker changes a 37553
business location without giving the required notice and without 37554
receiving new licenses that action is prima-facie evidence of 37555
misconduct under division (A)(6) of section 4735.18 of the Revised 37556
Code. 37557

(E) If a real estate broker desires to associate with another 37558
real estate broker in the capacity of a real estate salesperson, 37559
the broker shall apply to the superintendent to deposit the 37560
broker's real estate broker's license with the superintendent and 37561
for the issuance of a real estate salesperson's license. The 37562
application shall be made on a form prescribed by the 37563
superintendent and shall be accompanied by the recommendation of 37564
the real estate broker with whom the applicant intends to become 37565
associated and a fee of ~~twenty-five~~ thirty-four dollars for the 37566
real estate salesperson's license. One dollar of the fee shall be 37567
credited to the real estate education and research fund. If the 37568
superintendent is satisfied that the applicant is honest, 37569
truthful, and of good reputation, has not been convicted of a 37570
felony or a crime involving moral turpitude, and has not been 37571
finally adjudged by a court to have violated any municipal, state, 37572
or federal civil rights laws relevant to the protection of 37573
purchasers or sellers of real estate, and that the association of 37574
the real estate broker and the applicant will be in the public 37575
interest, the superintendent shall grant the application and issue 37576
a real estate salesperson's license to the applicant. Any license 37577
so deposited with the superintendent shall be subject to this 37578
chapter. A broker who intends to deposit the broker's license with 37579

the superintendent, as provided in this section, shall give 37580
written notice of this fact in a format prescribed by the 37581
superintendent to all salespersons associated with the broker when 37582
applying to place the broker's license on deposit. 37583

(F) If a real estate broker desires to become a member or 37584
officer of a partnership, association, limited liability company, 37585
limited liability partnership, or corporation that is or intends 37586
to become a licensed real estate broker, the broker shall notify 37587
the superintendent of the broker's intentions. The notice of 37588
intention shall be on a form prescribed by the superintendent and 37589
shall be accompanied by a fee of ~~twenty-five~~ thirty-four dollars. 37590
One dollar of the fee shall be credited to the real estate 37591
education and research fund. 37592

A licensed real estate broker who is a member or officer of a 37593
partnership, association, limited liability company, limited 37594
liability partnership, or corporation shall only act as a real 37595
estate broker for such partnership, association, limited liability 37596
company, limited liability partnership, or corporation. 37597

(G)(1) If a real estate broker or salesperson enters the 37598
armed forces, the broker or salesperson may place the broker's or 37599
salesperson's license on deposit with the Ohio real estate 37600
commission. The licensee shall not be required to renew the 37601
license until the renewal date that follows the date of discharge 37602
from the armed forces. Any license deposited with the commission 37603
shall be subject to this chapter. 37604

Any licensee whose license is on deposit under this division 37605
and who fails to meet the continuing education requirements of 37606
section 4735.141 of the Revised Code because the licensee is in 37607
the armed forces shall satisfy the commission that the licensee 37608
has complied with the continuing education requirements within 37609
twelve months of the licensee's first birthday after discharge or 37610
within the amount of time equal to the total number of months the 37611

licensee spent on active duty, whichever is greater. The licensee 37612
shall submit proper documentation of active duty service and the 37613
length of that active duty service to the superintendent. The 37614
extension shall not exceed the total number of months that the 37615
licensee served in active duty. The superintendent shall notify 37616
the licensee of the licensee's obligations under section 4735.141 37617
of the Revised Code at the time the licensee applies for 37618
reactivation of the licensee's license. 37619

(2) If a licensee is a spouse of a member of the armed forces 37620
and the spouse's service resulted in the licensee's absence from 37621
this state, both of the following apply: 37622

(a) The licensee shall not be required to renew the license 37623
until the renewal date that follows the date of the spouse's 37624
discharge from the armed forces. 37625

(b) If the licensee fails to meet the continuing education 37626
requirements of section 4735.141 of the Revised Code, the licensee 37627
shall satisfy the commission that the licensee has complied with 37628
the continuing education requirements within twelve months after 37629
the licensee's first birthday after the spouse's discharge or 37630
within the amount of time equal to the total number of months the 37631
licensee's spouse spent on active duty, whichever is greater. The 37632
licensee shall submit proper documentation of the spouse's active 37633
duty service and the length of that active duty service. This 37634
extension shall not exceed the total number of months that the 37635
licensee's spouse served in active duty. 37636

(3) In the case of a licensee as described in division (G)(2) 37637
of this section, who holds the license through a reciprocity 37638
agreement with another state, the spouse's service shall have 37639
resulted in the licensee's absence from the licensee's state of 37640
residence for the provisions of that division to apply. 37641

(4) As used in this division, "armed forces" means the armed 37642

forces of the United States or reserve component of the armed 37643
forces of the United States including the Ohio national guard or 37644
the national guard of any other state. 37645

(H) If a licensed real estate salesperson submits an 37646
application to the superintendent to leave the association of one 37647
broker to associate with a different broker, the broker possessing 37648
the licensee's license need not return the salesperson's license 37649
to the superintendent. The superintendent may process the 37650
application regardless of whether the licensee's license is 37651
returned to the superintendent. 37652

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 37653
transfer of a license shall be as follows: 37654

(1) Reactivation or transfer of a broker's license into or 37655
out of a partnership, association, limited liability company, 37656
limited liability partnership, or corporation or from one 37657
partnership, association, limited liability company, limited 37658
liability partnership, or corporation to another partnership, 37659
association, limited liability company, limited liability 37660
partnership, or corporation, ~~twenty-five~~ thirty-four dollars. An 37661
application for such transfer shall be made to the superintendent 37662
of real estate on forms provided by the superintendent. 37663

(2) Reactivation or transfer of a license by a real estate 37664
salesperson, ~~twenty-five~~ thirty-four dollars. 37665

(B) Except as may otherwise be specified pursuant to division 37666
(F) of this section or any rules adopted by the Ohio real estate 37667
commission pursuant to division (A)(2)(b) of section 4735.10 of 37668
the Revised Code, the nonrefundable fees ~~for a branch office~~ 37669
~~license, license renewal, late filing, and foreign real estate~~ 37670
~~dealer and salesperson license~~ are as follows ~~per year~~ for each 37671
~~year of a~~ licensing period: 37672

(1) Branch office license, ~~fifteen~~ twenty dollars; 37673

(2) Renewal of a three-year real estate broker's license, 37674
~~sixty two hundred forty-three~~ dollars. If the licensee is a 37675
partnership, association, limited liability company, limited 37676
liability partnership, or corporation, the full broker's renewal 37677
fee shall be required for each member of such partnership, 37678
association, limited liability company, limited liability 37679
partnership, or corporation that is a real estate broker. If the 37680
real estate broker has not less than eleven nor more than twenty 37681
real estate salespersons associated with the broker, an additional 37682
fee of sixty-four dollars shall be assessed to the brokerage. For 37683
every additional ten real estate salespersons or fraction of that 37684
number, the brokerage assessment fee shall be increased in the 37685
amount of thirty-seven dollars. 37686

(3) Renewal of a three-year real estate salesperson's 37687
license, ~~forty-five~~ one hundred eighty-two dollars; 37688

(4) Renewal of a real estate broker's or salesperson's 37689
license filed within twelve months after the licensee's renewal 37690
date, an additional late filing penalty of fifty per cent of the 37691
required three-year fee; 37692

(5) Foreign real estate dealer's license and each renewal of 37693
the license, thirty dollars per salesperson employed by the 37694
dealer, but not less than ~~one~~ two hundred ~~fifty~~ three dollars; 37695

(6) Foreign real estate salesperson's license and each 37696
renewal of the license, ~~fifty~~ sixty-eight dollars. 37697

(C) All fees collected under this section shall be paid to 37698
the treasurer of state. One dollar of each such fee shall be 37699
credited to the real estate education and research fund, except 37700
that for fees that are assessed only once every three years, three 37701
dollars of each triennial fee shall be credited to the real estate 37702
education and research fund. 37703

(D) In all cases, the fee and any penalty shall accompany the application for the license, license transfer, or license reactivation or shall accompany the filing of the renewal.

(E) The commission may establish by rule reasonable fees for services not otherwise established by this chapter.

(F) The commission may adopt rules that provide for a reduction in the fees established in divisions (B)(2) and (3) of this section.

Sec. 4735.182. If a check or other draft instrument used to pay any fee required under this chapter is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the superintendent shall notify the entity or person that the check or other draft instrument was returned for insufficient funds.

(A) If the check or draft instrument was submitted by a licensee, the superintendent shall also notify the licensee that the licensee's license will be suspended unless the licensee, within fifteen days after the mailing of the notice, submits the fee and a one-hundred-dollar fee to the superintendent. If the licensee does not submit both fees within that time period, or if any check or other draft instrument used to pay either of those fees is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the license shall be suspended immediately without a hearing and the licensee shall cease activity as a licensee under this chapter.

(B) If the check or draft instrument was remitted by a person or entity applying to qualify foreign real estate or renew a property registration, the superintendent shall also notify the applicant that registration will be suspended, unless the applicant, within fifteen days after the mailing of the notice, submits the fee and a one-hundred-dollar fee to the

superintendent. If the applicant does not submit both fees within 37735
that time period, or if any check or other draft instrument used 37736
to pay either of the fees is returned to the superintendent unpaid 37737
by the financial institution upon which it is drawn for any 37738
reason, the property registration shall be suspended immediately 37739
without a hearing and the applicant shall cease activity. 37740

(C) If the check or draft instrument was remitted by an 37741
applicant for licensure, that application shall automatically be 37742
rejected or approval withdrawn, unless the applicant, within 37743
fifteen days after the mailing of the notice, submits the fee and 37744
a one-hundred-dollar fee to the superintendent. If the applicant 37745
does not submit both fees within that time period, or if any check 37746
or other draft instrument used to pay either of those fees is 37747
returned to the superintendent unpaid by the financial institution 37748
upon which it is drawn for any reason, the application shall be 37749
denied or approval withdrawn. 37750

(D) If the check or draft instrument was remitted by an 37751
education course provider or course provider applicant, that 37752
application shall automatically be rejected or approval withdrawn, 37753
unless the applicant, within fifteen days after the mailing of the 37754
notice, submits the fee and a ~~one-hundred-dollar~~ 37755
one-hundred-thirty-five-dollar fee to the superintendent. If the 37756
applicant does not submit both fees within that time period, or if 37757
any check or other draft instrument used to pay either of those 37758
fees is returned to the superintendent unpaid by the financial 37759
institution upon which it is drawn for any reason, the application 37760
shall be denied or approval withdrawn. 37761

Sec. 4735.27. (A) An application to act as a foreign real 37762
estate dealer shall be in writing and filed with the 37763
superintendent of real estate. It shall be in the form the 37764
superintendent prescribes and shall contain the following 37765

information: 37766

(1) The name and address of the applicant; 37767

(2) A description of the applicant, including, if the 37768
applicant is a partnership, unincorporated association, or any 37769
similar form of business organization, the names and the residence 37770
and business addresses of all partners, officers, directors, 37771
trustees, or managers of the organization, and the limitation of 37772
the liability of any partner or member; and if the applicant is a 37773
corporation, a list of its officers and directors, and the 37774
residence and business addresses of each, and, if it is a foreign 37775
corporation, a copy of its articles of incorporation in addition; 37776

(3) The location and addresses of the principal office and 37777
all other offices of the applicant; 37778

(4) A general description of the business of the applicant 37779
prior to the application, including a list of states in which the 37780
applicant is a licensed foreign real estate dealer; 37781

(5) The names and addresses of all ~~salesmen~~ salespersons of 37782
the applicant at the date of the application; 37783

(6) The nature of the business of the applicant, and its 37784
places of business, for the ten-year period preceding the date of 37785
application. 37786

(B) Every nonresident applicant shall name a person within 37787
this state upon whom process against the applicant may be served 37788
and shall give the complete residence and business address of the 37789
person designated. Every applicant shall file an irrevocable 37790
written consent, executed and acknowledged by an individual duly 37791
authorized to give such consent, that actions growing out of a 37792
fraud committed by the applicant in connection with the sale in 37793
this state of foreign real estate may be commenced against it, in 37794
the proper court of any county in this state in which a cause of 37795
action for such fraud may arise or in which the plaintiff in such 37796

action may reside, by serving on the secretary of state any proper 37797
process or pleading authorized by the laws of this state, in the 37798
event that the applicant if a resident of this state, or the 37799
person designated by the nonresident applicant, cannot be found at 37800
the address given. The consent shall stipulate that the service of 37801
process on the secretary of state shall be taken in all courts to 37802
be as valid and binding as if service had been made upon the 37803
foreign real estate dealer. If the applicant is a corporation or 37804
an unincorporated association, the consent shall be accompanied by 37805
a certified copy of the resolution of the board of directors, 37806
trustees, or managers of the corporation or association, 37807
authorizing such individual to execute the consent. 37808

(C) The superintendent may investigate any applicant for a 37809
dealer's license, and may require any additional information ~~he~~ 37810
the superintendent considers necessary to determine the business 37811
repute and qualifications of the applicant to act as a foreign 37812
real estate dealer. If the application for a dealer's license 37813
involves investigation outside this state, the superintendent may 37814
require the applicant to advance sufficient funds to pay any of 37815
the actual expenses of the investigation, and an itemized 37816
statement of such expense shall be furnished to the applicant. 37817

(D) Every applicant shall take a written examination, 37818
prescribed and conducted by the superintendent, which covers ~~his~~ 37819
the applicant's knowledge of the principles of real estate 37820
practice, real estate law, financing and appraisal, real estate 37821
transactions and instruments relating to them, canons of business 37822
ethics relating to real estate transactions, and the duties of 37823
foreign real estate dealers and ~~salesmen~~ salespersons. The fee for 37824
the examination, when administered by the superintendent, is 37825
~~seventy-five~~ one hundred one dollars. If the applicant does not 37826
appear for the examination, the fee shall be forfeited and a new 37827
application and fee shall be filed, unless good cause for the 37828

failure to appear is shown to the superintendent. The requirement 37829
of an examination may be waived in whole or in part by the 37830
superintendent if an applicant is licensed as a real estate broker 37831
by any state. 37832

Any applicant who fails the examination twice shall wait six 37833
months before applying to retake the examination. 37834

(E) No person shall take the foreign real estate dealer's 37835
examination who has not established to the satisfaction of the 37836
superintendent that ~~he~~ the person: 37837

(1) Has not been convicted of a felony or a crime of moral 37838
turpitude or, if ~~he~~ the applicant has been so convicted, the 37839
superintendent has disregarded the conviction because the 37840
applicant has proven to the superintendent, by a preponderance of 37841
the evidence, that ~~his~~ the applicant's activities and employment 37842
record since the conviction show that ~~he~~ the applicant is honest, 37843
truthful, and of good reputation, and there is no basis in fact 37844
for believing that ~~he~~ the applicant again will violate the laws 37845
involved; 37846

(2) Has not been finally adjudged by a court to have violated 37847
any municipal, state, or federal civil rights laws relevant to the 37848
protection of purchasers or sellers of real estate or, if ~~he~~ the 37849
applicant has been so adjudged, at least two years have passed 37850
since the court decision and the superintendent has disregarded 37851
the adjudication because the applicant has proven, by a 37852
preponderance of the evidence, that ~~his~~ the applicant's activities 37853
and employment record since the adjudication show that ~~he~~ the 37854
applicant is honest, truthful, and of good reputation, and there 37855
is no basis in fact for believing that ~~he~~ the applicant again will 37856
violate the laws involved; 37857

(3) Has not, during any period for which ~~he~~ the applicant was 37858
licensed under this chapter or any former section of the Revised 37859

Code applicable to licensed foreign real estate dealers or 37860
~~salesmen~~ salespersons, violated any provision of, or any rule 37861
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 37862
applicant has violated any such provision or rule, has established 37863
to the satisfaction of the superintendent that ~~he~~ the applicant 37864
will not again violate the provision or rule. 37865

(F) If the superintendent finds that an applicant for a 37866
license as a foreign real estate dealer, or each named member, 37867
manager, or officer of a partnership, association, or corporate 37868
applicant is at least eighteen years of age, is of good business 37869
repute, has passed the examination required under this section or 37870
has had the requirement of an examination waived, and appears 37871
otherwise qualified, the superintendent shall issue a license to 37872
the applicant to engage in business in this state as a foreign 37873
real estate dealer. Dealers licensed pursuant to this section 37874
shall employ as ~~salesmen~~ salespersons of foreign real estate only 37875
persons licensed pursuant to section 4735.28 of the Revised Code. 37876
If at any time such ~~salesmen~~ salespersons resign or are discharged 37877
or new ~~salesmen~~ salespersons are added, the dealer forthwith shall 37878
notify the superintendent and shall file with the division of real 37879
estate the names and addresses of new ~~salesmen~~ salespersons. 37880

(G) If the applicant merely is renewing ~~his~~ the applicant's 37881
license for the previous year, the application need contain only 37882
the information required by divisions (A)(2), (3), and (6) of this 37883
section. 37884

Sec. 4735.28. (A) An application to act as a foreign real 37885
estate ~~salesman~~ salesperson shall be in writing and filed with the 37886
superintendent of real estate. It shall be in the form the 37887
superintendent prescribes and shall contain the following 37888
information: 37889

(1) The name and complete residence and business addresses of 37890

the applicant; 37891

(2) The name of the foreign real estate dealer who is 37892
employing the applicant or who intends to employ ~~him~~ the 37893
applicant; 37894

(3) The age and education of the applicant, and ~~his~~ the 37895
applicant's experience in the sale of foreign real estate; whether 37896
~~he~~ the applicant has ever been licensed by the superintendent, and 37897
if so, when; whether ~~he~~ the applicant has ever been refused a 37898
license by the superintendent; and whether ~~he~~ the applicant has 37899
ever been licensed or refused a license or any similar permit by 37900
any division or superintendent of real estate, by whatsoever name 37901
known or designated, anywhere; 37902

(4) The nature of the employment, and the names and addresses 37903
of the employers, of the applicant for the period of ten years 37904
immediately preceding the date of the application. 37905

(B) Every applicant shall take a written examination, 37906
prescribed and conducted by the superintendent, which covers ~~his~~ 37907
the applicant's knowledge of the principles of real estate 37908
practice, real estate law, financing and appraisal, real estate 37909
transactions and instruments relating to them, canons of business 37910
ethics relating to real estate transactions, and the duties of 37911
foreign real estate ~~salesmen~~ salespersons. The fee for the 37912
examination, when administered by the superintendent, is ~~fifty~~ 37913
sixty-eight dollars. If the applicant does not appear for the 37914
examination, the fee shall be forfeited and a new application and 37915
fee shall be filed, unless good cause for the failure to appear is 37916
shown to the superintendent. The requirement of an examination may 37917
be waived in whole or in part by the superintendent if an 37918
applicant is licensed as a real estate broker or ~~salesman~~ 37919
salesperson by any state. 37920

Any applicant who fails the examination twice shall wait six 37921

months before applying to retake the examination. 37922

(C) No person shall take the foreign real estate ~~salesman's~~ 37923
salesperson's examination who has not established to the 37924
satisfaction of the superintendent that ~~he~~ the person: 37925

(1) Has not been convicted of a felony or a crime of moral 37926
turpitude or, if ~~he~~ the applicant has been so convicted, the 37927
superintendent has disregarded the conviction because the 37928
applicant has proven to the superintendent, by a preponderance of 37929
the evidence, that ~~his~~ the applicant's activities and employment 37930
record since the conviction show that ~~he~~ the applicant is honest, 37931
truthful, and of good reputation, and there is no basis in fact 37932
for believing that ~~he~~ the applicant again will violate the laws 37933
involved; 37934

(2) Has not been finally adjudged by a court to have violated 37935
any municipal, state, or federal civil rights laws relevant to the 37936
protection of purchasers or sellers of real estate or, if ~~he~~ the 37937
applicant has been so adjudged, at least two years have passed 37938
since the court decision and the superintendent has disregarded 37939
the adjudication because the applicant has proven, by a 37940
preponderance of the evidence, that ~~his~~ the applicant's activities 37941
and employment record since the adjudication show that ~~he~~ the 37942
applicant is honest, truthful, and of good reputation, and there 37943
is no basis in fact for believing that ~~he~~ the applicant will again 37944
violate the laws; 37945

(3) Has not, during any period for which ~~he~~ the applicant was 37946
licensed under this chapter or any former section of the Revised 37947
Code ~~aplicable~~ applicable to licensed foreign real estate dealers 37948
or ~~salesmen~~ salespersons, violated any provision of, or any rule 37949
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 37950
applicant has violated any such provision or rule, has established 37951
to the satisfaction of the superintendent that ~~he~~ the applicant 37952
will not again violate the provision or rule. 37953

(D) Every ~~salesman~~ salesperson of foreign real estate shall 37954
be licensed by the superintendent of real estate and shall be 37955
employed only by the licensed foreign real estate dealer specified 37956
on ~~his~~ the salesperson's license. 37957

(E) If the superintendent finds that the applicant is of good 37958
business repute, appears to be qualified to act as a foreign real 37959
estate ~~salesman~~ salesperson, and has fully complied with the 37960
provisions of this chapter, and that the dealer in the application 37961
is a licensed foreign real estate dealer, the superintendent, upon 37962
payment of the fees prescribed by section 4735.15 of the Revised 37963
Code, shall issue a license to the applicant authorizing ~~him~~ the 37964
applicant to act as ~~salesman~~ a salesperson for the dealer named in 37965
the application. 37966

Sec. 4737.045. (A) To register as a scrap metal dealer or a 37967
bulk merchandise container dealer with the director of public 37968
safety as required by division (B) of section 4737.04 of the 37969
Revised Code, a person shall do all of the following: 37970

(1) Provide the name and street address of the dealer's place 37971
of business; 37972

(2) Provide the name of the primary owner of the business, 37973
and of the manager of the business, if the manager is not the 37974
primary owner; 37975

(3) Provide the electronic mail address of the business; 37976

(4) Provide confirmation that the dealer has the capabilities 37977
to electronically connect with the department of public safety for 37978
the purpose of sending and receiving information; 37979

(5) Provide any other information required by the director in 37980
rules the director adopts pursuant to sections 4737.01 to 4737.045 37981
of the Revised Code; 37982

(6) Pay an initial registration fee of two hundred dollars. 37983

(B) A person engaging in the business of a scrap metal dealer 37984
or a bulk merchandise container dealer in this state on or before 37985
September 28, 2012, shall register with the director not later 37986
than January 1, 2013. With respect to a person who commences 37987
engaging in the business of a scrap metal dealer or a bulk 37988
merchandise container dealer after September 28, 2012, the person 37989
shall register with the director pursuant to this section prior to 37990
commencing business as a scrap metal dealer or a bulk merchandise 37991
container dealer. 37992

(C) A registration issued to a scrap metal dealer or a bulk 37993
merchandise container dealer pursuant to this section is valid for 37994
a period of one year. A dealer shall renew the registration in 37995
accordance with the rules adopted by the director and pay a 37996
renewal fee of one hundred fifty dollars to cover the costs of 37997
operating and maintaining the registry created pursuant to 37998
division (E) of this section. 37999

(D) A scrap metal dealer or a bulk merchandise container 38000
dealer registered under this section shall prominently display a 38001
copy of the annual registration certificate received from the 38002
director pursuant to division (E)(2) of this section. 38003

(E) The director shall do all of the following: 38004

(1) Develop and implement, by January 1, 2014, and maintain 38005
as a registry a secure database for use by law enforcement 38006
agencies that is capable of all of the following: 38007

(a) Receiving and securely storing all of the information 38008
required by division (A) of this section and the daily transaction 38009
data that scrap metal dealers and bulk merchandise dealers are 38010
required to send pursuant to division (E)(1) of section 4737.04 of 38011
the Revised Code; 38012

(b) Providing secure search capabilities to law enforcement 38013
agencies for enforcement purposes; 38014

(c) Creating a link and retransmission capability for receipt of routine scrap theft alerts published by the institute of scrap recycling industries for transmission to dealers and law enforcement agencies in the state;

(d) Making the electronic lists prepared pursuant to division (F)(2) of section 4737.04 of the Revised Code available through an electronic searchable format for individual law enforcement agencies and for dealers in the state;

(e) Providing, without charge, interlink programming enabling the transfer of information to dealers.

(2) Issue, reissue, or deny registration to dealers;

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a registration issued under this section, rules for the format and maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies.

(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section.

(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section and for the department of public safety's operating expenses. The fees shall be deposited into the infrastructure protection fund which is hereby created in the state treasury.

Sec. 4743.02. The examination papers of each applicant 38045
examined by boards, commissions, or agencies created under or by 38046
virtue of Chapters 4701. to 4741., 4751., and 4757. of the Revised 38047
Code shall be open for inspection by the applicant or his attorney 38048
for at least ninety days subsequent to the announcement of the 38049
applicant's grade; provided, papers not graded by members of 38050
examining boards or their employees and which by terms of a 38051
contract with any testing company the papers are not available for 38052
inspection, need not be made available for inspection; but it 38053
shall be the applicant's right to have any such paper regraded 38054
manually, upon written request of either himself or his attorney 38055
made to the board within ninety days after announcement of the 38056
grade. 38057

Sec. 4745.04. (A) As used in this section: 38058

(1) "Indigent and uninsured person" and "volunteer" have the 38059
same meanings as in section 2305.234 of the Revised Code. 38060

(2) "Licensing agency that licenses health care 38061
professionals" means all of the following: 38062

(a) The state dental board established under Chapter 4715. of 38063
the Revised Code; 38064

(b) The board of nursing established under Chapter 4723. of 38065
the Revised Code; 38066

(c) The state vision professionals board established under 38067
Chapter 4725. of the Revised Code; 38068

(d) The state board of pharmacy established under Chapter 38069
4729. of the Revised Code; 38070

(e) The state medical board established under Chapter 4731. 38071
of the Revised Code; 38072

(f) The state board of psychology established under Chapter 38073

4732. of the Revised Code;	38074
(g) The state chiropractic board established under Chapter	38075
4734. of the Revised Code;	38076
(h) The Ohio occupational therapy, physical therapy, and	38077
athletic trainers board established under Chapter 4755. of the	38078
Revised Code;	38079
(i) The counselor, social worker, and marriage and family	38080
therapist board established under Chapter 4757. of the Revised	38081
Code;	38082
(j) The chemical dependency professionals board established	38083
under Chapter 4758. of the Revised Code;	38084
(k) The state board of emergency medical services established	38085
under Chapter 4765. of the Revised Code;	38086
(l) The state speech and hearing professionals board	38087
established under Chapter 4744. of the Revised Code;	38088
(m) Any other licensing agency that considers its licensees	38089
to be health care professionals.	38090
(B) Notwithstanding any provision of the Revised Code to the	38091
contrary, a licensing agency that licenses health care	38092
professionals shall apply toward the satisfaction of a portion of	38093
a licensee's continuing education requirement the provision of	38094
health care services if all of the following apply:	38095
(1) The licensing agency that licenses health care	38096
professionals requires a licensee to complete continuing education	38097
as a condition of having a license renewed by the agency.	38098
(2) The licensee provides the health care services to an	38099
indigent and uninsured person.	38100
(3) The licensee provides the health care services as a	38101
volunteer.	38102

(4) The licensee satisfies the requirements of section 38103
2305.234 of the Revised Code to qualify for the immunity from 38104
liability granted under that section. 38105

(5) The health care services provided are within the scope of 38106
authority of the licensee renewing the license. 38107

(C) A (1) Except as provided in division (C)(2) of this 38108
section, a licensing agency that licenses health care 38109
professionals shall permit a licensee to satisfy up to one-third 38110
of the licensee's continuing education requirement by providing 38111
health care services as a volunteer. A licensing agency that 38112
licenses health care professionals shall permit a licensee to earn 38113
continuing education credits at the rate of one credit hour for 38114
each sixty minutes spent providing health care services as a 38115
volunteer. 38116

(2) In the case of a person holding a license to practice 38117
medicine and surgery, osteopathic medicine and surgery, or 38118
podiatric medicine and surgery, the state medical board shall 38119
permit the person to satisfy not more than three hours of the 38120
person's continuing education requirement by providing health care 38121
services as a volunteer. 38122

(D) A licensing agency that licenses health care 38123
professionals shall adopt rules as necessary to implement this 38124
section. The rules shall be adopted in accordance with Chapter 38125
119. of the Revised Code. 38126

(E) Continuing education credit received under this section 38127
for providing health care services is not compensation or any 38128
other form of remuneration for purposes of section 2305.234 of the 38129
Revised Code and does not make the provider of those services 38130
ineligible for the immunity from liability granted under that 38131
section. 38132

Sec. 4751.01. As used in ~~sections 4751.01 to 4751.13 of the~~ 38133
~~Revised Code~~ this chapter: 38134

(A) "Health-care licensing agency" means any department, 38135
division, board, section of a board, or other government unit that 38136
is authorized by a statute of this or another state to issue a 38137
license, certificate, permit, card, or other authority to do 38138
either of the following in the context of health care: 38139

(1) Engage in a specific profession, occupation, or 38140
occupational activity; 38141

(2) Have charge of and operate certain specified equipment, 38142
machinery, or premises. 38143

(B) "Licensed health services executive" means an individual 38144
who holds a valid health services executive license. 38145

(C) "Licensed nursing home administrator" means an individual 38146
who holds a valid nursing home administrator license. 38147

(D) "Licensed temporary nursing home administrator" means an 38148
individual who holds a valid temporary nursing home administrator 38149
license. 38150

(E) "Long-term services and supports ~~settings~~ setting" means 38151
any institutional or community-based setting in which medical, 38152
health, ~~psycho-social~~ psychosocial, habilitative, rehabilitative, 38153
or personal care services are provided to individuals on a 38154
post-acute care basis. 38155

~~(B) "Nursing home administrator" means any individual~~ 38156
~~responsible for planning, organizing, directing, and managing the~~ 38157
~~operation of a nursing home, or who in fact performs such~~ 38158
~~function, whether or not such functions and duties are shared by~~ 38159
~~one or more other persons.~~ 38160

~~(C)~~(F) "Nursing home" means a nursing home as defined by or 38161
under the authority of section 3721.01 of the Revised Code, or a 38162

nursing home operated by a governmental agency. 38163

~~(D) "Temporary license" means a license for a period not to 38164
exceed one hundred eighty days issued pursuant to division (B) of 38165
section 4751.06 of the Revised Code. 38166~~

~~(E)~~(G) "Nursing home administration" means planning, 38167
organizing, directing, and managing the operation of a nursing 38168
home. 38169

(H) "Nursing home administrator" means any individual who 38170
engages in the practice of nursing home administration, whether or 38171
not the individual shares the functions and duties of nursing home 38172
administration with one or more other individuals. 38173

(I) "Valid health services executive license" means a health 38174
services executive license to which all of the following apply: 38175

(1) It was issued by the board of executives of long-term 38176
services and supports under section 4751.21, 4751.23, 4751.25, or 38177
4751.33 of the Revised Code; 38178

(2) It was not sold, fraudulently furnished, or fraudulently 38179
obtained in violation of division (F) of section 4751.10 of the 38180
Revised Code; 38181

(3) It is current and in good standing. 38182

(J) "Valid nursing home administrator license" means a 38183
nursing home administrator license to which all of the following 38184
apply: 38185

(1) It was issued by the board under section 4751.20, 38186
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 38187

(2) It was not sold, fraudulently furnished, or fraudulently 38188
obtained in violation of division (F) of section 4751.10 of the 38189
Revised Code; 38190

(3) It is current and in good standing. 38191

<u>(K) "Valid temporary nursing home administrator license"</u>	38192
<u>means a temporary nursing home administrator license to which all</u>	38193
<u>of the following apply:</u>	38194
<u>(1) It was issued by the board under section 4751.202,</u>	38195
<u>4751.23, or 4751.33 of the Revised Code;</u>	38196
<u>(2) It was not sold, fraudulently furnished, or fraudulently</u>	38197
<u>obtained in violation of division (F) of section 4751.10 of the</u>	38198
<u>Revised Code;</u>	38199
<u>(3) It is current and in good standing.</u>	38200
 Sec. 4751.03 <u>4751.02</u>. (A) There is hereby established in the	38201
department of aging a board of executives of long-term services	38202
and supports, which board shall be composed of the following	38203
eleven members:	38204
 (1) Four members who are nursing home administrators, owners	38205
of nursing homes, or officers of corporations owning nursing	38206
homes, and who shall have an understanding of person-centered	38207
care, and experience with a range of long-term services and	38208
supports settings;	38209
 (2)(a) Three members who work in long-term services and	38210
supports settings that are not nursing homes, and who shall have	38211
an understanding of person-centered care, and experience with a	38212
range of long-term services and supports settings;	38213
 (b) At least one of the members described in division	38214
(A)(2)(a) of this section shall be a home health administrator,	38215
<u>hospice administrator</u> , an owner of a home health agency <u>or hospice</u>	38216
<u>care program</u> , or an officer of a home health agency <u>or hospice</u>	38217
<u>care program</u> .	38218
 (3) One member who is a member of the academic community;	38219
 (4) One member who is a consumer of services offered in a	38220
long-term services and supports setting;	38221

(5) One nonvoting member who is a representative of the 38222
department of health, designated by the director of health, who is 38223
involved in the nursing home survey and certification process, who 38224
shall serve in an advisory capacity only; 38225

(6) One nonvoting member who is a representative of the 38226
office of the state long-term care ombudsman, designated by the 38227
state long-term care ombudsman, who shall serve in an advisory 38228
capacity only. 38229

All members of the board shall be citizens of the United 38230
States and residents of this state. No member of the board who is 38231
appointed under divisions (A)(3) to (6) of this section may have 38232
or acquire any direct financial interest in a nursing home or 38233
long-term services and supports settings. 38234

(B) The term of office for each appointed member of the board 38235
shall be for three years, commencing on the twenty-eighth day of 38236
May and ending on the twenty-seventh day of May. Each member shall 38237
serve from the date of appointment until the end of the term for 38238
which appointed. No member shall serve more than two consecutive 38239
full terms. 38240

(C) Appointments to the board shall be made by the governor. 38241
Any member appointed to fill a vacancy occurring prior to the 38242
expiration of the term for which the member's predecessor was 38243
appointed shall hold office for the remainder of such term. Any 38244
appointed member shall continue in office subsequent to the 38245
expiration date of the member's term until the member's successor 38246
takes office, or until a period of sixty days has elapsed, 38247
whichever occurs first. 38248

(D) The governor may remove any member of the board for 38249
misconduct, incapacity, incompetence, or neglect of duty after the 38250
member so charged has been served with a written statement of 38251
charges and has been given an opportunity to be heard. 38252

(E) Each member of the board, except the member designated by the director of health and the member designated by the ombudsman, shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual and necessary expenses incurred in the discharge of such duties.

(F) The board shall elect annually from its membership a chairperson and a vice-chairperson.

(G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the voting members of the board shall constitute a quorum. The affirmative vote of a majority of the voting members of the board is necessary for the board to act.

(H) The board shall appoint a secretary who has no financial interest in a long-term services and supports setting, and may employ and prescribe the powers and duties of such employees and consultants as are necessary to carry out this chapter and the rules adopted under it.

Sec. ~~4751.042~~ 4751.021. (A) The board of executives of long-term services and supports shall enter into a written agreement with the department of aging for the department to serve as the board's fiscal agent. The fiscal agent shall be responsible for all the board's fiscal matters and financial transactions, as specified in the agreement. The written agreement shall specify the fees that the board shall pay to the fiscal agent for services performed under the agreement, and such fees shall be in proportion to the services performed for the board.

(1) The agreement shall require the fiscal agent to provide the following services:

(a) Preparation and processing of payroll and other personnel documents that the board approves;

(b) Maintenance of ledgers of accounts and reports of account	38283
balances, and monitoring of budgets and allotment plans in	38284
consultation with the board;	38285
(c) Performance of other routine support services, specified	38286
in the agreement, that the fiscal agent considers appropriate to	38287
achieve efficiency.	38288
(2) The agreement may require the fiscal agent to provide the	38289
following services:	38290
(a) Any shared services between the board and the fiscal	38291
agent;	38292
(b) Any other services agreed to by the board and the	38293
department, including administrative or technical services.	38294
(B) The board, in conjunction and consultation with the	38295
fiscal agent, has the following authority and responsibility	38296
relative to fiscal matters:	38297
(1) Sole authority to expend funds from the board's accounts	38298
for programs and any other necessary expenses the board may incur;	38299
(2) Responsibility to cooperate with and inform the fiscal	38300
agent fully of all financial transactions.	38301
(C) The board shall follow all state procurement, fiscal,	38302
human resources, information technology, statutory, and	38303
administrative rule requirements.	38304
(D) In its role as fiscal agent for the board, the department	38305
shall serve as a contractor of the board, and does not assume	38306
responsibility for the debts or fiscal obligations of the board.	38307
Sec. 4751.14 4751.03. There is hereby created in the state	38308
treasury the board of executives of long-term services and	38309
supports fund. The fund shall consist of the amounts the board <u>of</u>	38310
<u>executives of long-term services and supports</u> collects under this	38311

chapter as ~~license and registration fees, other fees, civil~~ 38312
penalties, and fines. ~~Money~~ The board shall use the money in the 38313
fund ~~shall be used by the board of executives of long-term~~ 38314
~~services and supports~~ to administer and enforce this chapter and 38315
the rules adopted under ~~it~~ section 4751.04 of the Revised Code. 38316
Investment earnings of the fund shall be credited to the fund. 38317

Sec. 4751.04. The board of executives of long-term services 38318
and supports shall adopt rules in accordance with Chapter 119. of 38319
the Revised Code as necessary to implement and enforce this 38320
chapter. 38321

Sec. 4751.10. No person shall knowingly do any of the 38322
following: 38323

(A) Operate a nursing home unless it is under the supervision 38324
of an administrator whose principal occupation is nursing home 38325
administration or hospital administration and who is a licensed 38326
nursing home administrator or licensed temporary nursing home 38327
administrator; 38328

(B) Practice or offer to practice nursing home administration 38329
unless the person is a licensed nursing home administrator or 38330
licensed temporary nursing home administrator; 38331

(C) Use any of the following unless the person is a licensed 38332
nursing home administrator: 38333

(1) The title "licensed nursing home administrator," "nursing 38334
home administrator," "licensed assistant nursing home 38335
administrator," or "assistant nursing home administrator"; 38336

(2) The acronym "LNHA," "L.N.H.A.," "NHA," "N.H.A.," "LANHA," 38337
"L.A.N.H.A.," "ANHA," or "A.N.H.A." after the person's name; 38338

(3) Any other words, letters, signs, cards, or devices that 38339
tend to indicate or imply that the person is a licensed nursing 38340

<u>home administrator.</u>	38341
<u>(D) Use any of the following unless the person is a licensed</u>	38342
<u>temporary nursing home administrator:</u>	38343
<u>(1) The title "licensed temporary nursing home</u>	38344
<u>administrator," "temporary nursing home administrator," "licensed</u>	38345
<u>temporary assistant nursing home administrator," or "temporary</u>	38346
<u>assistant nursing home administrator";</u>	38347
<u>(2) The acronym "LTNHA," "L.T.N.H.A.," "TNHA," "T.N.H.A.,"</u>	38348
<u>"LTANHA," "L.T.A.N.H.A.," "TANHA," or "T.A.N.H.A." after the</u>	38349
<u>person's name;</u>	38350
<u>(3) Any other words, letters, signs, cards, or devices that</u>	38351
<u>tend to indicate or imply that the person is a licensed temporary</u>	38352
<u>nursing home administrator.</u>	38353
<u>(E) Use any of the following unless the person is a licensed</u>	38354
<u>health services executive:</u>	38355
<u>(1) The title "licensed health services executive" or "health</u>	38356
<u>services executive";</u>	38357
<u>(2) The acronym "LHSE," "L.H.S.E.," "HSE," or "H.S.E." after</u>	38358
<u>the person's name;</u>	38359
<u>(3) Any other words, letters, signs, cards, or devices that</u>	38360
<u>tend to indicate or imply that the person is a licensed health</u>	38361
<u>services executive.</u>	38362
<u>(F) Sell, fraudulently furnish, fraudulently obtain, or aid</u>	38363
<u>or abet another person in selling, fraudulently furnishing, or</u>	38364
<u>fraudulently obtaining any of the following:</u>	38365
<u>(1) A nursing home administrator license;</u>	38366
<u>(2) A temporary nursing home administrator license;</u>	38367
<u>(3) A health services executive license.</u>	38368
<u>(G) Otherwise violate any of the provisions of this chapter</u>	38369

or the rules adopted under section 4751.04 of the Revised Code. 38370

Sec. 4751.101. Nothing in this chapter or the rules adopted 38371
under it shall be construed as requiring either of the following: 38372

(A) An individual to be a licensed health services executive 38373
in order to do either of the following: 38374

(1) Practice nursing home administration; 38375

(2) Serve in a leadership position at a long-term services 38376
and supports setting or direct the practices of others in such a 38377
setting. 38378

(B) An applicant for a nursing home administrator license or 38379
temporary nursing home administrator license who is employed by an 38380
institution for the care and treatment of the sick to demonstrate 38381
proficiency in any medical techniques or to meet any medical 38382
educational qualifications or medical standards not in accord with 38383
the remedial care and treatment provided by the institution if all 38384
of the following apply to the institution: 38385

(1) It is operated exclusively for patients who use spiritual 38386
means for healing and for whom the acceptance of medical care is 38387
inconsistent with their religious beliefs. 38388

(2) It is accredited by a national accrediting organization. 38389

(3) It is exempt from federal income taxation under section 38390
501 of the "Internal Revenue Code of 1986," 26 U.S.C. 501. 38391

(4) It provides twenty-four hour nursing care pursuant to the 38392
exemption in division (E) of section 4723.32 of the Revised Code 38393
from the licensing requirements of Chapter 4723. of the Revised 38394
Code. 38395

Sec. 4751.102. Every operator of a nursing home shall report 38396
to the board of executives of long-term services and supports the 38397
name and license number of each licensed nursing home 38398

administrator and licensed temporary nursing home administrator 38399
who practices nursing home administration at the nursing home not 38400
later than ten days after the following dates: 38401

(A) The date the licensed nursing home administrator or 38402
licensed temporary nursing home administrator begins to practice 38403
nursing home administration at the nursing home; 38404

(B) The date the licensed nursing home administrator or 38405
licensed temporary nursing home administrator ceases to practice 38406
nursing home administration at the nursing home. 38407

Sec. 4751.05 4751.15. ~~(A)~~ The board of executives of 38408
long-term services and supports, ~~or shall administer, or contract~~ 38409
~~with~~ a government or private entity ~~under contract with the board~~ 38410
to administer, ~~examinations for licensure as~~ that an individual 38411
must pass to obtain a nursing home administrator, ~~shall admit to~~ 38412
~~an examination any candidate who:~~ 38413

~~(1) Pays the application fee of fifty dollars;~~ 38414

~~(2) Submits evidence of good moral character and suitability;~~ 38415

~~(3) Is at least eighteen years of age;~~ 38416

~~(4) Has completed educational requirements and work~~ 38417
~~experience satisfactory to the board;~~ 38418

~~(5) Submits an application on forms prescribed by the board;~~ 38419

~~(6) Pays~~ license under section 4751.20 or 4751.201 of the 38420
Revised Code. If the board contracts with a government or private 38421
entity to administer the examinations, the contract may authorize 38422
the entity to collect and keep, as all or part of the entity's 38423
compensation under the contract, any fee an individual pays to 38424
take the examination. The entity is not required to deposit the 38425
fee into the state treasury. 38426

To be admitted to an examination administered under this 38427

section, an individual must pay the examination fee charged by the 38428
board or government or private entity. 38429

~~(B) Nothing in Chapter 4751. of the Revised Code or the rules~~ 38430
~~adopted thereunder shall be construed to require an applicant for~~ 38431
~~licensure or a temporary license, who is employed by an~~ 38432
~~institution for the care and treatment of the sick to demonstrate~~ 38433
~~proficiency in any medical techniques or to meet any medical~~ 38434
~~educational qualifications or medical standards not in accord with~~ 38435
~~the remedial care and treatment provided by the institution if the~~ 38436
~~institution is all of the following:~~ 38437

~~(1) Operated exclusively for patients who use spiritual means~~ 38438
~~for healing and for whom the acceptance of medical care is~~ 38439
~~inconsistent with their religious beliefs;~~ 38440

~~(2) Accredited by a national accrediting organization;~~ 38441

~~(3) Exempt from federal income taxation under section 501 of~~ 38442
~~the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1,~~ 38443
~~as amended;~~ 38444

~~(4) Providing twenty four hour nursing care pursuant to the~~ 38445
~~exemption in division (E) of section 4723.32 of the Revised Code~~ 38446
~~from the licensing requirements of Chapter 4723. of the Revised~~ 38447
~~Code.~~ 38448

~~(C) entity.~~ If a person an individual fails three times to 38449
attain a passing grade on pass the examination, said person the 38450
individual, before the person may again be being admitted to the 38451
examination a subsequent time, shall meet such additional also 38452
must satisfy any education ~~or~~ requirements, experience 38453
requirements, or both, as that may be prescribed by the board in 38454
rules adopted under section 4751.04 of the Revised Code in 38455
addition to any education requirements or experience requirements 38456
that must be satisfied to obtain a nursing home administrator 38457
license under section 4751.20 or 4751.201 of the Revised Code. 38458

~~Sec. 4751.041~~ 4751.151. Except when the board of executives
of long-term services and supports considers it necessary, the
board shall not disclose test materials, examinations, or
evaluation tools used in an examination ~~for licensure as a nursing~~
~~home administrator that the board administers~~ administered under
section ~~4751.04~~ 4751.15 of the Revised Code ~~or contracts under~~
~~that section with a private or government entity to administer.~~

~~Sec. 4751.06~~ 4751.20. (A) ~~An applicant for licensure as~~
Subject to section 4751.32 of the Revised Code, the board of
executives of long-term services and supports shall issue a
nursing home administrator who has successfully completed the
~~requirements of section 4751.05 of the Revised Code,~~ license to an
individual under this section if all of the following requirements
are satisfied:

(1) The individual has submitted to the board a completed
application for the license in accordance with rules adopted under
section 4751.04 of the Revised Code.

(2) If the individual is required by rules adopted under
section 4751.04 of the Revised Code to serve as a nursing home
administrator in training, the individual has paid to the board
the administrator in training fee of fifty dollars.

(3) The individual is at least twenty-one years of age.

(4) The individual has successfully completed educational
requirements and work experience specified in rules adopted under
section 4751.04 of the Revised Code, including, if so required by
the rules, experience obtained as a nursing home administrator in
training.

(5) The individual is of good moral character.

(6) The individual has complied with section 4776.02 of the
Revised Code regarding a criminal records check.

(7) The board, in its discretion, has determined that the 38489
results of the criminal records check do not make the individual 38490
ineligible for the license. 38491

(8) The individual has passed the licensing examination 38492
administered by the board of executives of long term services and 38493
supports or a government or private entity under contract with the 38494
board, and paid section 4751.15 of the Revised Code. 38495

(9) The individual has paid to the board an original a 38496
license fee of two hundred fifty dollars shall be issued a license 38497
on a form provided by the board. Such 38498

(10) The individual has satisfied any additional requirements 38499
as may be prescribed in rules adopted under section 4751.04 of the 38500
Revised Code. 38501

(B) A nursing home administrator license shall certify that 38502
the applicant individual to whom it was issued has met the 38503
licensure applicable requirements of Chapter 4751. this chapter 38504
and any applicable rules adopted under section 4751.04 of the 38505
Revised Code and is entitled authorized to practice as a licensed 38506
nursing home administrator administration while the license is 38507
valid. 38508

~~(B) A temporary license for a period not to exceed one~~ 38509
~~hundred eighty days may be issued to an individual temporarily~~ 38510
~~filling the position of a nursing home administrator vacated by~~ 38511
~~reason of death, illness, or other unexpected cause, pursuant to~~ 38512
~~regulations adopted by the board.~~ 38513

~~(C) The fee for a temporary license is one hundred dollars.~~ 38514
~~Said fee must accompany the application for the temporary license.~~ 38515

~~(D) Any license or temporary license issued by the board~~ 38516
~~pursuant to this section shall be under the hand of the~~ 38517
~~chairperson and the secretary of the board.~~ 38518

~~(E) A duplicate of the original certificate of registration or license may be secured to replace one that has been lost or destroyed by submitting to the board a notarized statement explaining the conditions of the loss, mutilation, or destruction of the certificate or license and by paying a fee of twenty five dollars.~~

~~(F) A duplicate certificate of registration and license may be issued in the event of a legal change of name by submitting to the board a certified copy of the court order or marriage license establishing the change of name, by returning at the same time the original license and certificate of registration, and by paying a fee of twenty five dollars.~~

Sec. 4751.08 4751.201. The (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports, in its discretion, and otherwise subject to Chapter 4751. of the Revised Code and the rules adopted by the board thereunder prescribing the qualifications for a nursing home administrator license, may license issue a nursing home administrator without examination if the nursing home administrator has a valid license issued by the proper authorities of any other state, upon payment of to an individual under this section if all of the following requirements are satisfied:

(1) The individual is legally authorized to practice nursing home administration in another state.

(2) The individual has submitted to the board a completed application for the license in accordance with rules adopted under section 4751.04 of the Revised Code.

(3) The individual is at least twenty-one years of age.

(4) The individual holds at least a bachelor's degree from an accredited educational institution.

(5) The individual is of good moral character. 38549

(6) The individual has complied with section 4776.02 of the 38550
Revised Code regarding a criminal records check. 38551

(7) The board, in its discretion, has determined that the 38552
results of the criminal records check do not make the individual 38553
ineligible for the license. 38554

(8) The individual has passed the licensing examination 38555
administered under section 4751.15 of the Revised Code. 38556

(9) The individual has paid to the board a license fee of one 38557
two hundred fifty dollars, and upon submission of evidence 38558
satisfactory to the board both: 38559

(A) That such other state maintained a system and standard of 38560
qualifications and examinations for a nursing home administrator 38561
license which were substantially equivalent to those required in 38562
this state at the time such other license was issued by such other 38563
state; 38564

(B) That such other state gives similar recognition to 38565
nursing home administrators licensed in this state. 38566

(10) The individual has satisfied any additional requirements 38567
as may be prescribed in rules adopted under section 4751.04 of the 38568
Revised Code. 38569

(B) A nursing home administrator license shall certify that 38570
the individual to whom it was issued has met the applicable 38571
requirements of this chapter and any applicable rules adopted 38572
under section 4751.04 of the Revised Code and is authorized to 38573
practice nursing home administration while the license is valid. 38574

Sec. 4751.202. (A) Subject to section 4751.32 of the Revised 38575
Code, the board of executives of long-term services and supports 38576
may issue a temporary nursing home administrator license to an 38577
individual if all of the following requirements are satisfied: 38578

(1) The operator of a nursing home has requested that the 38579
board issue a temporary nursing home administrator license to the 38580
individual to authorize the individual to temporarily practice 38581
nursing home administration at the nursing home because of a 38582
vacancy in the position of nursing home administrator at the 38583
nursing home resulting from a death, illness, or other unexpected 38584
cause. 38585

(2) The individual is at least twenty-one years of age. 38586

(3) The individual is of good moral character. 38587

(4) The individual has complied with section 4776.02 of the 38588
Revised Code regarding a criminal records check. 38589

(5) The board, in its discretion, has determined that the 38590
results of the criminal records check do not make the individual 38591
ineligible for the license. 38592

(6) The individual has paid to the board a fee for the 38593
temporary license of one hundred dollars. 38594

(7) The individual has satisfied any additional requirements 38595
as may be prescribed in rules adopted under section 4751.04 of the 38596
Revised Code. 38597

(B) A temporary nursing home administrator license shall 38598
certify that the individual to whom it was issued has met the 38599
applicable requirements of this chapter and any applicable rules 38600
adopted under section 4751.04 of the Revised Code and is 38601
authorized to practice nursing home administration while the 38602
temporary license is valid. 38603

(C) Except as provided in section 4751.32 of the Revised 38604
Code, a temporary nursing home administrator license is valid for 38605
a period of time the board shall specify on the temporary license. 38606
That period shall not exceed one hundred eighty days. If that 38607
period is less than one hundred eighty days, the individual 38608

holding the temporary license may apply to the board for renewal 38609
of the temporary license in accordance with rules the board shall 38610
adopt under section 4751.04 of the Revised Code. Except as 38611
provided in section 4751.32 of the Revised Code, a renewed 38612
temporary nursing home administrator license is valid for a period 38613
of time the board shall specify on the renewed temporary license. 38614
That period shall not exceed the difference between one hundred 38615
eighty days and the number of days for which the original 38616
temporary license was valid. A renewed temporary nursing home 38617
administrator license shall not be renewed. A licensed temporary 38618
nursing home administrator who intends to continue to practice 38619
nursing home administration after the temporary license, 38620
including, if applicable, the renewed temporary license, expires 38621
must obtain a nursing home administrator license under section 38622
4751.20 of the Revised Code. 38623

Sec. 4751.21. (A) Subject to section 4751.32 of the Revised 38624
Code, the board of executives of long-term services and supports 38625
shall issue a health services executive license to an individual 38626
if all of the following requirements are satisfied: 38627

(1) The individual has submitted to the board a completed 38628
application for the license in accordance with rules adopted under 38629
section 4751.04 of the Revised Code. 38630

(2) The individual is a licensed nursing home administrator. 38631

(3) The individual has obtained the health services executive 38632
qualification through the national association of long-term care 38633
administrator boards. 38634

(4) The individual has complied with section 4776.02 of the 38635
Revised Code regarding a criminal records check. 38636

(5) The board, in its discretion, has determined that the 38637
results of the criminal records check do not make the individual 38638

ineligible for the license. 38639

(6) The individual has paid to the board a license fee of one 38640
hundred dollars. 38641

(B) A health services executive license shall certify that 38642
the individual to whom it was issued has met the applicable 38643
requirements of this chapter and any applicable rules adopted 38644
under section 4751.04 of the Revised Code and is a licensed health 38645
services executive while the license is valid. 38646

Sec. 4751.22. All licenses and temporary licenses that the 38647
board of executives of long-term services and supports issues 38648
under this chapter shall include the signatures of the board's 38649
chairperson and secretary. 38650

Sec. 4751.23. (A) Subject to section 4751.32 of the Revised 38651
Code, the board of executives of long-term services and supports 38652
may issue to a licensed nursing home administrator, licensed 38653
temporary nursing home administrator, or licensed health services 38654
executive a duplicate of the individual's nursing home 38655
administrator license, temporary nursing home administrator 38656
license, or health services executive license if the license or 38657
temporary license has been lost, mutilated, or destroyed and the 38658
individual does both of the following: 38659

(1) Submits to the board a notarized statement explaining the 38660
conditions of the loss, mutilation, or destruction; 38661

(2) Pays to the board a fee of twenty-five dollars. 38662

(B) Subject to section 4751.32 of the Revised Code, the board 38663
may issue to a licensed nursing home administrator, licensed 38664
temporary nursing home administrator, or licensed health services 38665
executive whose name has been legally changed a duplicate of the 38666
individual's nursing home administrator license, temporary nursing 38667
home administrator license, or health services executive license 38668

that has the individual's new name if the individual does all of 38669
the following: 38670

(1) Submits to the board a certified copy of the court order 38671
or marriage license establishing the change of name; 38672

(2) Returns to the board the license or temporary license 38673
that has the individual's previous name; 38674

(3) Pays to the board a fee of twenty-five dollars. 38675

Sec. 4751.07 4751.24. ~~(A) Every individual who holds a valid~~ 38676
~~license as a nursing home administrator issued under division (A)~~ 38677
~~of section 4751.06 of the Revised Code, shall immediately upon~~ 38678
~~issuance thereof be registered with the board of executives of~~ 38679
~~long-term services and supports and be issued a certificate of~~ 38680
~~registration. Such individual shall annually apply to the board~~ 38681
~~for a new certificate of registration on forms provided for such~~ 38682
~~purpose prior to the expiration of the certificate of registration~~ 38683
~~and shall at the same time submit~~ Subject to section 4751.32 of 38684
the Revised Code, a nursing home administrator license is valid 38685
for one year and may be renewed and reinstated in accordance with 38686
this section. 38687

(B) If a licensed nursing home administrator intends to 38688
continue to practice nursing home administration without 38689
interruption after the administrator's license expires, the 38690
administrator shall apply to the board of executives of long-term 38691
services and supports for a renewed nursing home administrator 38692
license. Subject to section 4751.32 of the Revised Code, the board 38693
shall renew the license if the administrator does all of the 38694
following before the license expires: 38695

(1) Submits to the board a completed application for license 38696
renewal in accordance with rules adopted under section 4751.04 of 38697
the Revised Code; 38698

(2) Pays to the board the license renewal fee of three 38699
hundred dollars; 38700

(3) Submits to the board satisfactory evidence ~~to the board~~ 38701
of having attended such continuing education programs or courses 38702
of study as may be prescribed in rules adopted ~~by the board~~ under 38703
section 4751.04 of the Revised Code; 38704

(4) Satisfies any other requirements as may be prescribed in 38705
rules adopted under section 4751.04 of the Revised Code. 38706

~~(B) Upon making an application for a new certificate of~~ 38707
~~registration such individual shall pay the annual registration fee~~ 38708
~~of three hundred dollars.~~ 38709

~~(C) Upon receipt of such application for registration and the~~ 38710
~~registration fee required by divisions (A) and (B) of this~~ 38711
~~section, the board shall issue a certificate of registration to~~ 38712
~~such nursing home administrator. If a nursing home administrator~~ 38713
~~license issued under section 4751.20 or 4751.201 of the Revised~~ 38714
~~Code is not renewed before it expires, the individual who held the~~ 38715
~~license may apply to the board for the license's reinstatement.~~ 38716
~~Subject to section 4751.32 of the Revised Code, the board shall~~ 38717
~~reinstate the license if the individual does all of the following~~ 38718
~~not later than one year after the date the license expired:~~ 38719

(1) Submits to the board the completed application for 38720
license reinstatement in accordance with rules adopted under 38721
section 4751.04 of the Revised Code; 38722

(2) Pays to the board the license reinstatement fee equal to 38723
the sum of the following: 38724

(a) Three hundred dollars; 38725

(b) Fifty dollars for each calendar quarter that occurs 38726
during the period beginning on the date the license expires and 38727
ending on the last day of the calendar quarter during which the 38728

individual applies for license reinstatement, up to a maximum of 38729
two hundred dollars. 38730

(3) Submits to the board satisfactory evidence of having 38731
attended such continuing education programs or courses of study as 38732
may be prescribed in rules adopted by the board under section 38733
4751.04 of the Revised Code; 38734

(4) Satisfies any other requirements as may be prescribed in 38735
rules adopted under section 4751.04 of the Revised Code. 38736

~~(D) The license of a nursing home administrator who fails to~~ 38737
~~comply with this section shall automatically lapse.~~ 38738

~~(E) A licensed nursing home administrator who has been~~ 38739
~~licensed and registered in this state who determines to~~ 38740
~~temporarily abandon the practice of nursing home administration~~ 38741
~~shall notify the board in writing immediately; provided, that such~~ 38742
~~individual. The former administrator may thereafter register to~~ 38743
~~resume the practice of nursing home administration within the~~ 38744
~~state upon complying with the requirements of this section~~ 38745
~~regarding annual registration license renewal or license~~ 38746
~~reinstatement, whichever is applicable.~~ 38747

~~(F) Only an individual who has qualified as a licensed and~~ 38748
~~registered nursing home administrator under Chapter 4751. of the~~ 38749
~~Revised Code and the rules adopted thereunder, and who holds a~~ 38750
~~valid current registration certificate pursuant to this section,~~ 38751
~~may use the title "nursing home administrator," or the~~ 38752
~~abbreviation "N.H.A." after the individual's name. No other person~~ 38753
~~shall use such title or such abbreviation or any other words,~~ 38754
~~letters, sign, card, or device tending to indicate or to imply~~ 38755
~~that the person is a licensed and registered nursing home~~ 38756
~~administrator.~~ 38757

~~(G) Every person holding a valid license entitling the person~~ 38758
~~to practice nursing home administration in this state shall~~ 38759

~~display said license in the nursing home which is the person's~~ 38760
~~principal place of employment, and while engaged in the practice~~ 38761
~~of nursing home administration shall have at hand the current~~ 38762
~~registration certificate.~~ 38763

~~(H) Every person holding a valid temporary license shall have~~ 38764
~~such license at hand while engaged in the practice of nursing home~~ 38765
~~administration.~~ 38766

Sec. 4751.25. (A) Subject to section 4751.32 of the Revised 38767
Code, a health services executive license is valid for one year 38768
and may be renewed and reinstated in accordance with this section. 38769

(B) A licensed health services executive may apply to the 38770
board of executives of long-term services and supports for a 38771
renewed license. Subject to section 4751.32 of the Revised Code, 38772
the board shall renew the license if the licensed health services 38773
executive does all of the following before the license expires: 38774

(1) Submits to the board the completed application for 38775
license renewal in accordance with rules adopted under section 38776
4751.04 of the Revised Code; 38777

(2) Pays to the board the license renewal fee of fifty 38778
dollars; 38779

(3) Submits to the board satisfactory evidence of having 38780
attended such continuing education programs or courses of study as 38781
may be prescribed in rules adopted under section 4751.04 of the 38782
Revised Code. 38783

(C)(1) If a health services executive license is not renewed 38784
before it expires, the individual who held the license may apply 38785
to the board for the license's reinstatement. Subject to section 38786
4751.32 of the Revised Code, the board shall reinstate the license 38787
if the individual does all of the following not later than one 38788
year after the date the license expired: 38789

<u>(a) Submits to the board the completed application for</u>	38790
<u>license reinstatement in accordance with rules adopted under</u>	38791
<u>section 4751.04 of the Revised Code;</u>	38792
<u>(b) Pays to the board the license reinstatement fee specified</u>	38793
<u>in division (C)(2) of this section;</u>	38794
<u>(c) Submits to the board satisfactory evidence of having</u>	38795
<u>attended such continuing education programs or courses of study as</u>	38796
<u>may be prescribed in rules adopted under section 4751.04 of the</u>	38797
<u>Revised Code.</u>	38798
<u>(2) The fee to reinstate a health services executive license</u>	38799
<u>under division (C)(1) of this section is the following:</u>	38800
<u>(a) If the individual applying for reinstatement has, at the</u>	38801
<u>same time, applied for reinstatement of a nursing home</u>	38802
<u>administrator license under division (C) of section 4751.24 of the</u>	38803
<u>Revised Code and paid the reinstatement fee required by division</u>	38804
<u>(C)(2) of that section, one hundred dollars;</u>	38805
<u>(b) If division (C)(2)(a) of this section does not apply to</u>	38806
<u>the individual, the sum of the following:</u>	38807
<u>(i) One hundred dollars;</u>	38808
<u>(ii) Twenty-five dollars for each calendar quarter that</u>	38809
<u>occurs during the period beginning on the date the license expired</u>	38810
<u>and ending on the last day of the calendar quarter during which</u>	38811
<u>the individual applies for license reinstatement, up to a maximum</u>	38812
<u>of one hundred dollars.</u>	38813
Sec. 4751.044 4751.26. The board of executives of long-term	38814
services and supports shall approve continuing education courses	38815
for <u>licensed</u> nursing home administrators <u>and licensed health</u>	38816
<u>services executives</u> . The board may establish a fee for approval of	38817
such courses that is adequate to cover any expense the board	38818
incurs in the approval process.	38819

Sec. 4751.30. (A) Any person may submit to the board of 38820
executives of long-term services and supports a complaint that the 38821
person reasonably believes that another person has violated, or 38822
failed to comply with a requirement of, this chapter or a rule 38823
adopted under section 4751.04 of the Revised Code. All of the 38824
following apply to complaints submitted to the board under this 38825
section: 38826

(1) They are not subject to discovery in any civil action. 38827

(2) They are not public records for purposes of section 38828
149.43 of the Revised Code. 38829

(3) They are not subject to inspection or copying under 38830
section 1347.08 of the Revised Code. 38831

(B) Except as provided in division (D) of section 4751.31 of 38832
the Revised Code, the board shall protect the confidentiality of 38833
each person who submits a complaint to the board under this 38834
section. 38835

Sec. 4751.31. (A) The board of executives of long-term 38836
services and supports shall receive, investigate, and take 38837
appropriate action with respect to any complaint submitted to the 38838
board under section 4751.30 of the Revised Code and any other 38839
credible information the board possesses that indicates a person 38840
may have violated, or failed to comply with a requirement of, this 38841
chapter or a rule adopted under section 4751.04 of the Revised 38842
Code. 38843

(B) In conducting an investigation under this section, the 38844
board may do any of the following: 38845

(1) Question witnesses; 38846

(2) Conduct interviews; 38847

(3) Inspect and copy any books, accounts, papers, records, or 38848

other documents; 38849

(4) Issue subpoenas; 38850

(5) Compel the attendance of witnesses and the production of 38851
documents and testimony. 38852

(C) No member of the board who supervises an investigation 38853
conducted under this section shall participate in any adjudication 38854
arising from the investigation. 38855

(D) The board may disclose any information it receives as 38856
part of an investigation conducted under this section, including 38857
the identity of a person who submits a complaint under section 38858
4751.30 of the Revised Code, to a law enforcement agency, 38859
licensing board, or other government agency that investigates, 38860
prosecutes, or adjudicates alleged violations of statutes or 38861
rules. An agency or board that receives such information shall 38862
protect the confidentiality of a person who submits a complaint 38863
under section 4751.30 of the Revised Code in the same manner as 38864
the board of executives of long-term services and supports, 38865
notwithstanding any other information that the agency or other 38866
board possesses. 38867

Sec. 4751.10 4751.32. ~~(A) The license or registration, or~~ 38868
~~both, or the temporary license of any person practicing or~~ 38869
~~offering to practice nursing home administration, shall be revoked~~ 38870
~~or suspended by the board of executives of long-term services and~~ 38871
~~supports may take any of the actions authorized by division (B) of~~ 38872
~~this section against an individual who has applied for or holds a~~ 38873
~~nursing home administrator license, temporary nursing home~~ 38874
~~administrator license, or health services executive license if~~ 38875
~~such licensee or temporary licensee any of the following apply to~~ 38876
~~the individual:~~ 38877

~~(A) Is~~ (1) The individual has failed to satisfy any 38878

requirement established by this chapter or the rules adopted under 38879
section 4751.04 of the Revised Code that must be satisfied to 38880
obtain the license or temporary license. 38881

(2) The individual has violated, or failed to comply with a 38882
requirement of, this chapter or a rule adopted under section 38883
4751.04 of the Revised Code regarding the practice of nursing home 38884
administration, including the requirements of sections 4751.40 and 38885
4751.41 of the Revised Code. 38886

(3) The individual is unfit or incompetent to practice 38887
nursing home administration, serve in a leadership position at a 38888
long-term services and supports setting, or direct the practices 38889
of others in such a setting by reason of negligence, habits, or 38890
other causes; 38891

~~(B) Has willfully or repeatedly violated any of the~~ 38892
~~provisions of Chapter 4751. of the Revised Code or the regulations~~ 38893
~~adopted thereunder; or willfully or repeatedly, including the~~ 38894
~~individual's habitual or excessive use or abuse of drugs, alcohol,~~ 38895
~~or other substances.~~ 38896

(4) The individual has acted in a manner inconsistent with 38897
the health and safety of either of the patients following: 38898

(a) The residents of the nursing home in at which the 38899
licensee or temporary licensee is the administrator individual 38900
practices nursing home administration; 38901

~~(C) Is guilty of fraud or deceit in the practice of nursing~~ 38902
~~home administration or in the licensee's or temporary licensee's~~ 38903
~~admission to such practice;~~ 38904

~~(D) Has~~ (b) The consumers of services and supports provided 38905
by a long-term services and supports setting at which the 38906
individual serves in a leadership position or directs the 38907
practices of others. 38908

(5) The individual has been convicted of, or pleaded guilty 38909
to, either of the following in a court of competent jurisdiction, 38910
either within or without this state, ~~of a~~: 38911

(a) A felony; 38912

(b) An offense of moral turpitude that constitutes a 38913
misdemeanor in this state. 38914

(6) The individual made a false, fraudulent, deceptive, or 38915
misleading statement in seeking to obtain, or obtaining, a nursing 38916
home administrator license, temporary nursing home administrator 38917
license, or health services executive license. 38918

(7) The individual made a fraudulent misrepresentation in 38919
attempting to obtain, or obtaining, money or anything of value in 38920
the practice of nursing home administration or while serving in a 38921
leadership position at a long-term services and supports setting 38922
or directing the practices of others in such a setting. 38923

(8) The individual has substantially deviated from the 38924
board's code of ethics. 38925

(9) Another health care licensing agency has taken any of the 38926
following actions against the individual for any reason other than 38927
nonpayment of a fee: 38928

(a) Denied, refused to renew or reinstate, limited, revoked, 38929
or suspended, or accepted the surrender of, a license or other 38930
authorization to practice; 38931

(b) Imposed probation; 38932

(c) Issued a censure or other reprimand. 38933

(10) The individual has failed to do any of the following: 38934

(a) Cooperate with an investigation conducted by the board 38935
under section 4751.31 of the Revised Code; 38936

(b) Respond to or comply with a subpoena issued by the board 38937

in an investigation of the individual; 38938

(c) Comply with any disciplinary action the board has taken 38939
against the individual pursuant to this section. 38940

(B) The following are the actions that the board may take for 38941
the purpose of division (A) of this section: 38942

(1) Deny the individual any of the following: 38943

(a) A nursing home administrator license under section 38944
4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code; 38945

(b) A temporary nursing home administrator license under 38946
section 4751.202 or 4751.23 of the Revised Code; 38947

(c) A health services executive license under section 38948
4751.21, 4751.23, or 4751.25 of the Revised Code. 38949

(2) Suspend the individual's nursing home administrator 38950
license, temporary nursing home administrator license, or health 38951
services executive license; 38952

(3) Revoke the individual's nursing home administrator 38953
license, temporary nursing home administrator license, or health 38954
services executive license, either permanently or for a period of 38955
time the board specifies; 38956

(4) Place a limitation on the individual's nursing home 38957
administrator license, temporary nursing home administrator 38958
license, or health services executive license; 38959

(5) Place the individual on probation; 38960

(6) Issue a written reprimand of the individual; 38961

(7) Impose on the individual a civil penalty, fine, or other 38962
sanction specified in rules adopted under section 4751.04 of the 38963
Revised Code. 38964

(C) The board shall take actions authorized by division (B) 38965
of this section in accordance with Chapter 119. of the Revised 38966

Code, except that the board may enter into a consent agreement 38967
with an individual to resolve an alleged violation of this chapter 38968
or a rule adopted under section 4751.04 of the Revised Code in 38969
lieu of making an adjudication regarding the alleged violation. A 38970
consent agreement constitutes the board's findings and order with 38971
respect to the matter addressed in the consent agreement if the 38972
board ratifies the consent agreement. Any admissions or findings 38973
included in a proposed consent agreement have no force or effect 38974
if the board refuses to ratify the consent agreement. 38975

Sec. ~~4751.11~~ 4751.33. (A) The board of executives of 38976
long-term services and supports may, in its discretion, reissue a 38977
nursing home administrator license ~~or registration, or both,~~ 38978
temporary nursing home administrator license, or health services 38979
executive license to any ~~person~~ individual whose license or 38980
registration, ~~or both,~~ temporary license has been ~~revoked~~. 38981

~~(B)~~ revoked. Application for the reissuance of ~~a license or~~ 38982
~~registration, or both,~~ shall not be made prior to one year after 38983
revocation and shall be made in such manner as the board may 38984
direct. 38985

~~(C)~~ (B) If ~~a person~~ an individual who has been convicted of, 38986
or pleaded guilty to, a felony is subsequently pardoned by the 38987
governor of the state where such conviction or plea was had or by 38988
the president of the United States, or receives a final release 38989
granted by the adult parole authority of this state or its 38990
equivalent agency of another state, the board may, in its 38991
discretion, on application of ~~such person~~ the individual and on 38992
the submission of evidence satisfactory to the board, ~~restore to~~ 38993
~~such person~~ the individual's nursing home ~~administrator's~~ 38994
administrator license ~~or registration,~~ temporary nursing home 38995
administrator license, or both health services executive license. 38996

Sec. ~~4751.12~~ 4751.35. On receipt of a notice pursuant to 38997
section 3123.43 of the Revised Code, the board of executives of 38998
long-term services and supports shall comply with sections 3123.41 38999
to 3123.50 of the Revised Code and any applicable rules adopted 39000
under section 3123.63 of the Revised Code with respect to a 39001
license or temporary license issued pursuant to this chapter. 39002

Sec. ~~4751.13~~ 4751.36. The board of executives of long-term 39003
services and supports shall comply with section 4776.20 of the 39004
Revised Code. 39005

Sec. 4751.37. The board of executives of long-term services 39006
and supports shall take such actions as may be necessary to enable 39007
the state to meet the requirements set forth in section 1908 of 39008
the "Social Security Act," 42 U.S.C. 1396g. 39009

Sec. 4751.38. The board of executives of long-term services 39010
and supports shall create opportunities for the education, 39011
training, and credentialing of nursing home administrators, 39012
persons in leadership positions who practice in long-term services 39013
and supports settings or who direct the practices of others in 39014
those settings, and persons interested in serving in those roles. 39015
In carrying out this duty, the board shall do both the following: 39016

(A) Identify core competencies and areas of knowledge that 39017
are appropriate for nursing home administrators, credentialed 39018
individuals, and others working within the long-term services and 39019
supports settings system, with an emphasis on all of the 39020
following: 39021

(1) Leadership; 39022

(2) Person-centered care; 39023

(3) Principles of management within both the business and 39024

regulatory environments; 39025

(4) An understanding of all post-acute settings, including 39026
transitions from acute settings and between post-acute settings. 39027

(B) Assist in the development of a strong, competitive market 39028
in this state for making training, continuing education, and 39029
degree programs available to individuals seeking to practice 39030
nursing home administration, serve in a leadership position at a 39031
long-term services and support setting, or direct the practice of 39032
others in such a setting. 39033

Sec. ~~4751.043~~ 4751.381. (A) Training and education programs 39034
developed by the board of executives of long-term services and 39035
supports pursuant to ~~division (A)(10) of~~ section ~~4751.04~~ 4751.38 39036
of the Revised Code may be conducted in person or through 39037
electronic media. The board may establish and charge a fee for the 39038
education and training programs. 39039

(B) The board may enter into a contract with a government or 39040
private entity to perform the board's duties under ~~division~~ 39041
~~(A)(10) of~~ section ~~4751.04~~ 4751.38 of the Revised Code to develop 39042
and conduct education and training programs. If the board enters 39043
into such a contract, the contract may authorize the entity to pay 39044
any or all costs associated with the education or training 39045
programs and to collect and keep, as all or part of the entity's 39046
compensation under the contract, any fee an applicant for 39047
education or training pays to enroll in the education or training 39048
program. 39049

Sec. 4751.40. Each licensed nursing home administrator, 39050
licensed temporary nursing home administrator, and licensed health 39051
services executive shall report to the board of executives of 39052
long-term services and supports any change in any of the following 39053
not later than ten days after the change: 39054

(A) The individual's residence mailing address; 39055

(B) The name and address of each place at which the 39056
individual practices nursing home administration; 39057

(C) The name and address of each long-term services and 39058
supports setting at which the individual serves in a leadership 39059
position or directs the practices of others. 39060

Sec. 4751.41. Every licensed nursing home administrator, 39061
licensed temporary nursing home administrator, and licensed health 39062
services executive shall display the individual's license or 39063
temporary license in the place at which the individual practices 39064
nursing home administration and the long-term services and 39065
supports setting at which the individual serves in a leadership 39066
position or directs the practices of others. 39067

Sec. 4751.45. An individual who is a licensed nursing home 39068
administrator, licensed temporary nursing home administrator, or 39069
licensed health services executive may request that the board of 39070
executives of long-term services and supports provide to a 39071
licensing board or agency of another state verification of the 39072
individual's licensure status under this chapter and other related 39073
information in the board's possession. The board shall provide the 39074
licensing board or agency of the other state the verification and 39075
other related information so requested if the individual pays to 39076
the board the fee for this service. The board shall adopt a rule 39077
under section 4751.04 of the Revised Code establishing the fee. 39078

Sec. 4751.99. Whoever violates section ~~4751.02~~ or ~~4751.09~~ 39079
4751.10 of the Revised Code may be fined not more than five 39080
hundred dollars for the first offense; for each subsequent offense 39081
such person may be fined not more than five hundred dollars or 39082
imprisoned for not more than ninety days, or both. 39083

The imposition of fines pursuant to this section does not 39084
preclude the imposition of any civil penalties or fines authorized 39085
~~under~~ by section ~~4751.04~~ 4751.32 or any other section of the 39086
Revised Code. 39087

Sec. 4757.10. (A) The counselor, social worker, and marriage 39088
and family therapist board may adopt any rules necessary to carry 39089
out this chapter. 39090

(B) The board shall adopt rules that do all of the following: 39091

~~(A)~~(1) Concern intervention for and treatment of any impaired 39092
person holding a license or certificate of registration issued 39093
under this chapter; 39094

~~(B)~~(2) Establish standards for training and experience of 39095
supervisors described in division (C) of section 4757.30 of the 39096
Revised Code; 39097

~~(C)~~(3) Define the requirement that an applicant be of good 39098
moral character in order to be licensed or registered under this 39099
chapter; 39100

~~(D)~~(4) Establish requirements for criminal records checks of 39101
applicants under section 4776.03 of the Revised Code; 39102

~~(E)~~(5) Establish a graduated system of fines based on the 39103
scope and severity of violations and the history of compliance, 39104
not to exceed five hundred dollars per incident, that any 39105
professional standards committee of the board may charge for a 39106
disciplinary violation described in section 4757.36 of the Revised 39107
Code; 39108

~~(F)~~(6) Establish the amount and content of corrective action 39109
courses required by the board under section ~~4755.36~~ 4757.36 of the 39110
Revised Code; 39111

~~(G)~~(7) Provide for voluntary registration of all of the 39112
following: 39113

~~(1)(a)~~ Master's level counselor trainees enrolled in practice 39114
and internships; 39115

~~(2)(b)~~ Master's level social worker trainees enrolled in 39116
fieldwork, practice, and internships; 39117

~~(3)(c)~~ Master's level marriage and family therapist trainees 39118
enrolled in practice and internships. 39119

(8) Establish a schedule of deadlines for renewal. 39120

(C) Rules adopted under division ~~(C)~~(B)(7) of this section 39121
shall not require a trainee to register with the board, and if a 39122
trainee has not registered, shall prohibit any adverse effect with 39123
respect to a trainee's application for licensure by the board. 39124

(D) All rules adopted under this section shall be adopted in 39125
accordance with Chapter 119. of the Revised Code. When it adopts 39126
rules under this section or any other section of this chapter, the 39127
board may consider standards established by any national 39128
association or other organization representing the interests of 39129
those involved in professional counseling, social work, or 39130
marriage and family therapy. 39131

Sec. 4757.13. ~~(A) Each individual who engages in the practice 39132
of professional counseling, social work, or marriage and family 39133
therapy shall prominently display, in a conspicuous place in the 39134
office or place where a major portion of the individual's practice 39135
is conducted, and in such a manner as to be easily seen and read, 39136
the license granted to the individual by the state counselor, 39137
social worker, and marriage and family therapist board. 39138~~

~~(B)~~ A person holding a license holder issued under this 39139
chapter who is engaged in a private individual practice, 39140
partnership, or group practice shall prominently display the 39141
license holder's fee schedule in the office or place where a major 39142
portion of the license holder's practice is conducted. The bottom 39143

of the first page of the fee schedule shall include the following 39144
statement, which shall be followed by the name, address, and 39145
telephone number of the board: 39146

"This information is required by the Counselor, Social 39147
Worker, and Marriage and Family Therapist Board, which regulates 39148
the practices of professional counseling, social work, and 39149
marriage and family therapy in this state." 39150

Sec. 4757.18. The counselor, social worker, and marriage and 39151
family therapist board may enter into a reciprocal agreement with 39152
any state that regulates individuals practicing in the same 39153
capacities as those regulated under this chapter if the board 39154
finds that the state has requirements substantially equivalent to 39155
the requirements this state has for receipt of a license or 39156
certificate of registration under this chapter. In a reciprocal 39157
agreement, the board agrees to issue the appropriate license or 39158
certificate of registration to any resident of the other state 39159
whose practice is currently authorized by that state if that 39160
state's regulatory body agrees to authorize the appropriate 39161
practice of any resident of this state who holds a valid license 39162
or certificate of registration issued under this chapter. 39163

The Subject to section 4757.25 of the Revised Code, the 39164
professional standards committees of the board may, by 39165
endorsement, issue the appropriate license or certificate of 39166
registration to a resident of a state with which the board does 39167
not have a reciprocal agreement, if the person submits proof 39168
satisfactory to the committee of currently being licensed, 39169
certified, registered, or otherwise authorized to practice by that 39170
state. 39171

Sec. 4757.22. (A) The counselors professional standards 39172
committee of the counselor, social worker, and marriage and family 39173

therapist board shall issue a license to practice as a licensed 39174
professional clinical counselor to each applicant who submits a 39175
properly completed application, pays the fee established under 39176
section 4757.31 of the Revised Code, and meets the requirements 39177
specified in division (B) of this section. 39178

(B)(1) To be eligible for a licensed professional clinical 39179
counselor license, an individual must meet the following 39180
requirements: 39181

(a) The individual must be of good moral character. 39182

(b) The individual must hold a graduate degree in counseling 39183
as described in division (B)(2) of this section. 39184

(c) The individual must complete a minimum of ninety quarter 39185
hours or sixty semester hours of graduate credit in counselor 39186
training acceptable to the committee, including instruction in the 39187
following areas: 39188

(i) Clinical psychopathology, personality, and abnormal 39189
behavior; 39190

(ii) Evaluation of mental and emotional disorders; 39191

(iii) Diagnosis of mental and emotional disorders; 39192

(iv) Methods of prevention, intervention, and treatment of 39193
mental and emotional disorders. 39194

(d) The individual must complete, in either a private or 39195
clinical counseling setting, supervised experience in counseling 39196
that is of a type approved by the committee, is supervised by a 39197
licensed professional clinical counselor or other qualified 39198
professional approved by the committee, and is in the following 39199
amounts: 39200

(i) In the case of an individual holding only a master's 39201
degree, not less than two years of experience, which must be 39202

completed after the award of the master's degree; 39203

(ii) In the case of an individual holding a doctorate, not 39204
less than one year of experience, which must be completed after 39205
the award of the doctorate. 39206

(e) The individual must pass a field evaluation that meets 39207
the following requirements: 39208

(i) Has been completed by the applicant's instructors, 39209
employers, supervisors, or other persons determined by the 39210
committee to be competent to evaluate an individual's professional 39211
competence; 39212

(ii) Includes documented evidence of the quality, scope, and 39213
nature of the applicant's experience and competence in diagnosing 39214
and treating mental and emotional disorders. 39215

(f) The individual must pass an examination administered by 39216
the board for the purpose of determining ability to practice as a 39217
licensed professional clinical counselor. 39218

(2) To meet the requirement of division (B)(1)(b) of this 39219
section, a graduate degree in counseling obtained from a ~~mental~~ 39220
~~health~~ counseling program in this state after January 1, 2018, 39221
must be from one of the following: 39222

(a) ~~A clinical mental health counseling program, a clinical~~ 39223
~~rehabilitation counseling program, or an addiction~~ counseling 39224
program accredited by the council for accreditation of counseling 39225
and related educational programs; 39226

(b) A counseling education program approved by the board in 39227
accordance with rules adopted by the board under division (G) of 39228
this section. 39229

(3) All of the following meet the educational requirements of 39230
division (B)(1)(c) of this section: 39231

(a) A clinical mental health counseling program accredited by 39232

the council for accreditation of counseling and related 39233
educational programs; 39234

(b) Until January 1, 2018, a mental health counseling program 39235
accredited by the council for accreditation of counseling and 39236
related educational programs; 39237

(c) A graduate degree in counseling issued by another state 39238
from a clinical mental health counseling program, a clinical 39239
rehabilitation counseling program, or an addiction counseling 39240
program that is accredited by the council for accreditation of 39241
counseling and related educational programs; 39242

(d) A counseling education program approved by the board in 39243
accordance with rules adopted under division (G) of this section. 39244

(C) To be accepted by the committee for purposes of division 39245
(B) of this section, counselor training must include at least the 39246
following: 39247

(1) Instruction in human growth and development; counseling 39248
theory; counseling techniques; group dynamics, processing, and 39249
counseling; appraisal of individuals; research and evaluation; 39250
professional, legal, and ethical responsibilities; social and 39251
cultural foundations; and lifestyle and career development; 39252

(2) Participation in a supervised practicum and clinical 39253
internship in counseling. 39254

(D) The committee may issue a temporary license to an 39255
applicant who meets all of the requirements to be licensed under 39256
this section, pending the receipt of transcripts or action by the 39257
committee to issue a license to practice as a licensed 39258
professional clinical counselor. 39259

(E) An individual may not sit for the licensing examination 39260
unless the individual meets the educational requirements to be 39261
licensed under this section. An individual who is denied admission 39262

to the licensing examination may appeal the denial in accordance 39263
with Chapter 119. of the Revised Code. 39264

(F) The board shall adopt any rules necessary for the 39265
committee to implement this section. The rules shall do both of 39266
the following: 39267

(1) Establish criteria for the committee to use in 39268
determining whether an applicant's training should be accepted and 39269
supervised experience approved; 39270

(2) Establish course content requirements for qualifying 39271
counseling degrees issued by institutions in other states from 39272
clinical mental health counseling programs, clinical 39273
rehabilitation counseling programs, and addiction counseling 39274
programs that are not accredited by the council for accreditation 39275
of counseling and related educational programs. 39276

Rules adopted under this division shall be adopted in 39277
accordance with Chapter 119. of the Revised Code. 39278

(G)(1) The board may adopt rules to temporarily approve a 39279
counseling education program created after January 1, 2018, that 39280
has not been accredited by the council for accreditation of 39281
counseling and related educational programs. If the board adopts 39282
rules under this division, the board shall do all of the following 39283
in the rules: 39284

(a) Create an application process under which a program 39285
administrator may apply to the board for approval of the program; 39286

(b) Identify the educational requirements that an individual 39287
must satisfy to receive a graduate degree in counseling from the 39288
approved program; 39289

(c) Establish a time period during which an individual may 39290
use an unaccredited degree granted under the program to satisfy 39291
the requirements of divisions (B)(1)(b) and (c) of this section; 39292

(d) Specify that, if the program is denied accreditation, a student enrolled in the program before the accreditation is denied may apply for licensure before completing the program and, on receiving a degree from the program, is considered to satisfy divisions (B)(1)(b) and (c) of this section.

(2) A degree from a counseling education program approved by the board pursuant to the rules adopted under division (G)(1) of this section satisfies the requirements of divisions (B)(1)(b) and (c) of this section for the time period approved by the board.

Sec. 4757.23. (A) The counselors professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license as a licensed professional counselor to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements established under division (B) of this section.

(B)(1) To be eligible for a license as a licensed professional counselor, an individual must meet the following requirements:

(a) The individual must be of good moral character.

(b) The individual must hold a graduate degree in counseling as described in division (B)(2) of this section.

(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, which the individual may complete while working toward receiving a graduate degree in counseling, or subsequent to receiving the degree, and which shall include training in the following areas:

(i) Clinical psychopathology, personality, and abnormal behavior;

(ii) Evaluation of mental and emotional disorders;	39323
(iii) Diagnosis of mental and emotional disorders;	39324
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	39325 39326
(d) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional counselor.	39327 39328 39329
(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from one of the following:	39330 39331 39332 39333
(a) A clinical mental health counseling program, clinical rehabilitation counseling program, or addiction counseling program accredited by the council for accreditation of counseling and related educational programs;	39334 39335 39336 39337
(b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section.	39338 39339 39340
(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:	39341 39342
(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	39343 39344 39345
(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	39346 39347 39348
(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for	39349 39350 39351 39352

accreditation of counseling and related educational programs; 39353

(d) A counseling education program approved by the board in 39354
accordance with rules adopted under division (G) of this section. 39355

(C) To be accepted by the committee for purposes of division 39356
(B) of this section, counselor training must include at least the 39357
following: 39358

(1) Instruction in human growth and development; counseling 39359
theory; counseling techniques; group dynamics, processing, and 39360
counseling; appraisal of individuals; research and evaluation; 39361
professional, legal, and ethical responsibilities; social and 39362
cultural foundations; and lifestyle and career development; 39363

(2) Participation in a supervised practicum and clinical 39364
internship in counseling. 39365

(D) The committee may issue a temporary license to practice 39366
as a licensed professional counselor to an applicant who meets all 39367
of the requirements to be licensed under this section as follows: 39368

(1) Pending the receipt of transcripts or action by the 39369
committee to issue a license as a licensed professional counselor; 39370

(2) For a period not to exceed ninety days, to an applicant 39371
who provides the board with a statement from the applicant's 39372
academic institution indicating that the applicant has met the 39373
academic requirements for the applicant's degree and the projected 39374
date the applicant will receive the applicant's transcript showing 39375
a conferred degree. 39376

On application to the committee, a temporary license issued 39377
under division (D)(2) of this section may be renewed for good 39378
cause shown. 39379

(E) An individual may not sit for the licensing examination 39380
unless the individual meets the educational requirements to be 39381
licensed under this section. An individual who is denied admission 39382

to the licensing examination may appeal the denial in accordance 39383
with Chapter 119. of the Revised Code. 39384

(F) The board shall adopt any rules necessary for the 39385
committee to implement this section. The rules shall do both of 39386
the following: 39387

(1) Establish criteria for the committee to use in 39388
determining whether an applicant's training should be accepted and 39389
supervised experience approved; 39390

(2) Establish course content requirements for qualifying 39391
counseling degrees issued by institutions in other states from 39392
clinical mental health counseling programs, clinical 39393
rehabilitation counseling programs, and addiction counseling 39394
programs that are not accredited by the council for accreditation 39395
of counseling and related educational programs. 39396

Rules adopted under this division shall be adopted in 39397
accordance with Chapter 119. of the Revised Code. 39398

(G)(1) The board may adopt rules to temporarily approve a 39399
counseling education program created after January 1, 2018, that 39400
has not been accredited by the council for accreditation of 39401
counseling and related educational programs. If the board adopts 39402
rules under this division, the board shall do all of the following 39403
in the rules: 39404

(a) Create an application process under which a program 39405
administrator may apply to the board for approval of the program; 39406

(b) Identify the educational requirements that an individual 39407
must satisfy to receive a graduate degree in counseling from the 39408
approved program; 39409

(c) Establish a time period during which an individual may 39410
use an unaccredited degree granted under the program to satisfy 39411
the requirements of divisions (B)(1)(b) and (c) of this section; 39412

(d) Specify that, if the program is denied accreditation, a student enrolled in the program before the accreditation is denied may apply for licensure before completing the program and, on receiving a degree from the program, is considered to satisfy divisions (B)(1)(b) and (c) of this section.

(2) A degree from a counseling education program approved by the board pursuant to the rules adopted under division (G)(1) of this section satisfies the requirements of divisions (B)(1)(b) and (c) of this section for the time period approved by the board.

Sec. 4757.25. (A) Notwithstanding any provision in sections 4757.22 and 4757.23 of the Revised Code to the contrary, the counselors professional standards committee of the counselor, social worker, and marriage and family therapist board may, by endorsement, issue a license to practice as a licensed professional clinical counselor or a licensed professional counselor to a person who is authorized to practice in another state even though the person does not hold a graduate degree in counseling if the person meets all of the following requirements:

(1) The person has a graduate degree in a field of study that demonstrates an education in the diagnosis and treatment of mental and emotional disorders.

(2) The person has continuously engaged in the practice of professional counseling in the other state for a period of five years or more immediately preceding the date the application is submitted.

(3) The person's scope of practice in the other state is comparable to the scope of practice associated with the license the person is requesting.

(4) The person's license, certificate, registration, or other authorization to practice in the other state is in good standing

at the time the person submits the application. 39443

(5) The person has not been disciplined by the regulatory 39444
authority of the other state that issued the license, certificate, 39445
registration, or other authorization for a period of five years or 39446
more preceding the date the application is submitted. 39447

(6) The person has achieved a passing score on the 39448
examination required by the board for licensure as a licensed 39449
professional clinical counselor or a licensed professional 39450
counselor, as applicable. 39451

(B) To meet the requirement of division (A)(1) of this 39452
section, the coursework the person completed to obtain the 39453
graduate degree must be comparable to the coursework required to 39454
obtain a degree in clinical mental health counseling from a 39455
program accredited by the council for accreditation of counseling 39456
and related educational programs. 39457

(C) Before issuing a license to practice as a licensed 39458
professional clinical counselor by endorsement under this section, 39459
the committee shall require an applicant to complete not less than 39460
seven hundred fifty hours of supervised experience that is of a 39461
type approved by the committee. 39462

Sec. 4757.32. A license or certificate of registration issued 39463
under this chapter ~~expires two years after it is issued and is~~ 39464
valid without further recommendation or examination until revoked 39465
or suspended or until the license or certificate of registration 39466
expires for failure to renew as provided for in this section. 39467
Licenses and certificates of registration shall be renewed 39468
biennially in accordance with the schedule established in rules 39469
adopted by the counselor, social worker, and marriage and family 39470
therapist board under section 4757.10 of the Revised Code. A 39471
license or certificate of registration may be renewed in 39472
accordance with the standard renewal procedure established under 39473

Chapter 4745. of the Revised Code. 39474

Subject to section 4757.36 of the Revised Code, the staff of 39475
the appropriate professional standards committee of the ~~counselor,~~ 39476
~~social worker, and marriage and family therapist~~ board shall, on 39477
behalf of each committee, issue a renewed license or certificate 39478
of registration to each applicant who has paid the renewal fee 39479
established by the board under section 4757.31 of the Revised Code 39480
and satisfied the continuing education requirements established by 39481
the board under section 4757.33 of the Revised Code. 39482

A license or certificate of registration that is not renewed 39483
lapses on its expiration date. A license or certificate of 39484
registration that has lapsed may be restored if the individual, 39485
not later than two years after the license or certificate expired, 39486
applies for restoration of the license or certificate. The staff 39487
of the appropriate professional standards committee shall issue a 39488
restored license or certificate of registration to the applicant 39489
if the applicant pays the renewal fee established under section 39490
4757.31 of the Revised Code and satisfies the continuing education 39491
requirements established under section 4757.33 of the Revised Code 39492
for restoring the license or certificate of registration. The 39493
board and its professional standards committees shall not require 39494
a person to take an examination as a condition of having a lapsed 39495
license or certificate of registration restored. 39496

Sec. 4759.02. (A) Except as otherwise provided in this 39497
section or in section 4759.10 of the Revised Code, no person shall 39498
practice, offer to practice, or hold self forth to practice 39499
dietetics unless the person has been licensed under section 39500
4759.06 of the Revised Code. 39501

(B) Except for a person licensed under section 4759.06 of the 39502
Revised Code, or as otherwise provided in this section or in 39503

section 4759.10 of the Revised Code: 39504

(1) No person shall use the title "dietitian"; 39505

(2) No person except for a person licensed under Title XLVII 39506
of the Revised Code, when acting within the scope of their 39507
practice, shall use any other title, designation, words, letters, 39508
abbreviation, or insignia or combination of any title, 39509
designation, words, letters, abbreviation, or insignia tending to 39510
indicate that the person is practicing dietetics. 39511

(C) Notwithstanding division (B) of this section, a person 39512
who is a dietitian registered by the commission on dietetic 39513
registration and who does not violate division (A) of this section 39514
may use the designation "registered dietitian" and the 39515
abbreviation "R.D." 39516

(D) Division (A) of this section does not apply to: 39517

(1) A student enrolled in an academic program that is in 39518
compliance with division (A)(4) of section 4759.06 of the Revised 39519
Code who is engaging in the practice of dietetics under the 39520
supervision of a dietitian licensed under section 4759.06 of the 39521
Revised Code or a dietitian registered by the commission on 39522
dietetic registration, as part of the academic program; 39523

(2) A person participating in the pre-professional experience 39524
required by division (A)(5) of section 4759.06 of the Revised 39525
Code; 39526

(3) A person holding a limited permit under division ~~(E)~~(G) 39527
of section 4759.06 of the Revised Code. 39528

(E) The attorney general, the prosecuting attorney of any 39529
county in which the offense was committed or the offender resides, 39530
the state medical board, or any other person having knowledge of a 39531
person who either directly or by complicity is in violation of 39532
this section, may, in accordance with provisions of the Revised 39533

Code governing injunctions, maintain an action in the name of the 39534
state to enjoin any person from engaging either directly or by 39535
complicity in the unlawful activity by applying for an injunction 39536
in the Franklin county court of common pleas or any other court of 39537
competent jurisdiction. 39538

Prior to application for such injunction, the secretary of 39539
the state medical board shall notify the person allegedly engaged 39540
either directly or by complicity in the unlawful activity by 39541
registered mail that the secretary has received information 39542
indicating that the person is so engaged. The person shall answer 39543
the secretary within thirty days showing that the person is either 39544
properly licensed for the stated activity or that the person is 39545
not in violation of this chapter. If the answer is not forthcoming 39546
within thirty days after notice by the secretary, the secretary 39547
shall request that the attorney general, the prosecuting attorney 39548
of the county in which the offense was committed or the offender 39549
resides, or the state medical board proceed as authorized in this 39550
section. 39551

Upon the filing of a verified petition in court, the court 39552
shall conduct a hearing on the petition and shall give the same 39553
preference to this proceeding as is given all proceedings under 39554
Chapter 119. of the Revised Code, irrespective of the position of 39555
the proceeding on the calendar of the court. Injunction 39556
proceedings shall be in addition to, and not in lieu of, all 39557
penalties and other remedies provided under this chapter. 39558

Sec. 4759.05. (A) The state medical board shall adopt, amend, 39559
or rescind rules pursuant to Chapter 119. of the Revised Code to 39560
carry out the provisions of this chapter, including rules 39561
governing the following: 39562

(1) Selection and approval of a dietitian licensure 39563
examination offered by the commission on dietetic registration or 39564

any other examination; 39565

(2) The examination of applicants for licensure as a 39566
dietitian, as required under division (A) of section 4759.06 of 39567
the Revised Code; 39568

(3) Requirements for pre-professional dietetic experience of 39569
applicants for licensure as a dietitian that are at least 39570
equivalent to the requirements adopted by the commission on 39571
dietetic registration; 39572

(4) Requirements for a person holding a limited permit under 39573
division ~~(E)~~(G) of section 4759.06 of the Revised Code, including 39574
the duration of validity of a limited permit and procedures for 39575
renewal; 39576

(5) Continuing education requirements for renewal of a 39577
license, including rules providing for pro rata reductions by 39578
month of the number of hours of continuing education that must be 39579
completed for license holders who ~~are in their first renewal~~ 39580
~~period~~, have been disabled by illness or accident, or have been 39581
absent from the country. Rules adopted under this division shall 39582
be consistent with the continuing education requirements adopted 39583
by the commission on dietetic registration. 39584

(6) Any additional education requirements the board considers 39585
necessary, for applicants who have not practiced dietetics within 39586
five years of the initial date of application for licensure; 39587

(7) Standards of professional responsibility and practice for 39588
persons licensed under this chapter that are consistent with those 39589
standards of professional responsibility and practice adopted by 39590
the academy of nutrition and dietetics; 39591

(8) Formulation of an application form for licensure or 39592
license renewal; 39593

(9) Procedures for license renewal; 39594

(10) Requirements for criminal records checks of applicants 39595
under section 4776.03 of the Revised Code. 39596

(B)(1) The board shall investigate evidence that appears to 39597
show that a person has violated any provision of this chapter or 39598
any rule adopted under it. Any person may report to the board in a 39599
signed writing any information that the person may have that 39600
appears to show a violation of any provision of this chapter or 39601
any rule adopted under it. In the absence of bad faith, any person 39602
who reports information of that nature or who testifies before the 39603
board in any adjudication conducted under Chapter 119. of the 39604
Revised Code shall not be liable in damages in a civil action as a 39605
result of the report or testimony. Each complaint or allegation of 39606
a violation received by the board shall be assigned a case number 39607
and shall be recorded by the board. 39608

(2) Investigations of alleged violations of this chapter or 39609
any rule adopted under it shall be supervised by the supervising 39610
member elected by the board in accordance with section 4731.02 of 39611
the Revised Code and by the secretary as provided in section 39612
4759.012 of the Revised Code. The president may designate another 39613
member of the board to supervise the investigation in place of the 39614
supervising member. No member of the board who supervises the 39615
investigation of a case shall participate in further adjudication 39616
of the case. 39617

(3) In investigating a possible violation of this chapter or 39618
any rule adopted under this chapter, the board may issue 39619
subpoenas, question witnesses, conduct interviews, administer 39620
oaths, order the taking of depositions, inspect and copy any 39621
books, accounts, papers, records, or documents, and compel the 39622
attendance of witnesses and the production of books, accounts, 39623
papers, records, documents, and testimony, except that a subpoena 39624
for patient record information shall not be issued without 39625
consultation with the attorney general's office and approval of 39626

the secretary and supervising member of the board. 39627

Before issuance of a subpoena for patient record information, 39628
the secretary and supervising member shall determine whether there 39629
is probable cause to believe that the complaint filed alleges a 39630
violation of this chapter or any rule adopted under it and that 39631
the records sought are relevant to the alleged violation and 39632
material to the investigation. The subpoena may apply only to 39633
records that cover a reasonable period of time surrounding the 39634
alleged violation. 39635

On failure to comply with any subpoena issued by the board 39636
and after reasonable notice to the person being subpoenaed, the 39637
board may move for an order compelling the production of persons 39638
or records pursuant to the Rules of Civil Procedure. 39639

A subpoena issued by the board may be served by a sheriff, 39640
the sheriff's deputy, or a board employee or agent designated by 39641
the board. Service of a subpoena issued by the board may be made 39642
by delivering a copy of the subpoena to the person named therein, 39643
reading it to the person, or leaving it at the person's usual 39644
place of residence, usual place of business, or address on file 39645
with the board. When serving a subpoena to an applicant for or the 39646
holder of a license or limited permit issued under this chapter, 39647
service of the subpoena may be made by certified mail, return 39648
receipt requested, and the subpoena shall be deemed served on the 39649
date delivery is made or the date the person refuses to accept 39650
delivery. If the person being served refuses to accept the 39651
subpoena or is not located, service may be made to an attorney who 39652
notifies the board that the attorney is representing the person. 39653

A sheriff's deputy who serves a subpoena shall receive the 39654
same fees as a sheriff. Each witness who appears before the board 39655
in obedience to a subpoena shall receive the fees and mileage 39656
provided for under section 119.094 of the Revised Code. 39657

(4) All hearings, investigations, and inspections of the 39658
board shall be considered civil actions for the purposes of 39659
section 2305.252 of the Revised Code. 39660

(5) A report required to be submitted to the board under this 39661
chapter, a complaint, or information received by the board 39662
pursuant to an investigation is confidential and not subject to 39663
discovery in any civil action. 39664

The board shall conduct all investigations or inspections and 39665
proceedings in a manner that protects the confidentiality of 39666
patients and persons who file complaints with the board. The board 39667
shall not make public the names or any other identifying 39668
information about patients or complainants unless proper consent 39669
is given. 39670

The board may share any information it receives pursuant to 39671
an investigation or inspection, including patient records and 39672
patient record information, with law enforcement agencies, other 39673
licensing boards, and other governmental agencies that are 39674
prosecuting, adjudicating, or investigating alleged violations of 39675
statutes or administrative rules. An agency or board that receives 39676
the information shall comply with the same requirements regarding 39677
confidentiality as those with which the state medical board must 39678
comply, notwithstanding any conflicting provision of the Revised 39679
Code or procedure of the agency or board that applies when it is 39680
dealing with other information in its possession. In a judicial 39681
proceeding, the information may be admitted into evidence only in 39682
accordance with the Rules of Evidence, but the court shall require 39683
that appropriate measures are taken to ensure that confidentiality 39684
is maintained with respect to any part of the information that 39685
contains names or other identifying information about patients or 39686
complainants whose confidentiality was protected by the state 39687
medical board when the information was in the board's possession. 39688
Measures to ensure confidentiality that may be taken by the court 39689

include sealing its records or deleting specific information from 39690
its records. 39691

(6) On a quarterly basis, the board shall prepare a report 39692
that documents the disposition of all cases during the preceding 39693
three months. The report shall contain the following information 39694
for each case with which the board has completed its activities: 39695

(a) The case number assigned to the complaint or alleged 39696
violation; 39697

(b) The type of license, if any, held by the individual 39698
against whom the complaint is directed; 39699

(c) A description of the allegations contained in the 39700
complaint; 39701

(d) The disposition of the case. 39702

The report shall state how many cases are still pending and 39703
shall be prepared in a manner that protects the identity of each 39704
person involved in each case. The report shall be a public record 39705
under section 149.43 of the Revised Code. 39706

(C) The board shall keep records as are necessary to carry 39707
out the provisions of this chapter. 39708

(D) The board shall maintain and publish on its internet web 39709
site the board's rules and requirements for licensure adopted 39710
under division (A) of this section. 39711

Sec. 4759.06. (A) The state medical board shall issue a 39712
license to practice dietetics to an applicant who meets all of the 39713
following requirements: 39714

(1) Has satisfactorily completed an application for licensure 39715
in accordance with rules adopted under division (A) of section 39716
4759.05 of the Revised Code; 39717

(2) Has paid the fee required under division (A) of section 39718

4759.08 of the Revised Code; 39719

(3) Is of good moral character; 39720

(4) Has received a baccalaureate or higher degree from an 39721
institution of higher education that is approved by the board or a 39722
regional accreditation agency that is recognized by the council on 39723
postsecondary accreditation, and has completed a program 39724
consistent with the academic standards for dietitians established 39725
by the academy of nutrition and dietetics; 39726

(5) Has successfully completed a pre-professional dietetic 39727
experience approved by the academy of nutrition and dietetics, or 39728
experience approved by the board under division (A)(3) of section 39729
4759.05 of the Revised Code; 39730

(6) Has passed the examination approved by the board under 39731
division (A)(1) of section 4759.05 of the Revised Code. 39732

(B) The board shall waive the requirements of divisions 39733
(A)(4), (5), and (6) of this section and any rules adopted under 39734
division (A)(6) of section 4759.05 of the Revised Code if the 39735
applicant presents satisfactory evidence to the board of current 39736
registration as a registered dietitian with the commission on 39737
dietetic registration. 39738

(C)(1) The board shall issue a license to practice dietetics 39739
to an applicant who meets the requirements of division (A) of this 39740
section. A license ~~issued before July 1, 2018, shall expire on~~ 39741
~~June 30, 2018. A license issued on or after July 1, 2018, shall be~~ 39742
valid for a two-year period unless revoked or suspended by the 39743
board and shall expire on the thirtieth day of June of the next 39744
even-numbered year date that is two years after the date of 39745
issuance. A license may be renewed for additional two-year 39746
periods. 39747

(2) The board shall renew an applicant's license if the 39748
applicant ~~meets the continuing education requirements adopted~~ 39749

~~under division (A)(5) of section 4759.05 of the Revised Code and~~ 39750
has paid the license renewal fee specified in section 4759.08 of 39751
the Revised Code and certifies to the board that the applicant has 39752
met the continuing education requirements adopted under division 39753
(A)(5) of section 4759.05 of the Revised Code. The renewal shall 39754
be pursuant to the standard renewal procedure of sections 4745.01 39755
to 4745.03 of the Revised Code. 39756

At least one month before a license expires, the board shall 39757
provide a renewal notice. Failure of any person to receive a 39758
notice of renewal from the board shall not excuse the person from 39759
the requirements contained in this section. Each person holding a 39760
license shall give notice to the board of a change in the license 39761
holder's residence address, business address, or electronic mail 39762
address not later than thirty days after the change occurs. 39763

(D) Any person licensed to practice dietetics by the former 39764
Ohio board of dietetics before January 21, 2018, may continue to 39765
practice dietetics in this state under that license if the person 39766
continues to meet the requirements to renew a license under this 39767
chapter and renews the license through the state medical board. 39768

The state medical board may take any of the following 39769
actions, as provided in section 4759.07 of the Revised Code, 39770
against the holder of a license to practice dietetics issued 39771
before January 21, 2018, by the former Ohio board of dietetics: 39772

(1) Limit, revoke, or suspend the holder's license; 39773

(2) Refuse to renew or reinstate the holder's license; 39774

(3) Reprimand the holder or place the holder on probation. 39775

(E) The board may require a random sample of dietitians to 39776
submit materials documenting that the continuing education 39777
requirements adopted under division (A)(5) of section 4759.05 of 39778
the Revised Code have been met. 39779

This division does not limit the board's authority to conduct 39780
investigations pursuant to section 4759.07 of the Revised Code. 39781

(F)(1) If, through a random sample conducted under division 39782
(E) of this section or any other means, the board finds that an 39783
individual who certified completion of the number of hours and 39784
type of continuing education required to renew, reinstate, or 39785
restore a license to practice did not complete the requisite 39786
continuing education, the board may do either of the following: 39787

(a) Take disciplinary action against the individual under 39788
section 4759.07 of the Revised Code, impose a civil penalty, or 39789
both; 39790

(b) Permit the individual to agree in writing to complete the 39791
continuing education and pay a civil penalty. 39792

(4) The board's finding in any disciplinary action taken 39793
under division (F)(1)(a) of this section shall be made pursuant to 39794
an adjudication under Chapter 119. of the Revised Code and by an 39795
affirmative vote of not fewer than six of its members. 39796

(5) A civil penalty imposed under division (F)(1)(a) of this 39797
section or paid under division (F)(1)(b) of this section shall be 39798
in an amount specified by the board of not more than five thousand 39799
dollars. The board shall deposit civil penalties in accordance 39800
with section 4731.24 of the Revised Code. 39801

(G)(1) The board may grant a limited permit to a person who 39802
has completed the education and pre-professional requirements of 39803
divisions (A)(4) and (5) of this section and who presents evidence 39804
to the board of having applied to take the examination approved by 39805
the board under division (A)(1) of section 4759.05 of the Revised 39806
Code. An application for a limited permit shall be made on forms 39807
that the board shall furnish and shall be accompanied by the 39808
limited permit fee specified in section 4759.08 of the Revised 39809
Code. 39810

(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division ~~(E)~~(G)(1) of this section, the board shall issue a limited permit to the applicant.

A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules.

~~(3) The board shall maintain a register of all persons holding limited permits under this chapter.~~

~~(4)~~ A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian.

~~(5)~~(4) The board may revoke a limited permit on proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code.

Sec. 4759.062. (A) A license to practice dietetics that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4759.02 of the Revised Code.

(B) If a license has been suspended pursuant to division (A) of this section for two years or less, it may be reinstated. The state medical board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of two hundred five dollars.

(C)~~(1)~~ If a license has been suspended pursuant to division (A) of this section for more than two years, it may be restored.

The Subject to section 4759.063 of the Revised Code, the board may 39841
restore the license upon an applicant's submission of a complete 39842
restoration application and a restoration fee of two hundred 39843
thirty dollars and compliance with sections 4776.01 to 4776.04 of 39844
the Revised Code. The board shall not restore a license unless the 39845
board, in its discretion, decides that the results of the criminal 39846
records check do not make the applicant ineligible for a license 39847
issued pursuant to section 4759.06 of the Revised Code. 39848

~~(2) The board may impose terms and conditions for the~~ 39849
~~restoration, including any one or more of the following:~~ 39850

~~(a) Requiring the applicant to pass an oral or written~~ 39851
~~examination, or both, to determine the applicant's present fitness~~ 39852
~~to resume practice;~~ 39853

~~(b) Requiring the applicant to obtain additional training and~~ 39854
~~to pass an examination upon completion of such training;~~ 39855

~~(c) Restricting or limiting the extent, scope, or type of~~ 39856
~~practice of the applicant.~~ 39857

Sec. 4759.063. (A) This section applies to both of the 39858
following: 39859

(1) An applicant seeking restoration of a license issued 39860
under this chapter that has been in a suspended or inactive state 39861
for any cause for more than two years; 39862

(2) An applicant seeking issuance of a license pursuant to 39863
this chapter who for more than two years has not been engaged in 39864
the practice of dietetics as any of the following: 39865

(a) An active practitioner; 39866

(b) A participant in a pre-professional dietetic experience 39867
as described in section 4759.06 of the Revised Code; 39868

(c) A student in a program described in section 4759.06 of 39869

the Revised Code. 39870

(B) Before issuing a license to an applicant subject to this 39871
section or restoring a license to good standing for an applicant 39872
subject to this section, the state medical board may impose terms 39873
and conditions including any one or more of the following: 39874

(1) Requiring the applicant to pass an oral or written 39875
examination, or both, to determine the applicant's present fitness 39876
to resume practice; 39877

(2) Requiring the applicant to obtain additional training and 39878
to pass an examination upon completion of such training; 39879

(3) Requiring an assessment of the applicant's physical 39880
skills for purposes of determining whether the applicant's 39881
coordination, fine motor skills, and dexterity are sufficient for 39882
performing evaluations and procedures in a manner that meets the 39883
minimal standards of care; 39884

(4) Requiring an assessment of the applicant's skills in 39885
recognizing and understanding diseases and conditions; 39886

(5) Requiring the applicant to undergo a comprehensive 39887
physical examination, which may include an assessment of physical 39888
abilities, evaluation of sensory capabilities, or screening for 39889
the presence of neurological disorders; 39890

(6) Restricting or limiting the extent, scope, or type of 39891
practice of the applicant. 39892

The board shall consider the moral background and the 39893
activities of the applicant during the period of suspension or 39894
inactivity. The board shall not issue or restore a license under 39895
this section unless the applicant complies with sections 4776.01 39896
to 4776.04 of the Revised Code. 39897

Sec. 4760.02. (A) Except as provided in division (B) of this 39898
section, no person shall practice as an anesthesiologist assistant 39899

unless the person holds a current, valid ~~certificate~~ license 39900
issued under this chapter to practice as an anesthesiologist 39901
assistant. 39902

(B) Division (A) of this section does not apply to either of 39903
the following: 39904

(1) A person participating in a training program leading 39905
toward certification by the national commission for certification 39906
of anesthesiologist assistants, as long as the person is 39907
supervised by an anesthesiologist, an individual participating in 39908
a hospital residency program in preparation to practice as an 39909
anesthesiologist, or an anesthesiologist assistant who holds a 39910
current, valid ~~certificate to practice~~ license issued under this 39911
chapter; 39912

(2) Any person who otherwise holds professional authority 39913
granted pursuant to the Revised Code to perform any of the 39914
activities that an anesthesiologist assistant is authorized to 39915
perform. 39916

Sec. 4760.03. (A) An individual seeking a ~~certificate~~ license 39917
to practice as an anesthesiologist assistant shall file with the 39918
state medical board a written application on a form prescribed and 39919
supplied by the board. The application shall include all of the 39920
following information: 39921

(1) Evidence satisfactory to the board that the applicant is 39922
at least twenty-one years of age and of good moral character; 39923

(2) Evidence satisfactory to the board that the applicant has 39924
successfully completed the training necessary to prepare 39925
individuals to practice as anesthesiologist assistants, as 39926
specified in section 4760.031 of the Revised Code; 39927

(3) Evidence satisfactory to the board that the applicant 39928
holds current certification from the national commission for 39929

certification of anesthesiologist assistants and that the 39930
requirements for receiving the certification included passage of 39931
an examination to determine the individual's competence to 39932
practice as an anesthesiologist assistant; 39933

(4) Any other information the board considers necessary to 39934
process the application and evaluate the applicant's 39935
qualifications. 39936

(B) At the time of making application for a ~~certificate to~~ 39937
~~practice~~ license, the applicant shall pay the board a fee of one 39938
hundred dollars, no part of which shall be returned. 39939

(C) The board shall review all applications received under 39940
this section. Not later than sixty days after receiving a complete 39941
application, the board shall determine whether an applicant meets 39942
the requirements to receive a ~~certificate to practice~~ license. The 39943
~~affirmative vote of not fewer than six members of the board is~~ 39944
~~required to determine that an applicant meets the requirements for~~ 39945
~~a certificate.~~ The board shall not issue a ~~certificate~~ license to 39946
an applicant unless the applicant is certified by the national 39947
commission for certification of anesthesiologist assistants or a 39948
successor organization that is recognized by the board. 39949

Sec. 4760.031. As a condition of being eligible to receive a 39950
~~certificate~~ license to practice as an anesthesiologist assistant, 39951
an individual must successfully complete the following training 39952
requirements: 39953

(A) A baccalaureate or higher degree program at an 39954
institution of higher education accredited by an organization 39955
recognized by the board of regents. The program must have included 39956
courses in the following areas of study: 39957

(1) General biology; 39958

(2) General chemistry; 39959

(3) Organic chemistry; 39960

(4) Physics; 39961

(5) Calculus. 39962

(B) A training program conducted for the purpose of preparing 39963
individuals to practice as anesthesiologist assistants. If the 39964
program was completed prior to May 31, 2000, the program must have 39965
been completed at case western reserve university or emory 39966
university in Atlanta, Georgia. If the program is completed on or 39967
after May 31, 2000, the program must be a graduate-level program 39968
accredited by the commission on accreditation of allied health 39969
education programs or any of the commission's successor 39970
organizations. In either case, the training program must have 39971
included at least all of the following components: 39972

(1) Basic sciences of anesthesia: physiology, 39973
pathophysiology, anatomy, and biochemistry. The courses must be 39974
presented as a continuum of didactic courses designed to teach 39975
students the foundations of human biological existence on which 39976
clinical correlations to anesthesia practice are based. 39977

(2) Pharmacology for the anesthetic sciences. The course must 39978
include instruction in the anesthetic principles of pharmacology, 39979
pharmacodynamics, pharmacokinetics, uptake and distribution, 39980
intravenous anesthetics and narcotics, and volatile anesthetics. 39981

(3) Physics in anesthesia. 39982

(4) Fundamentals of anesthetic sciences, presented as a 39983
continuum of courses covering a series of topics in basic medical 39984
sciences with special emphasis on the effects of anesthetics on 39985
normal physiology and pathophysiology. 39986

(5) Patient instrumentation and monitoring, presented as a 39987
continuum of courses focusing on the design of, proper preparation 39988
of, and proper methods of resolving problems that arise with 39989

anesthesia equipment. The courses must provide a balance between	39990
the engineering concepts used in anesthesia instruments and the	39991
clinical application of anesthesia instruments.	39992
(6) Clinically based conferences in which techniques of	39993
anesthetic management, quality assurance issues, and current	39994
professional literature are reviewed from the perspective of	39995
practice improvement.	39996
(7) Clinical experience consisting of at least two thousand	39997
hours of direct patient contact, presented as a continuum of	39998
courses throughout the entirety of the program, beginning with a	39999
gradual introduction of the techniques for the anesthetic	40000
management of patients and culminating in the assimilation of the	40001
graduate of the program into the work force. Areas of instruction	40002
must include the following:	40003
(a) Preoperative patient assessment;	40004
(b) Indwelling vascular catheter placement, including	40005
intravenous and arterial catheters;	40006
(c) Airway management, including mask airway and orotracheal	40007
intubation;	40008
(d) Intraoperative charting;	40009
(e) Administration and maintenance of anesthetic agents,	40010
narcotics, hypnotics, and muscle relaxants;	40011
(f) Administration and maintenance of volatile anesthetics;	40012
(g) Administration of blood products and fluid therapy;	40013
(h) Patient monitoring;	40014
(i) Postoperative management of patients;	40015
(j) Regional anesthesia techniques;	40016
(k) Administration of vasoactive substances for treatment of	40017
unacceptable patient hemodynamic status;	40018

(1) Specific clinical training in all the subspecialties of 40019
anesthesia, including pediatrics, neurosurgery, cardiovascular 40020
surgery, trauma, obstetrics, orthopedics, and vascular surgery. 40021

(8) Basic life support that qualifies the individual to 40022
administer cardiopulmonary resuscitation to patients in need. The 40023
course must include the instruction necessary to be certified in 40024
basic life support by the American red cross or the American heart 40025
association. 40026

(9) Advanced cardiac life support that qualifies the 40027
individual to participate in the pharmacologic intervention and 40028
management resuscitation efforts for a patient in full cardiac 40029
arrest. The course must include the instruction necessary to be 40030
certified in advanced cardiac life support by the American red 40031
cross or the American heart association. 40032

Sec. 4760.032. In addition to any other eligibility 40033
requirement set forth in this chapter, each applicant for a 40034
~~certificate~~ license to practice as an anesthesiologist assistant 40035
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 40036
The state medical board shall not grant to an applicant a 40037
~~certificate~~ license to practice as an anesthesiologist assistant 40038
unless the board, in its discretion, decides that the results of 40039
the criminal records check do not make the applicant ineligible 40040
for a ~~certificate~~ license issued pursuant to section 4760.04 of 40041
the Revised Code. 40042

Sec. 4760.04. If the state medical board determines under 40043
section 4760.03 of the Revised Code that an applicant meets the 40044
requirements for a ~~certificate~~ license to practice as an 40045
anesthesiologist assistant, the secretary of the board shall 40046
register the applicant as an anesthesiologist assistant and issue 40047
to the applicant a ~~certificate~~ license to practice as an 40048

anesthesiologist assistant. The ~~certificate~~ license shall be valid 40049
for a two-year period unless revoked or suspended, shall expire 40050
~~biennially~~ on the date that is two years after the date of 40051
issuance, and may be renewed for additional two-year periods in 40052
accordance with section 4760.06 of the Revised Code. 40053

Sec. 4760.05. On application by the holder of a ~~certificate~~ 40054
license to practice as an anesthesiologist assistant, the state 40055
medical board shall issue a duplicate ~~certificate~~ license to 40056
replace one that is missing or damaged, to reflect a name change, 40057
or for any other reasonable cause. The fee for a duplicate 40058
~~certificate~~ license is thirty-five dollars. 40059

Sec. 4760.06. (A) A person seeking to renew a ~~certificate~~ 40060
license to practice as an anesthesiologist assistant shall, on or 40061
before the ~~thirty-first day of January of each even-numbered year~~ 40062
license's expiration date, apply to the state medical board for 40063
renewal of the ~~certificate~~ license. The ~~state medical~~ board shall 40064
provide renewal notices to license holders at least one month 40065
prior to the expiration date. 40066

Applications shall be submitted to the board in a manner 40067
prescribed by the board. Each application shall be accompanied by 40068
a biennial renewal fee of one hundred dollars. 40069

The applicant shall report any criminal offense that 40070
constitutes grounds for refusing to issue a ~~certificate~~ license to 40071
practice under section 4760.13 of the Revised Code to which the 40072
applicant has pleaded guilty, of which the applicant has been 40073
found guilty, or for which the applicant has been found eligible 40074
for intervention in lieu of conviction, since last signing an 40075
application for a ~~certificate~~ license to practice as an 40076
anesthesiologist assistant. 40077

(B) To be eligible for renewal, an anesthesiologist assistant 40078

must certify to the board that the assistant has maintained 40079
certification by the national commission for the certification of 40080
anesthesiologist assistants. 40081

(C) If an applicant submits a complete renewal application 40082
and qualifies for renewal pursuant to division (B) of this 40083
section, the board shall renew the ~~certificate~~ license to practice 40084
as an anesthesiologist assistant. 40085

(D) A ~~certificate~~ license to practice that is not renewed on 40086
or before its expiration date is automatically suspended on its 40087
expiration date. ~~If~~ 40088

If a ~~certificate~~ license has been suspended pursuant to this 40089
division for two years or less, the board shall reinstate the 40090
~~certificate~~ license upon an applicant's submission of a renewal 40091
application, the biennial renewal fee, and the applicable monetary 40092
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 40093

If a ~~certificate~~ license has been suspended pursuant to this 40094
division for more than two years, it may be restored. Subject to 40095
section 4760.061 of the Revised Code, the board may restore the 40096
license upon an applicant's submission of a restoration 40097
application, the biennial renewal fee, and the applicable monetary 40098
penalty and compliance with sections 4776.01 to 4776.04 of the 40099
Revised Code. The board shall not restore a ~~certificate to~~ 40100
~~practice~~ license unless the board, in its discretion, decides that 40101
the results of the criminal records check do not make the 40102
applicant ineligible for a certificate issued pursuant to section 40103
4760.04 of the Revised Code. The penalty for restoration is fifty 40104
dollars. 40105

Sec. 4760.061. (A) This section applies to both of the 40106
following: 40107

(1) An applicant seeking restoration of a license issued 40108

<u>under this chapter that has been in a suspended or inactive state</u>	40109
<u>for any cause for more than two years;</u>	40110
<u>(2) An applicant seeking issuance of a license pursuant to</u>	40111
<u>this chapter who for more than two years has not been practicing</u>	40112
<u>as an anesthesiologist assistant as either of the following:</u>	40113
<u>(a) An active practitioner;</u>	40114
<u>(b) A participant in a training program as described in</u>	40115
<u>section 4760.031 of the Revised Code.</u>	40116
<u>(B) Before issuing a license or certificate to an applicant</u>	40117
<u>subject to this section or restoring a license to good standing</u>	40118
<u>for an applicant subject to this section, the state medical board</u>	40119
<u>may impose terms and conditions including any one or more of the</u>	40120
<u>following:</u>	40121
<u>(1) Requiring the applicant to pass an oral or written</u>	40122
<u>examination, or both, to determine the applicant's present fitness</u>	40123
<u>to resume practice;</u>	40124
<u>(2) Requiring the applicant to obtain additional training and</u>	40125
<u>to pass an examination upon completion of such training;</u>	40126
<u>(3) Requiring an assessment of the applicant's physical</u>	40127
<u>skills for purposes of determining whether the applicant's</u>	40128
<u>coordination, fine motor skills, and dexterity are sufficient for</u>	40129
<u>performing evaluations and procedures in a manner that meets the</u>	40130
<u>minimal standards of care;</u>	40131
<u>(4) Requiring an assessment of the applicant's skills in</u>	40132
<u>recognizing and understanding diseases and conditions;</u>	40133
<u>(5) Requiring the applicant to undergo a comprehensive</u>	40134
<u>physical examination, which may include an assessment of physical</u>	40135
<u>abilities, evaluation of sensory capabilities, or screening for</u>	40136
<u>the presence of neurological disorders;</u>	40137
<u>(6) Restricting or limiting the extent, scope, or type of</u>	40138

practice of the applicant. 40139

The board shall consider the moral background and the 40140
activities of the applicant during the period of suspension or 40141
inactivity. The board shall not issue or restore a license under 40142
this section unless the applicant complies with sections 4776.01 40143
to 4776.04 of the Revised Code. 40144

Sec. 4760.13. (A) The state medical board, by an affirmative 40145
vote of not fewer than six members, may revoke or may refuse to 40146
grant a ~~certificate~~ license to practice as an anesthesiologist 40147
assistant to a person found by the board to have committed fraud, 40148
misrepresentation, or deception in applying for or securing the 40149
~~certificate~~ license. 40150

(B) The board, by an affirmative vote of not fewer than six 40151
members, shall, to the extent permitted by law, limit, revoke, or 40152
suspend an individual's ~~certificate~~ license to practice as an 40153
anesthesiologist assistant, refuse to issue a ~~certificate~~ license 40154
to an applicant, refuse to renew a ~~certificate~~ license, refuse to 40155
reinstate a ~~certificate~~ license, or reprimand or place on 40156
probation the holder of a ~~certificate~~ license for any of the 40157
following reasons: 40158

(1) Permitting the holder's name or ~~certificate~~ license to be 40159
used by another person; 40160

(2) Failure to comply with the requirements of this chapter, 40161
Chapter 4731. of the Revised Code, or any rules adopted by the 40162
board; 40163

(3) Violating or attempting to violate, directly or 40164
indirectly, or assisting in or abetting the violation of, or 40165
conspiring to violate, any provision of this chapter, Chapter 40166
4731. of the Revised Code, or the rules adopted by the board; 40167

(4) A departure from, or failure to conform to, minimal 40168

standards of care of similar practitioners under the same or 40169
similar circumstances whether or not actual injury to the patient 40170
is established; 40171

(5) Inability to practice according to acceptable and 40172
prevailing standards of care by reason of mental illness or 40173
physical illness, including physical deterioration that adversely 40174
affects cognitive, motor, or perceptive skills; 40175

(6) Impairment of ability to practice according to acceptable 40176
and prevailing standards of care because of habitual or excessive 40177
use or abuse of drugs, alcohol, or other substances that impair 40178
ability to practice; 40179

(7) Willfully betraying a professional confidence; 40180

(8) Making a false, fraudulent, deceptive, or misleading 40181
statement in securing or attempting to secure a ~~certificate~~ 40182
license to practice as an anesthesiologist assistant. 40183

As used in this division, "false, fraudulent, deceptive, or 40184
misleading statement" means a statement that includes a 40185
misrepresentation of fact, is likely to mislead or deceive because 40186
of a failure to disclose material facts, is intended or is likely 40187
to create false or unjustified expectations of favorable results, 40188
or includes representations or implications that in reasonable 40189
probability will cause an ordinarily prudent person to 40190
misunderstand or be deceived. 40191

(9) The obtaining of, or attempting to obtain, money or a 40192
thing of value by fraudulent misrepresentations in the course of 40193
practice; 40194

(10) A plea of guilty to, a judicial finding of guilt of, or 40195
a judicial finding of eligibility for intervention in lieu of 40196
conviction for, a felony; 40197

(11) Commission of an act that constitutes a felony in this 40198

state, regardless of the jurisdiction in which the act was 40199
committed; 40200

(12) A plea of guilty to, a judicial finding of guilt of, or 40201
a judicial finding of eligibility for intervention in lieu of 40202
conviction for, a misdemeanor committed in the course of practice; 40203

(13) A plea of guilty to, a judicial finding of guilt of, or 40204
a judicial finding of eligibility for intervention in lieu of 40205
conviction for, a misdemeanor involving moral turpitude; 40206

(14) Commission of an act in the course of practice that 40207
constitutes a misdemeanor in this state, regardless of the 40208
jurisdiction in which the act was committed; 40209

(15) Commission of an act involving moral turpitude that 40210
constitutes a misdemeanor in this state, regardless of the 40211
jurisdiction in which the act was committed; 40212

(16) A plea of guilty to, a judicial finding of guilt of, or 40213
a judicial finding of eligibility for intervention in lieu of 40214
conviction for violating any state or federal law regulating the 40215
possession, distribution, or use of any drug, including 40216
trafficking in drugs; 40217

(17) Any of the following actions taken by the state agency 40218
responsible for regulating the practice of anesthesiologist 40219
assistants in another jurisdiction, for any reason other than the 40220
nonpayment of fees: the limitation, revocation, or suspension of 40221
an individual's license to practice; acceptance of an individual's 40222
license surrender; denial of a license; refusal to renew or 40223
reinstate a license; imposition of probation; or issuance of an 40224
order of censure or other reprimand; 40225

(18) Violation of the conditions placed by the board on a 40226
~~certificate~~ license to practice; 40227

(19) Failure to use universal blood and body fluid 40228

precautions established by rules adopted under section 4731.051 of the Revised Code;

(20) Failure to cooperate in an investigation conducted by the board under section 4760.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(21) Failure to comply with any code of ethics established by the national commission for the certification of anesthesiologist assistants;

(22) Failure to notify the state medical board of the revocation or failure to maintain certification from the national commission for certification of anesthesiologist assistants.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an anesthesiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(D) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding

by the board, pursuant to an adjudication under Chapter 119. of 40260
the Revised Code, that the applicant or ~~certificate~~ license holder 40261
committed the act in question. The board shall have no 40262
jurisdiction under these divisions in cases where the trial court 40263
renders a final judgment in the ~~certificate~~ license holder's favor 40264
and that judgment is based upon an adjudication on the merits. The 40265
board shall have jurisdiction under these divisions in cases where 40266
the trial court issues an order of dismissal on technical or 40267
procedural grounds. 40268

(E) The sealing of conviction records by any court shall have 40269
no effect on a prior board order entered under the provisions of 40270
this section or on the board's jurisdiction to take action under 40271
the provisions of this section if, based upon a plea of guilty, a 40272
judicial finding of guilt, or a judicial finding of eligibility 40273
for intervention in lieu of conviction, the board issued a notice 40274
of opportunity for a hearing prior to the court's order to seal 40275
the records. The board shall not be required to seal, destroy, 40276
redact, or otherwise modify its records to reflect the court's 40277
sealing of conviction records. 40278

(F) For purposes of this division, any individual who holds a 40279
~~certificate~~ license to practice issued under this chapter, or 40280
applies for a ~~certificate~~ license to practice, shall be deemed to 40281
have given consent to submit to a mental or physical examination 40282
when directed to do so in writing by the board and to have waived 40283
all objections to the admissibility of testimony or examination 40284
reports that constitute a privileged communication. 40285

(1) In enforcing division (B)(5) of this section, the board, 40286
on a showing of a possible violation, may compel any individual 40287
who holds a ~~certificate~~ license to practice issued under this 40288
chapter or who has applied for a ~~certificate~~ license to practice 40289
pursuant to this chapter to submit to a mental or physical 40290
examination, or both. A physical examination may include an HIV 40291

test. The expense of the examination is the responsibility of the 40292
individual compelled to be examined. Failure to submit to a mental 40293
or physical examination or consent to an HIV test ordered by the 40294
board constitutes an admission of the allegations against the 40295
individual unless the failure is due to circumstances beyond the 40296
individual's control, and a default and final order may be entered 40297
without the taking of testimony or presentation of evidence. If 40298
the board finds an anesthesiologist assistant unable to practice 40299
because of the reasons set forth in division (B)(5) of this 40300
section, the board shall require the anesthesiologist assistant to 40301
submit to care, counseling, or treatment by physicians approved or 40302
designated by the board, as a condition for an initial, continued, 40303
reinstated, or renewed ~~certificate~~ license to practice. An 40304
individual affected by this division shall be afforded an 40305
opportunity to demonstrate to the board the ability to resume 40306
practicing in compliance with acceptable and prevailing standards 40307
of care. 40308

(2) For purposes of division (B)(6) of this section, if the 40309
board has reason to believe that any individual who holds a 40310
~~certificate~~ license to practice issued under this chapter or any 40311
applicant for a ~~certificate~~ license to practice suffers such 40312
impairment, the board may compel the individual to submit to a 40313
mental or physical examination, or both. The expense of the 40314
examination is the responsibility of the individual compelled to 40315
be examined. Any mental or physical examination required under 40316
this division shall be undertaken by a treatment provider or 40317
physician qualified to conduct such examination and chosen by the 40318
board. 40319

Failure to submit to a mental or physical examination ordered 40320
by the board constitutes an admission of the allegations against 40321
the individual unless the failure is due to circumstances beyond 40322
the individual's control, and a default and final order may be 40323

entered without the taking of testimony or presentation of 40324
evidence. If the board determines that the individual's ability to 40325
practice is impaired, the board shall suspend the individual's 40326
~~certificate~~ license or deny the individual's application and shall 40327
require the individual, as a condition for an initial, continued, 40328
reinstated, or renewed ~~certificate~~ license to practice, to submit 40329
to treatment. 40330

Before being eligible to apply for reinstatement of a 40331
~~certificate~~ license suspended under this division, the 40332
anesthesiologist assistant shall demonstrate to the board the 40333
ability to resume practice in compliance with acceptable and 40334
prevailing standards of care. The demonstration shall include the 40335
following: 40336

(a) Certification from a treatment provider approved under 40337
section 4731.25 of the Revised Code that the individual has 40338
successfully completed any required inpatient treatment; 40339

(b) Evidence of continuing full compliance with an aftercare 40340
contract or consent agreement; 40341

(c) Two written reports indicating that the individual's 40342
ability to practice has been assessed and that the individual has 40343
been found capable of practicing according to acceptable and 40344
prevailing standards of care. The reports shall be made by 40345
individuals or providers approved by the board for making such 40346
assessments and shall describe the basis for their determination. 40347

The board may reinstate a ~~certificate~~ license suspended under 40348
this division after such demonstration and after the individual 40349
has entered into a written consent agreement. 40350

When the impaired anesthesiologist assistant resumes 40351
practice, the board shall require continued monitoring of the 40352
anesthesiologist assistant. The monitoring shall include 40353
monitoring of compliance with the written consent agreement 40354

entered into before reinstatement or with conditions imposed by 40355
board order after a hearing, and, on termination of the consent 40356
agreement, submission to the board for at least two years of 40357
annual written progress reports made under penalty of 40358
falsification stating whether the anesthesiologist assistant has 40359
maintained sobriety. 40360

(G) If the secretary and supervising member determine that 40361
there is clear and convincing evidence that an anesthesiologist 40362
assistant has violated division (B) of this section and that the 40363
individual's continued practice presents a danger of immediate and 40364
serious harm to the public, they may recommend that the board 40365
suspend the individual's ~~certificate~~ license without a prior 40366
hearing. Written allegations shall be prepared for consideration 40367
by the board. 40368

The board, on review of the allegations and by an affirmative 40369
vote of not fewer than six of its members, excluding the secretary 40370
and supervising member, may suspend a ~~certificate~~ license without 40371
a prior hearing. A telephone conference call may be utilized for 40372
reviewing the allegations and taking the vote on the summary 40373
suspension. 40374

The board shall issue a written order of suspension by 40375
certified mail or in person in accordance with section 119.07 of 40376
the Revised Code. The order shall not be subject to suspension by 40377
the court during pendency of any appeal filed under section 119.12 40378
of the Revised Code. If the anesthesiologist assistant requests an 40379
adjudicatory hearing by the board, the date set for the hearing 40380
shall be within fifteen days, but not earlier than seven days, 40381
after the anesthesiologist assistant requests the hearing, unless 40382
otherwise agreed to by both the board and the ~~certificate~~ license 40383
holder. 40384

A summary suspension imposed under this division shall remain 40385
in effect, unless reversed on appeal, until a final adjudicative 40386

order issued by the board pursuant to this section and Chapter 40387
119. of the Revised Code becomes effective. The board shall issue 40388
its final adjudicative order within sixty days after completion of 40389
its hearing. Failure to issue the order within sixty days shall 40390
result in dissolution of the summary suspension order, but shall 40391
not invalidate any subsequent, final adjudicative order. 40392

(H) If the board takes action under division (B)(11), (13), 40393
or (14) of this section, and the judicial finding of guilt, guilty 40394
plea, or judicial finding of eligibility for intervention in lieu 40395
of conviction is overturned on appeal, on exhaustion of the 40396
criminal appeal, a petition for reconsideration of the order may 40397
be filed with the board along with appropriate court documents. On 40398
receipt of a petition and supporting court documents, the board 40399
shall reinstate the ~~certificate~~ license to practice. The board may 40400
then hold an adjudication under Chapter 119. of the Revised Code 40401
to determine whether the individual committed the act in question. 40402
Notice of opportunity for hearing shall be given in accordance 40403
with Chapter 119. of the Revised Code. If the board finds, 40404
pursuant to an adjudication held under this division, that the 40405
individual committed the act, or if no hearing is requested, it 40406
may order any of the sanctions specified in division (B) of this 40407
section. 40408

(I) The ~~certificate~~ license to practice of an 40409
anesthesiologist assistant and the assistant's practice in this 40410
state are automatically suspended as of the date the 40411
anesthesiologist assistant pleads guilty to, is found by a judge 40412
or jury to be guilty of, or is subject to a judicial finding of 40413
eligibility for intervention in lieu of conviction in this state 40414
or treatment of intervention in lieu of conviction in another 40415
jurisdiction for any of the following criminal offenses in this 40416
state or a substantially equivalent criminal offense in another 40417
jurisdiction: aggravated murder, murder, voluntary manslaughter, 40418

felonious assault, kidnapping, rape, sexual battery, gross sexual 40419
imposition, aggravated arson, aggravated robbery, or aggravated 40420
burglary. Continued practice after the suspension shall be 40421
considered practicing without a ~~certificate~~ license. 40422

The board shall notify the individual subject to the 40423
suspension by certified mail or in person in accordance with 40424
section 119.07 of the Revised Code. If an individual whose 40425
~~certificate~~ license is suspended under this division fails to make 40426
a timely request for an adjudication under Chapter 119. of the 40427
Revised Code, the board shall enter a final order permanently 40428
revoking the individual's ~~certificate~~ license to practice. 40429

(J) In any instance in which the board is required by Chapter 40430
119. of the Revised Code to give notice of opportunity for hearing 40431
and the individual subject to the notice does not timely request a 40432
hearing in accordance with section 119.07 of the Revised Code, the 40433
board is not required to hold a hearing, but may adopt, by an 40434
affirmative vote of not fewer than six of its members, a final 40435
order that contains the board's findings. In the final order, the 40436
board may order any of the sanctions identified under division (A) 40437
or (B) of this section. 40438

(K) Any action taken by the board under division (B) of this 40439
section resulting in a suspension shall be accompanied by a 40440
written statement of the conditions under which the 40441
anesthesiologist assistant's ~~certificate~~ license may be 40442
reinstated. The board shall adopt rules in accordance with Chapter 40443
119. of the Revised Code governing conditions to be imposed for 40444
reinstatement. Reinstatement of a ~~certificate~~ license suspended 40445
pursuant to division (B) of this section requires an affirmative 40446
vote of not fewer than six members of the board. 40447

(L) When the board refuses to grant or issue a ~~certificate~~ 40448
license to practice as an anesthesiologist assistant to an 40449
applicant, revokes an individual's ~~certificate~~ license, refuses to 40450

renew an individual's ~~certificate~~ license, or refuses to reinstate 40451
an individual's ~~certificate~~ license, the board may specify that 40452
its action is permanent. An individual subject to a permanent 40453
action taken by the board is forever thereafter ineligible to hold 40454
a ~~certificate~~ license to practice as an anesthesiologist assistant 40455
and the board shall not accept an application for reinstatement of 40456
the ~~certificate~~ license or for issuance of a new ~~certificate~~ 40457
license. 40458

(M) Notwithstanding any other provision of the Revised Code, 40459
all of the following apply: 40460

(1) The surrender of a ~~certificate~~ license to practice issued 40461
under this chapter is not effective unless or until accepted by 40462
the board. Reinstatement of a ~~certificate~~ license surrendered to 40463
the board requires an affirmative vote of not fewer than six 40464
members of the board. 40465

(2) An application made under this chapter for a ~~certificate~~ 40466
license to practice may not be withdrawn without approval of the 40467
board. 40468

(3) Failure by an individual to renew a ~~certificate~~ license 40469
to practice in accordance with section 4760.06 of the Revised Code 40470
shall not remove or limit the board's jurisdiction to take 40471
disciplinary action under this section against the individual. 40472

Sec. 4760.131. On receipt of a notice pursuant to section 40473
3123.43 of the Revised Code, the state medical board shall comply 40474
with sections 3123.41 to 3123.50 of the Revised Code and any 40475
applicable rules adopted under section 3123.63 of the Revised Code 40476
with respect to a ~~certificate~~ license to practice as an 40477
anesthesiologist assistant issued pursuant to this chapter. 40478

Sec. 4760.132. If the state medical board has reason to 40479
believe that any person who has been granted a ~~certificate~~ license 40480

to practice as an anesthesiologist assistant under this chapter is 40481
mentally ill or mentally incompetent, it may file in the probate 40482
court of the county in which the person has a legal residence an 40483
affidavit in the form prescribed in section 5122.11 of the Revised 40484
Code and signed by the board secretary or a member of the board 40485
secretary's staff, whereupon the same proceedings shall be had as 40486
provided in Chapter 5122. of the Revised Code. The attorney 40487
general may represent the board in any proceeding commenced under 40488
this section. 40489

If any person who has been granted a ~~certificate~~ license to 40490
practice is adjudged by a probate court to be mentally ill or 40491
mentally incompetent, the person's ~~certificate~~ license shall be 40492
automatically suspended until the person has filed with the state 40493
medical board a certified copy of an adjudication by a probate 40494
court of the person's subsequent restoration to competency or has 40495
submitted to the board proof, satisfactory to the board, that the 40496
person has been discharged as having a restoration to competency 40497
in the manner and form provided in section 5122.38 of the Revised 40498
Code. The judge of the probate court shall forthwith notify the 40499
state medical board of an adjudication of mental illness or mental 40500
incompetence, and shall note any suspension of a ~~certificate~~ 40501
license in the margin of the court's record of such ~~certificate~~ 40502
license. 40503

Sec. 4760.14. (A) The state medical board shall investigate 40504
evidence that appears to show that any person has violated this 40505
chapter or the rules adopted under it. Any person may report to 40506
the board in a signed writing any information the person has that 40507
appears to show a violation of any provision of this chapter or 40508
the rules adopted under it. In the absence of bad faith, a person 40509
who reports such information or testifies before the board in an 40510
adjudication conducted under Chapter 119. of the Revised Code 40511
shall not be liable for civil damages as a result of reporting the 40512

information or providing testimony. Each complaint or allegation 40513
of a violation received by the board shall be assigned a case 40514
number and be recorded by the board. 40515

(B) Investigations of alleged violations of this chapter or 40516
rules adopted under it shall be supervised by the supervising 40517
member elected by the board in accordance with section 4731.02 of 40518
the Revised Code and by the secretary as provided in section 40519
4760.15 of the Revised Code. The board's president may designate 40520
another member of the board to supervise the investigation in 40521
place of the supervising member. A member of the board who 40522
supervises the investigation of a case shall not participate in 40523
further adjudication of the case. 40524

(C) In investigating a possible violation of this chapter or 40525
the rules adopted under it, the board may administer oaths, order 40526
the taking of depositions, issue subpoenas, and compel the 40527
attendance of witnesses and production of books, accounts, papers, 40528
records, documents, and testimony, except that a subpoena for 40529
patient record information shall not be issued without 40530
consultation with the attorney general's office and approval of 40531
the secretary and supervising member of the board. Before issuance 40532
of a subpoena for patient record information, the secretary and 40533
supervising member shall determine whether there is probable cause 40534
to believe that the complaint filed alleges a violation of this 40535
chapter or the rules adopted under it and that the records sought 40536
are relevant to the alleged violation and material to the 40537
investigation. The subpoena may apply only to records that cover a 40538
reasonable period of time surrounding the alleged violation. 40539

On failure to comply with any subpoena issued by the board 40540
and after reasonable notice to the person being subpoenaed, the 40541
board may move for an order compelling the production of persons 40542
or records pursuant to the Rules of Civil Procedure. 40543

A subpoena issued by the board may be served by a sheriff, 40544
the sheriff's deputy, or a board employee designated by the board. 40545
Service of a subpoena issued by the board may be made by 40546
delivering a copy of the subpoena to the person named therein, 40547
reading it to the person, or leaving it at the person's usual 40548
place of residence. When the person being served is an 40549
anesthesiologist assistant, service of the subpoena may be made by 40550
certified mail, restricted delivery, return receipt requested, and 40551
the subpoena shall be deemed served on the date delivery is made 40552
or the date the person refuses to accept delivery. 40553

A sheriff's deputy who serves a subpoena shall receive the 40554
same fees as a sheriff. Each witness who appears before the board 40555
in obedience to a subpoena shall receive the fees and mileage 40556
provided for under section 119.094 of the Revised Code. 40557

(D) All hearings and investigations of the board shall be 40558
considered civil actions for the purposes of section 2305.252 of 40559
the Revised Code. 40560

(E) Information received by the board pursuant to an 40561
investigation is confidential and not subject to discovery in any 40562
civil action. 40563

The board shall conduct all investigations and proceedings in 40564
a manner that protects the confidentiality of patients and persons 40565
who file complaints with the board. The board shall not make 40566
public the names or any other identifying information about 40567
patients or complainants unless proper consent is given. 40568

The board may share any information it receives pursuant to 40569
an investigation, including patient records and patient record 40570
information, with law enforcement agencies, other licensing 40571
boards, and other governmental agencies that are prosecuting, 40572
adjudicating, or investigating alleged violations of statutes or 40573
administrative rules. An agency or board that receives the 40574

information shall comply with the same requirements regarding 40575
confidentiality as those with which the state medical board must 40576
comply, notwithstanding any conflicting provision of the Revised 40577
Code or procedure of the agency or board that applies when it is 40578
dealing with other information in its possession. In a judicial 40579
proceeding, the information may be admitted into evidence only in 40580
accordance with the Rules of Evidence, but the court shall require 40581
that appropriate measures are taken to ensure that confidentiality 40582
is maintained with respect to any part of the information that 40583
contains names or other identifying information about patients or 40584
complainants whose confidentiality was protected by the state 40585
medical board when the information was in the board's possession. 40586
Measures to ensure confidentiality that may be taken by the court 40587
include sealing its records or deleting specific information from 40588
its records. 40589

(F) The state medical board shall develop requirements for 40590
and provide appropriate initial training and continuing education 40591
for investigators employed by the board to carry out its duties 40592
under this chapter. The training and continuing education may 40593
include enrollment in courses operated or approved by the Ohio 40594
peace officer training commission that the board considers 40595
appropriate under conditions set forth in section 109.79 of the 40596
Revised Code. 40597

(G) On a quarterly basis, the board shall prepare a report 40598
that documents the disposition of all cases during the preceding 40599
three months. The report shall contain the following information 40600
for each case with which the board has completed its activities: 40601

(1) The case number assigned to the complaint or alleged 40602
violation; 40603

(2) The type of ~~certificate~~ license to practice, if any, held 40604
by the individual against whom the complaint is directed; 40605

(3) A description of the allegations contained in the 40606
complaint; 40607

(4) The disposition of the case. 40608

The report shall state how many cases are still pending, and 40609
shall be prepared in a manner that protects the identity of each 40610
person involved in each case. The report is a public record for 40611
purposes of section 149.43 of the Revised Code. 40612

Sec. 4760.15. (A) As used in this section, "prosecutor" has 40613
the same meaning as in section 2935.01 of the Revised Code. 40614

(B) Whenever any person holding a valid ~~certificate~~ license 40615
issued pursuant to this chapter pleads guilty to, is subject to a 40616
judicial finding of guilt of, or is subject to a judicial finding 40617
of eligibility for intervention in lieu of conviction for a 40618
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 40619
of any substantively comparable ordinance of a municipal 40620
corporation in connection with the person's practice, the 40621
prosecutor in the case, on forms prescribed and provided by the 40622
state medical board, shall promptly notify the board of the 40623
conviction. Within thirty days of receipt of that information, the 40624
board shall initiate action in accordance with Chapter 119. of the 40625
Revised Code to determine whether to suspend or revoke the 40626
~~certificate~~ license under section 4760.13 of the Revised Code. 40627

(C) The prosecutor in any case against any person holding a 40628
valid ~~certificate~~ license to practice issued pursuant to this 40629
chapter, on forms prescribed and provided by the state medical 40630
board, shall notify the board of any of the following: 40631

(1) A plea of guilty to, a finding of guilt by a jury or 40632
court of, or judicial finding of eligibility for intervention in 40633
lieu of conviction for a felony, or a case in which the trial 40634
court issues an order of dismissal upon technical or procedural 40635

grounds of a felony charge; 40636

(2) A plea of guilty to, a finding of guilt by a jury or 40637
court of, or judicial finding of eligibility for intervention in 40638
lieu of conviction for a misdemeanor committed in the course of 40639
practice, or a case in which the trial court issues an order of 40640
dismissal upon technical or procedural grounds of a charge of a 40641
misdemeanor, if the alleged act was committed in the course of 40642
practice; 40643

(3) A plea of guilty to, a finding of guilt by a jury or 40644
court of, or judicial finding of eligibility for intervention in 40645
lieu of conviction for a misdemeanor involving moral turpitude, or 40646
a case in which the trial court issues an order of dismissal upon 40647
technical or procedural grounds of a charge of a misdemeanor 40648
involving moral turpitude. 40649

The report shall include the name and address of the 40650
~~certificate~~ license holder, the nature of the offense for which 40651
the action was taken, and the certified court documents recording 40652
the action. 40653

Sec. 4760.16. (A) Within sixty days after the imposition of 40654
any formal disciplinary action taken by any health care facility, 40655
including a hospital, health care facility operated by ~~an~~ a health 40656
insuring corporation, ambulatory surgical facility, or similar 40657
facility, against any individual holding a valid ~~certificate~~ 40658
license to practice as an anesthesiologist assistant, the chief 40659
administrator or executive officer of the facility shall report to 40660
the state medical board the name of the individual, the action 40661
taken by the facility, and a summary of the underlying facts 40662
leading to the action taken. On request, the board shall be 40663
provided certified copies of the patient records that were the 40664
basis for the facility's action. Prior to release to the board, 40665
the summary shall be approved by the peer review committee that 40666

reviewed the case or by the governing board of the facility. 40667

The filing of a report with the board or decision not to file 40668
a report, investigation by the board, or any disciplinary action 40669
taken by the board, does not preclude a health care facility from 40670
taking disciplinary action against an anesthesiologist assistant. 40671

In the absence of fraud or bad faith, no individual or entity 40672
that provides patient records to the board shall be liable in 40673
damages to any person as a result of providing the records. 40674

(B)(1) Except as provided in division (B)(2) of this section, 40675
an anesthesiologist assistant, professional association or society 40676
of anesthesiologist assistants, physician, or professional 40677
association or society of physicians that believes a violation of 40678
any provision of this chapter, Chapter 4731. of the Revised Code, 40679
or rule of the board has occurred shall report to the board the 40680
information on which the belief is based. 40681

(2) An anesthesiologist assistant, professional association 40682
or society of anesthesiologist assistants, physician, or 40683
professional association or society of physicians that believes 40684
that a violation of division (B)(6) of section 4760.13 of the 40685
Revised Code has occurred shall report the information upon which 40686
the belief is based to the monitoring organization conducting the 40687
program established by the board under section 4731.251 of the 40688
Revised Code. If any such report is made to the board, it shall be 40689
referred to the monitoring organization unless the board is aware 40690
that the individual who is the subject of the report does not meet 40691
the program eligibility requirements of section 4731.252 of the 40692
Revised Code. 40693

(C) Any professional association or society composed 40694
primarily of anesthesiologist assistants that suspends or revokes 40695
an individual's membership for violations of professional ethics, 40696
or for reasons of professional incompetence or professional 40697

malpractice, within sixty days after a final decision, shall 40698
report to the board, on forms prescribed and provided by the 40699
board, the name of the individual, the action taken by the 40700
professional organization, and a summary of the underlying facts 40701
leading to the action taken. 40702

The filing of a report with the board or decision not to file 40703
a report, investigation by the board, or any disciplinary action 40704
taken by the board, does not preclude a professional organization 40705
from taking disciplinary action against an anesthesiologist 40706
assistant. 40707

(D) Any insurer providing professional liability insurance to 40708
any person holding a valid ~~certificate~~ license to practice as an 40709
anesthesiologist assistant or any other entity that seeks to 40710
indemnify the professional liability of an anesthesiologist 40711
assistant shall notify the board within thirty days after the 40712
final disposition of any written claim for damages where such 40713
disposition results in a payment exceeding twenty-five thousand 40714
dollars. The notice shall contain the following information: 40715

(1) The name and address of the person submitting the 40716
notification; 40717

(2) The name and address of the insured who is the subject of 40718
the claim; 40719

(3) The name of the person filing the written claim; 40720

(4) The date of final disposition; 40721

(5) If applicable, the identity of the court in which the 40722
final disposition of the claim took place. 40723

(E) The board may investigate possible violations of this 40724
chapter or the rules adopted under it that are brought to its 40725
attention as a result of the reporting requirements of this 40726
section, except that the board shall conduct an investigation if a 40727

possible violation involves repeated malpractice. As used in this 40728
division, "repeated malpractice" means three or more claims for 40729
malpractice within the previous five-year period, each resulting 40730
in a judgment or settlement in excess of twenty-five thousand 40731
dollars in favor of the claimant, and each involving negligent 40732
conduct by the anesthesiologist assistant. 40733

(F) All summaries, reports, and records received and 40734
maintained by the board pursuant to this section shall be held in 40735
confidence and shall not be subject to discovery or introduction 40736
in evidence in any federal or state civil action involving an 40737
anesthesiologist assistant, supervising physician, or health care 40738
facility arising out of matters that are the subject of the 40739
reporting required by this section. The board may use the 40740
information obtained only as the basis for an investigation, as 40741
evidence in a disciplinary hearing against an anesthesiologist 40742
assistant or supervising physician, or in any subsequent trial or 40743
appeal of a board action or order. 40744

The board may disclose the summaries and reports it receives 40745
under this section only to health care facility committees within 40746
or outside this state that are involved in credentialing or 40747
recredentialing an anesthesiologist assistant or supervising 40748
physician or reviewing their privilege to practice within a 40749
particular facility. The board shall indicate whether or not the 40750
information has been verified. Information transmitted by the 40751
board shall be subject to the same confidentiality provisions as 40752
when maintained by the board. 40753

(G) Except for reports filed by an individual pursuant to 40754
division (B) of this section, the board shall send a copy of any 40755
reports or summaries it receives pursuant to this section to the 40756
anesthesiologist assistant. The anesthesiologist assistant shall 40757
have the right to file a statement with the board concerning the 40758
correctness or relevance of the information. The statement shall 40759

at all times accompany that part of the record in contention. 40760

(H) An individual or entity that reports to the board, 40761
reports to the monitoring organization described in section 40762
4731.251 of the Revised Code, or refers an impaired 40763
anesthesiologist assistant to a treatment provider approved by the 40764
board under section 4731.25 of the Revised Code shall not be 40765
subject to suit for civil damages as a result of the report, 40766
referral, or provision of the information. 40767

(I) In the absence of fraud or bad faith, a professional 40768
association or society of anesthesiologist assistants that 40769
sponsors a committee or program to provide peer assistance to an 40770
anesthesiologist assistant with substance abuse problems, a 40771
representative or agent of such a committee or program, a 40772
representative or agent of the monitoring organization described 40773
in section 4731.251 of the Revised Code, and a member of the state 40774
medical board shall not be held liable in damages to any person by 40775
reason of actions taken to refer an anesthesiologist assistant to 40776
a treatment provider approved under section 4731.25 of the Revised 40777
Code for examination or treatment. 40778

Sec. 4760.18. The attorney general, the prosecuting attorney 40779
of any county in which the offense was committed or the offender 40780
resides, the state medical board, or any other person having 40781
knowledge of a person engaged either directly or by complicity in 40782
practicing as an anesthesiologist assistant without having first 40783
obtained a certificate license to practice ~~pursuant to~~ issued 40784
under this chapter, may, in accordance with provisions of the 40785
Revised Code governing injunctions, maintain an action in the name 40786
of the state to enjoin any person from engaging either directly or 40787
by complicity in unlawfully practicing as an anesthesiologist 40788
assistant by applying for an injunction in any court of competent 40789
jurisdiction. 40790

Prior to application for an injunction, the secretary of the
state medical board shall notify the person allegedly engaged
either directly or by complicity in the unlawful practice by
registered mail that the secretary has received information
indicating that this person is so engaged. The person shall answer
the secretary within thirty days showing that the person is either
properly licensed for the stated activity or that the person is
not in violation of this chapter. If the answer is not forthcoming
within thirty days after notice by the secretary, the secretary
shall request that the attorney general, the prosecuting attorney
of the county in which the offense was committed or the offender
resides, or the state medical board proceed as authorized in this
section.

Upon the filing of a verified petition in court, the court
shall conduct a hearing on the petition and shall give the same
preference to this proceeding as is given all proceedings under
Chapter 119. of the Revised Code, irrespective of the position of
the proceeding on the calendar of the court.

Injunction proceedings shall be in addition to, and not in
lieu of, all penalties and other remedies provided in this
chapter.

Sec. 4761.05. (A) The state medical board shall issue a
license to any applicant who complies with the requirements of
section 4761.04 of the Revised Code, files the prescribed
application form, and pays the fee or fees required under section
4761.07 of the Revised Code. The license entitles the holder to
practice respiratory care.

(B)(1) The board shall issue a limited permit to any
applicant who meets the requirements of division (A)(1) of section
4761.04 of the Revised Code, files an application on a form
furnished by the board, pays the fee required under section

4761.07 of the Revised Code, and meets either of the following 40822
requirements: 40823

(a) Is enrolled in and is in good standing in a respiratory 40824
care educational program approved by the board that meets the 40825
requirements of division (A)(2) of section 4761.04 of the Revised 40826
Code leading to a degree or certificate of completion or is a 40827
graduate of the program; 40828

(b) Is employed as a provider of respiratory care in this 40829
state and was employed as a provider of respiratory care in this 40830
state prior to March 14, 1989. 40831

(2) If no grounds apply under section 4761.09 of the Revised 40832
Code for denying a limited permit to the applicant and the 40833
applicant meets the requirements of division (B) of this section, 40834
the board shall issue a limited permit to the applicant. 40835

~~The board shall maintain a register of all persons holding~~ 40836
~~limited permits under this chapter.~~ The limited permit authorizes 40837
the holder to provide respiratory care under the supervision of a 40838
respiratory care professional. A person issued a limited permit 40839
under division (B)(1)(a) of this section may practice respiratory 40840
care under the limited permit for not more than three years after 40841
the date the limited permit is issued, except that the limited 40842
permit shall cease to be valid one year following the date of 40843
receipt of a certificate of completion from a board-approved 40844
respiratory care education program or immediately if the holder 40845
discontinues participation in the educational program. 40846

The holder shall notify the board as soon as practicable when 40847
the holder completes a board-approved respiratory care education 40848
program or discontinues participation in the educational program. 40849

This division does not require a student enrolled in an 40850
educational program leading to a degree or certificate of 40851
completion in respiratory care approved by the board to obtain a 40852

limited permit to perform any duties that are part of the required 40853
course of study. 40854

(3) A person issued a limited permit under division (B)(1)(b) 40855
of this section may practice under a limited permit for not more 40856
than three years, except that this restriction does not apply to a 40857
permit holder who, on March 14, 1989, has been employed as a 40858
provider of respiratory care for an average of not less than 40859
twenty-five hours per week for a period of not less than five 40860
years by a hospital. 40861

(4) During the three-year period in which a person may 40862
practice under a limited permit, the person shall apply for 40863
renewal on an annual basis in accordance with section 4761.06 of 40864
the Revised Code. 40865

(5) The board may revoke a limited permit upon proof 40866
satisfactory to the board that the permit holder has engaged in 40867
practice in this state outside the scope of the permit, that the 40868
holder has engaged in unethical conduct, or that there are grounds 40869
for action against the holder under section 4761.09 of the Revised 40870
Code. 40871

(C) The holder of a license or limited permit issued under 40872
this section shall either provide verification of licensure or 40873
permit status from the board's internet web site on request or 40874
prominently display a wall certificate in the license holder's 40875
office or place where the majority of the holder's practice is 40876
conducted. 40877

Sec. 4761.06. (A) Each license to practice respiratory care 40878
shall ~~be renewed biennially~~ expire on or before the last day of 40879
~~June of every even-numbered year~~ the date that is two years after 40880
the date of issuance and may be renewed for additional two-year 40881
periods. Each limited permit to practice respiratory care shall be 40882
renewed annually. Each person ~~holding~~ seeking to renew a license 40883

or limited permit to practice respiratory care shall apply to the 40884
state medical board ~~on the form and according to the schedule in a~~ 40885
~~manner~~ prescribed by the board ~~for renewal of the license or~~ 40886
~~limited permit~~. Licenses and limited permits shall be renewed in 40887
accordance with the standard renewal procedure of Chapter 4745. of 40888
the Revised Code. The ~~state medical~~ board shall renew a license if 40889
the holder pays the license renewal fee prescribed under section 40890
4761.07 of the Revised Code and certifies that the holder has 40891
completed the continuing education or reexamination requirements 40892
of division (B) of this section. 40893

At least one month before a license expires, the board shall 40894
provide to the license holder a renewal notice. Failure of any 40895
~~person~~ license holder to receive a notice of renewal from the 40896
board shall not excuse the ~~person~~ holder from the requirements 40897
contained in this section. Each ~~person holding a~~ license holder 40898
shall give notice to the board of a change in the ~~license~~ holder's 40899
residence address, business address, or electronic mail address 40900
not later than thirty days after the change occurs. 40901

The board shall renew a limited permit if the holder pays the 40902
limited permit renewal fee prescribed under section 4761.07 of the 40903
Revised Code and does either of the following: 40904

(1) If the limited permit was issued on the basis of division 40905
(B)(1)(a) of section 4761.05 of the Revised Code, certifies that 40906
the holder is enrolled and in good standing in an educational 40907
program that meets the requirements of division (A)(2) of section 40908
4761.04 of the Revised Code or has graduated from such a program; 40909

(2) If the limited permit was issued on the basis of division 40910
(B)(1)(b) of section 4761.05 of the Revised Code, certifies that 40911
the applicant is employed as a provider of respiratory care under 40912
the supervision of a respiratory care professional. 40913

(B) ~~On and after March 14, 1991, and every year thereafter,~~ 40914

~~on~~ or before the annual renewal date, the holder of a limited 40915
permit issued under division (B)(1)(b) of section 4761.05 of the 40916
Revised Code shall certify to the board that the holder has 40917
satisfactorily completed the number of hours of continuing 40918
education required by the board, which shall not be less than 40919
three nor more than ten hours of continuing education acceptable 40920
to the board. 40921

On or before the ~~biennial renewal~~ date a license expires, a 40922
license holder shall certify to the board that the license holder 40923
has satisfactorily completed the number of hours of continuing 40924
education required by the board, which shall be not less than six 40925
nor more than twenty hours of continuing education acceptable to 40926
the board, or has passed a reexamination in accordance with the 40927
board's renewal requirements. 40928

(C)(1) A license to practice respiratory care that is not 40929
renewed on or before its expiration date is automatically 40930
suspended on its expiration date. Continued practice after 40931
suspension shall be considered as practicing in violation of 40932
section 4761.10 of the Revised Code. 40933

(2) If a license has been suspended pursuant to division 40934
(C)(1) of this section for two years or less, it may be 40935
reinstated. The ~~state medical~~ board shall reinstate the license 40936
upon the applicant's submission of a complete renewal application 40937
and payment of a reinstatement fee of one hundred dollars. 40938

~~(3)(a)~~ If a license has been suspended pursuant to division 40939
(C)(1) of this section for more than two years, it may be 40940
restored. The Subject to section 4761.061 of the Revised Code, the 40941
board may restore the license upon an applicant's submission of a 40942
complete restoration application and a restoration fee of one 40943
hundred twenty-five dollars and compliance with sections 4776.01 40944
to 4776.04 of the Revised Code. The board shall not restore a 40945
license unless the board, in its discretion, decides that the 40946

results of the criminal records check do not make the applicant 40947
ineligible for a license issued pursuant to division (A) of this 40948
section. 40949

~~(b) The board may impose terms and conditions for the 40950
restoration, including any one or more of the following: 40951~~

~~(i) Requiring the applicant to pass an oral or written 40952
examination, or both, to determine the applicant's present fitness 40953
to resume practice; 40954~~

~~(ii) Requiring the applicant to obtain additional training 40955
and to pass an examination upon completion of such training; 40956~~

~~(iii) Restricting or limiting the extent, scope, or type of 40957
practice of the applicant. 40958~~

(D)(1) The board may require a random sample of limited 40959
permit holders to submit materials documenting that the holder has 40960
completed the number of hours of continuing education as described 40961
in division (B) of this section. 40962

(2) The board may require a random sample of license holders 40963
to submit materials documenting that the holder has completed the 40964
number of hours of continuing education as described in division 40965
(B) of this section or has passed a reexamination. 40966

(3) Division (D)(1) or (2) of this section does not limit the 40967
board's authority to conduct investigations pursuant to section 40968
4731.22 of the Revised Code. 40969

(E)(1) If, through a random sample conducted under division 40970
(D) of this section or any other means, the board finds that an 40971
individual who certified passing the reexamination or completion 40972
of the number of hours and type of continuing education required 40973
to renew, reinstate, or restore a limited permit or license did 40974
not pass the reexamination or complete the requisite continuing 40975
education, the board may do either of the following: 40976

(a) Take disciplinary action against the individual under 40977
section 4761.09 of the Revised Code, impose a civil penalty, or 40978
both; 40979

(b) Permit the individual to agree in writing to pass the 40980
reexamination or complete the continuing education and pay a civil 40981
penalty. 40982

(2) The board's finding in any disciplinary action taken 40983
under division (E)(1)(a) of this section shall be made pursuant to 40984
an adjudication under Chapter 119. of the Revised Code and by an 40985
affirmative vote of not fewer than six of its members. 40986

(3) A civil penalty imposed under division (E)(1)(a) of this 40987
section or paid under division (E)(1)(b) of this section shall be 40988
in an amount specified by the board of not more than five thousand 40989
dollars. The board shall deposit civil penalties in accordance 40990
with section 4731.24 of the Revised Code. 40991

Sec. 4761.061. (A) This section applies to both of the 40992
following: 40993

(1) An applicant seeking restoration of a license issued 40994
under this chapter that has been in a suspended or inactive state 40995
for any cause for more than two years; 40996

(2) An applicant seeking issuance of a license or certificate 40997
pursuant to this chapter who for more than two years has not been 40998
engaged in the practice of respiratory care as either of the 40999
following: 41000

(a) An active practitioner; 41001

(b) A student in an educational program as described in 41002
section 4761.04 of the Revised Code. 41003

(B) Before issuing a license or certificate to an applicant 41004
subject to this section or restoring a license to good standing 41005
for an applicant subject to this section, the state medical board 41006

may impose terms and conditions including any one or more of the 41007
following: 41008

(1) Requiring the applicant to pass an oral or written 41009
examination, or both, to determine the applicant's present fitness 41010
to resume practice; 41011

(2) Requiring the applicant to obtain additional training and 41012
to pass an examination upon completion of such training; 41013

(3) Requiring an assessment of the applicant's physical 41014
skills for purposes of determining whether the applicant's 41015
coordination, fine motor skills, and dexterity are sufficient for 41016
performing evaluations and procedures in a manner that meets the 41017
minimal standards of care; 41018

(4) Requiring an assessment of the applicant's skills in 41019
recognizing and understanding diseases and conditions; 41020

(5) Requiring the applicant to undergo a comprehensive 41021
physical examination, which may include an assessment of physical 41022
abilities, evaluation of sensory capabilities, or screening for 41023
the presence of neurological disorders; 41024

(6) Restricting or limiting the extent, scope, or type of 41025
practice of the applicant. 41026

The board shall consider the moral background and the 41027
activities of the applicant during the period of suspension or 41028
inactivity. The board shall not issue or restore a license under 41029
this section unless the applicant complies with sections 4776.01 41030
to 4776.04 of the Revised Code. 41031

Sec. 4762.02. (A) Except as provided in division (B), (C), or 41032
(D) of this section, no person shall do either of the following: 41033
41034

(1) Engage in the practice of oriental medicine unless the 41035
person holds a valid ~~certificate~~ license to practice as an 41036

oriental medicine practitioner issued by the state medical board 41037
under this chapter; 41038

(2) Engage in the practice of acupuncture unless the person 41039
holds a valid ~~certificate~~ license to practice as an acupuncturist 41040
issued by the state medical board under this chapter. 41041

(B) Division (A) of this section does not apply to a 41042
physician. 41043

(C) Division (A)(1) of this section does not apply to the 41044
following: 41045

(1) A person who engages in activities included in the 41046
practice of oriental medicine as part of a training program in 41047
oriental medicine, but only if both of the following conditions 41048
are met: 41049

(a) The training program is operated by an educational 41050
institution that holds an effective certificate of authorization 41051
issued by the ~~Ohio board of regents~~ chancellor of higher education 41052
under section 1713.02 of the Revised Code or a school that holds 41053
an effective certificate of registration issued by the state board 41054
of career colleges and schools under section 3332.05 of the 41055
Revised Code. 41056

(b) The person engages in the activities under the general 41057
supervision of an individual who holds a ~~certificate~~ license to 41058
practice as an oriental medicine practitioner issued under this 41059
chapter and is not practicing within the supervisory period 41060
required by section 4762.10 of the Revised Code. 41061

(2) To the extent that acupuncture is a component of oriental 41062
medicine, an individual who holds a ~~certificate~~ license to 41063
practice as an acupuncturist issued under this chapter or a 41064
chiropractor who holds a certificate to practice acupuncture 41065
issued by the state chiropractic board under section 4734.283 of 41066
the Revised Code. 41067

(D) Division (A)(2) of this section does not apply to the 41068
following: 41069

(1) A person who performs acupuncture as part of a training 41070
program in acupuncture, but only if both of the following 41071
conditions are met: 41072

(a) The training program is operated by an educational 41073
institution that holds an effective certificate of authorization 41074
issued by the ~~Ohio board of regents~~ chancellor of higher education 41075
under section 1713.02 of the Revised Code or a school that holds 41076
an effective certificate of registration issued by the state board 41077
of career colleges and schools under section 3332.05 of the 41078
Revised Code. 41079

(b) The person performs the acupuncture under the general 41080
supervision of an acupuncturist who holds a ~~certificate~~ license to 41081
practice as an acupuncturist issued under this chapter and is not 41082
practicing within the supervisory period required by section 41083
4762.10 of the Revised Code. 41084

(2) An individual who holds a ~~certificate~~ license to practice 41085
as an oriental medicine practitioner issued under this chapter. 41086

(3) A chiropractor who holds a certificate to practice 41087
acupuncture issued by the state chiropractic board under section 41088
4734.283 of the Revised Code. 41089

Sec. 4762.03. (A) An individual seeking a ~~certificate~~ license 41090
to practice as an oriental medicine practitioner or ~~certificate~~ 41091
license to practice as an acupuncturist shall file with the state 41092
medical board a written application on a form prescribed and 41093
supplied by the board. 41094

(B) To be eligible for the ~~certificate to practice~~ license, 41095
an applicant shall meet all of the following conditions, as 41096
applicable: 41097

(1) The applicant shall submit evidence satisfactory to the board that the applicant is at least eighteen years of age and of good moral character.

(2) In the case of an applicant seeking a ~~certificate~~ license to practice as an oriental medicine practitioner, the applicant shall submit evidence satisfactory to the board of both of the following:

(a) That the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

(b) That the applicant has successfully completed, in the two-year period immediately preceding application for the ~~certificate~~ license to practice, one course approved by the commission on federal food and drug administration dispensary and compounding guidelines and procedures.

(3) In the case of an applicant seeking a ~~certificate~~ license to practice as an acupuncturist, the applicant shall submit evidence satisfactory to the board that the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(4) The applicant shall demonstrate to the board proficiency in spoken English by satisfying one of the following requirements:

(a) Passing the examination described in section 4731.142 of the Revised Code;

(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and

Chinese herbology, or diplomate in acupuncture; 41129

(c) Submitting evidence satisfactory to the board that the 41130
applicant, in seeking a designation from the national 41131
certification commission for acupuncture and oriental medicine as 41132
a diplomate of oriental medicine, diplomate of acupuncture and 41133
Chinese herbology, or diplomate of acupuncture, has successfully 41134
completed in English the examination required for such a 41135
designation by the national certification commission for 41136
acupuncture and oriental medicine; 41137

(d) In the case of an applicant seeking a ~~certificate~~ license 41138
to practice as an oriental medicine practitioner, submitting 41139
evidence satisfactory to the board that the applicant has 41140
previously held a ~~certificate~~ license to practice as an 41141
acupuncturist issued under section 4762.04 of the Revised Code. 41142

(5) The applicant shall submit to the board any other 41143
information the board requires. 41144

(6) The applicant shall pay to the board a fee of one hundred 41145
dollars, no part of which may be returned to the applicant. 41146

(C) The board shall review all applications received under 41147
this section. The board shall determine whether an applicant meets 41148
the requirements to receive a ~~certificate to practice~~ license not 41149
later than sixty days after receiving a complete application. ~~The~~ 41150
~~affirmative vote of not fewer than six members of the board is~~ 41151
~~required to determine that an applicant meets the requirements for~~ 41152
~~a certificate.~~ 41153

Sec. 4762.031. In addition to any other eligibility 41154
requirement set forth in this chapter, each applicant for a 41155
~~certificate~~ license to practice as an oriental medicine 41156
practitioner or ~~certificate~~ license to practice as an 41157
acupuncturist shall comply with sections 4776.01 to 4776.04 of the 41158

Revised Code. The state medical board shall not grant to an 41159
applicant a ~~certificate~~ license to practice unless the board, in 41160
its discretion, decides that the results of the criminal records 41161
check do not make the applicant ineligible for a ~~certificate~~ 41162
license issued pursuant to section 4762.04 of the Revised Code. 41163

Sec. 4762.04. If the state medical board determines under 41164
section 4762.03 of the Revised Code that an applicant meets the 41165
requirements for a ~~certificate~~ license to practice as an oriental 41166
medicine practitioner or ~~certificate~~ license to practice as an 41167
acupuncturist, the secretary of the board shall register the 41168
applicant as an oriental medicine practitioner or acupuncturist, 41169
as appropriate, and issue to the applicant the appropriate 41170
~~certificate~~ license to practice. The ~~certificate~~ license shall be 41171
valid for a two-year period unless revoked or suspended, shall 41172
expire ~~biennially~~ on the date that is two years after the date of 41173
issuance, and may be renewed for additional two-year periods in 41174
accordance with section 4762.06 of the Revised Code. 41175

Sec. 4762.05. Upon application by the holder of a ~~certificate~~ 41176
license to practice as an oriental medicine practitioner or 41177
~~certificate~~ license to practice as an acupuncturist, the state 41178
medical board shall issue a duplicate ~~certificate~~ license to 41179
replace one that is missing or damaged, to reflect a name change, 41180
or for any other reasonable cause. The fee for a duplicate 41181
~~certificate~~ license is thirty-five dollars. 41182

Sec. 4762.06. (A) A person seeking to renew a ~~certificate~~ 41183
license to practice as an oriental medicine practitioner or 41184
~~certificate~~ license to practice as an acupuncturist shall, on or 41185
before the ~~thirty first day of January of each even numbered year~~ 41186
license's expiration date, apply to the state medical board for 41187
renewal ~~of the certificate.~~ The ~~state medical~~ board shall provide 41188

renewal notices to license holders at least one month prior to the 41189
expiration date. 41190

Applications shall be submitted to the board in a manner 41191
prescribed by the board. Each application shall be accompanied by 41192
a biennial renewal fee of one hundred dollars. 41193

The applicant shall report any criminal offense that 41194
constitutes grounds for refusing to issue a ~~certificate~~ license 41195
under section 4762.13 of the Revised Code to which the applicant 41196
has pleaded guilty, of which the applicant has been found guilty, 41197
or for which the applicant has been found eligible for 41198
intervention in lieu of conviction, since last signing an 41199
application for a ~~certificate~~ license to practice as an oriental 41200
medicine practitioner or ~~certificate~~ license to practice as an 41201
acupuncturist. 41202

(B)(1) To be eligible for renewal of a ~~certificate~~ license to 41203
practice as an oriental medicine practitioner, an applicant shall 41204
certify to the board both of the following, as applicable: 41205

(a) That the applicant has maintained a current and active 41206
designation from the national certification commission for 41207
acupuncture and oriental medicine as either a diplomate in 41208
oriental medicine or diplomate of acupuncture and Chinese 41209
herbology; 41210

(b) That the applicant has successfully completed one 41211
six-hour course in herb and drug interaction approved by the 41212
national certification commission for acupuncture and oriental 41213
medicine in the four years immediately preceding the expiration 41214
date of the applicant's current and active designation from the 41215
commission as a diplomate in oriental medicine or diplomate of 41216
acupuncture and Chinese herbology. 41217

(2) To be eligible for renewal of a ~~certificate~~ license to 41218
practice as an acupuncturist, an applicant shall certify to the 41219

board that the acupuncturist has maintained a current and active 41220
designation from the national certification commission for 41221
acupuncture and oriental medicine as a diplomate in acupuncture. 41222

(C) If an applicant submits a complete renewal application 41223
and qualifies for renewal pursuant to division (B) of this 41224
section, the board shall issue to the applicant a renewed 41225
~~certificate~~ license to practice. 41226

(D) A ~~certificate~~ license to practice that is not renewed on 41227
or before its expiration date is automatically suspended on its 41228
expiration date. ~~If~~ 41229

If a ~~certificate~~ license has been suspended pursuant to this 41230
division for two years or less, the board shall reinstate the 41231
~~certificate~~ license upon an applicant's submission of a renewal 41232
application, the biennial renewal fee, and the applicable monetary 41233
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 41234

If a ~~certificate~~ license has been suspended pursuant to this 41235
division for more than two years, it may be restored. Subject to 41236
section 4762.061 of the Revised Code, the board may restore the 41237
license upon an applicant's submission of a restoration 41238
application, the biennial renewal fee, and the applicable monetary 41239
penalty and compliance with sections 4776.01 to 4776.04 of the 41240
Revised Code. The board shall not restore a ~~certificate to~~ 41241
~~practice~~ license unless the board, in its discretion, decides that 41242
the results of the criminal records check do not make the 41243
applicant ineligible for a certificate issued pursuant to section 41244
4762.04 of the Revised Code. The penalty for restoration is fifty 41245
dollars. 41246

Sec. 4762.061. (A) This section applies to both of the 41247
following: 41248

(1) An applicant seeking restoration of a license issued 41249

under this chapter that has been in a suspended or inactive state 41250
for any cause for more than two years; 41251

(2) An applicant seeking issuance of a license pursuant to 41252
this chapter who for more than two years has not been engaged in 41253
the practice of oriental medicine or acupuncture as either of the 41254
following: 41255

(a) An active practitioner; 41256

(b) A participant in a training program as described in 41257
section 4762.02 of the Revised Code. 41258

(B) Before issuing a license to an applicant subject to this 41259
section or restoring a license to good standing for an applicant 41260
subject to this section, the state medical board may impose terms 41261
and conditions including any one or more of the following: 41262

(1) Requiring the applicant to pass an oral or written 41263
examination, or both, to determine the applicant's present fitness 41264
to resume practice; 41265

(2) Requiring the applicant to obtain additional training and 41266
to pass an examination upon completion of such training; 41267

(3) Requiring an assessment of the applicant's physical 41268
skills for purposes of determining whether the applicant's 41269
coordination, fine motor skills, and dexterity are sufficient for 41270
performing evaluations and procedures in a manner that meets the 41271
minimal standards of care; 41272

(4) Requiring an assessment of the applicant's skills in 41273
recognizing and understanding diseases and conditions; 41274

(5) Requiring the applicant to undergo a comprehensive 41275
physical examination, which may include an assessment of physical 41276
abilities, evaluation of sensory capabilities, or screening for 41277
the presence of neurological disorders; 41278

(6) Restricting or limiting the extent, scope, or type of 41279

practice of the applicant. 41280

The board shall consider the moral background and the 41281
activities of the applicant during the period of suspension or 41282
inactivity. The board shall not issue or restore a license under 41283
this section unless the applicant complies with sections 4776.01 41284
to 4776.04 of the Revised Code. 41285

Sec. 4762.08. (A) A person who holds a ~~certificate~~ license to 41286
practice as an oriental medicine practitioner issued under this 41287
chapter may use the following titles, initials, or abbreviations, 41288
or the equivalent of such titles, initials, or abbreviations, to 41289
identify the person as an oriental medicine practitioner: 41290
"Oriental Medicine Practitioner," "Licensed Oriental Medicine 41291
Practitioner," "L.O.M.," "Diplomate in Oriental Medicine 41292
(NCCAOM)," "Dipl. O.M. (NCCAOM)," "National Board Certified in 41293
Oriental Medicine (NCCAOM)," "Acupuncturist," "Licensed 41294
Acupuncturist," "L.Ac. and L.C.H.," "Diplomate of Acupuncture and 41295
Chinese Herbology (NCCAOM)," "Dipl. Ac. and Dipl. C.H. (NCCAOM)," 41296
or "National Board Certified in Acupuncture and Chinese Herbology 41297
(NCCAOM)." The person shall not use other titles, initials, or 41298
abbreviations in conjunction with the person's practice of 41299
oriental medicine, including the title "doctor." 41300

(B) A person who holds a ~~certificate~~ license to practice as 41301
an acupuncturist issued under this chapter may use the following 41302
titles, initials, or abbreviations, or the equivalent of such 41303
titles, initials, or abbreviations, to identify the person as an 41304
acupuncturist: "Acupuncturist," "Licensed Acupuncturist," "L.Ac.," 41305
"Diplomate in Acupuncture (NCCAOM)," "Dipl. Ac. (NCCAOM)," or 41306
"National Board Certified in Acupuncture (NCCAOM)." The person 41307
shall not use other titles, initials, or abbreviations in 41308
conjunction with the person's practice of acupuncture, including 41309
the title "doctor." 41310

Sec. 4762.09. An individual who holds a ~~certificate~~ license 41311
to practice as an oriental medicine practitioner or ~~certificate~~ 41312
license to practice as an acupuncturist issued under this chapter 41313
shall conspicuously display at the individual's primary place of 41314
business both of the following: 41315

(A) The individual's ~~certificate~~ license, as evidence that 41316
the individual is authorized to practice in this state; 41317

(B) A notice specifying that the practice of oriental 41318
medicine or acupuncture, as applicable, under the ~~certificate~~ 41319
license is regulated by the state medical board and the address 41320
and telephone number of the board's office. 41321

Sec. 4762.10. The following, as applicable, apply to an 41322
individual who holds a ~~certificate~~ license to practice as an 41323
oriental medicine practitioner or ~~certificate~~ license to practice 41324
as an acupuncturist: 41325

(A) On receipt of an initial ~~certificate~~ license to practice, 41326
the practice of the oriental medicine practitioner or 41327
acupuncturist is subject to a supervisory period. The supervisory 41328
period shall begin on the date the initial ~~certificate~~ license is 41329
granted and end one year thereafter, except that if the oriental 41330
medicine practitioner or acupuncturist is subject during that year 41331
to disciplinary action taken by the state medical board pursuant 41332
to section 4762.13 of the Revised Code, the supervision shall 41333
continue until the practitioner or acupuncturist has not been 41334
subject to any disciplinary action for one year. 41335

(B) During the supervisory period, both of the following 41336
apply to an oriental medicine practitioner's or acupuncturist's 41337
practice in addition to the applicable requirements of divisions 41338
(D) and (E) of this section: 41339

(1) An oriental medicine practitioner shall perform oriental 41340

medicine or acupuncture for a patient only if the patient has 41341
received a written referral or prescription for oriental medicine 41342
or acupuncture from a physician or for acupuncture from a 41343
chiropractor. An acupuncturist shall perform acupuncture for a 41344
patient only if the patient has received a written referral or 41345
prescription for acupuncture from a physician or chiropractor. As 41346
specified in the referral or prescription, the oriental medicine 41347
practitioner or acupuncturist shall provide reports to the 41348
physician or chiropractor on the patient's condition or progress 41349
in treatment and comply with the conditions or restrictions on the 41350
practitioner's or acupuncturist's course of treatment. 41351

(2) The oriental medicine practitioner or acupuncturist shall 41352
perform oriental medicine or acupuncture under the general 41353
supervision of the patient's referring or prescribing physician or 41354
chiropractor, except that an oriental medicine practitioner using 41355
herbal therapy in the treatment of a patient shall not provide 41356
herbal therapy under the general supervision of a chiropractor. 41357
General supervision does not require that the oriental medicine 41358
practitioner or acupuncturist and supervising physician or 41359
chiropractor practice in the same office. 41360

(C) After the supervisory period has ended, both of the 41361
following apply to an oriental medicine practitioner's or 41362
acupuncturist's practice in addition to the applicable 41363
requirements of divisions (D) and (E) of this section: 41364

(1) Before treating a patient for a particular condition, an 41365
oriental medicine practitioner or acupuncturist shall confirm 41366
whether the patient has undergone within the past six months a 41367
diagnostic examination that was related to the condition for which 41368
the patient is seeking oriental medicine or acupuncture and was 41369
performed by a physician or chiropractor acting within the 41370
physician's or chiropractor's scope of practice. Confirmation that 41371
the diagnostic examination was performed may be made by obtaining 41372

from the patient a signed form stating that the patient has 41373
undergone the examination. 41374

(2) If the patient does not provide the signed form specified 41375
in division (C)(1) of this section or an oriental medicine 41376
practitioner or acupuncturist otherwise determines that the 41377
patient has not undergone the diagnostic examination specified in 41378
that division, the practitioner or acupuncturist shall provide to 41379
the patient a written recommendation to undergo a diagnostic 41380
examination by a physician or chiropractor. 41381

(D) In an individual's practice of oriental medicine or 41382
acupuncture pursuant to a ~~certificate~~ license to practice issued 41383
under this chapter, all of the following apply: 41384

(1) Prior to treating a patient, the individual shall advise 41385
the patient that oriental medicine or acupuncture, as applicable, 41386
is not a substitute for conventional medical diagnosis and 41387
treatment. 41388

(2) On initially meeting a patient in person, the individual 41389
shall provide in writing the individual's name, business address, 41390
and business telephone number, and information on oriental 41391
medicine or acupuncture, as applicable, including the techniques 41392
that are used. 41393

(3) While treating a patient, the individual shall not make a 41394
diagnosis. If a patient's condition is not improving or a patient 41395
requires emergency medical treatment, the individual shall consult 41396
promptly with a physician. 41397

(4) The individual shall maintain records for each patient 41398
treated. The records shall be confidential and shall be retained 41399
for not less than three years following termination of treatment. 41400
The individual shall include in a patient's records the written 41401
referral or prescription pursuant to which ~~the~~ the patient is 41402
treated during a supervisory period and any written referral or 41403

prescription for oriental medicine or acupuncture received for a 41404
patient being treated after the supervisory period. 41405

(E) In an individual's practice of oriental medicine by using 41406
herbal therapy in the treatment of a patient, all of the following 41407
apply: 41408

(1) The oriental medicine practitioner shall provide to the 41409
patient counseling and treatment instructions. The treatment 41410
instructions shall do all of the following: 41411

(a) Explain the need for herbal therapy; 41412

(b) Instruct the patient how to take the herbal therapy; 41413

(c) Explain possible contraindications to the herbal therapy 41414
and provide sources of care in case of an adverse reaction; 41415

(d) Instruct the patient to inform the patient's other health 41416
care providers, including the patient's pharmacist, of the herbal 41417
therapy that has been provided to the patient. 41418

(2) The oriental medicine practitioner shall document all of 41419
the following in the patient's record: 41420

(a) The type, amount, and strength of herbal therapy 41421
recommended for the patient's use; 41422

(b) The counseling and treatment instructions provided to the 41423
patient under division (E)(1) of this section; 41424

(c) Any adverse reaction reported by the patient in 41425
conjunction with the use of herbal therapy. 41426

(3) The oriental medicine practitioner shall report to the 41427
state medical board any adverse reactions reported by the patient 41428
under division (E)(2)(c) of this section. 41429

Sec. 4762.13. (A) The state medical board, by an affirmative 41430
vote of not fewer than six members, may revoke or may refuse to 41431
grant a ~~certificate~~ license to practice as an oriental medicine 41432

practitioner or ~~certificate~~ license to practice as an 41433
acupuncturist to a person found by the board to have committed 41434
fraud, misrepresentation, or deception in applying for or securing 41435
the ~~certificate~~ license. 41436

(B) The board, by an affirmative vote of not fewer than six 41437
members, shall, to the extent permitted by law, limit, revoke, or 41438
suspend an individual's ~~certificate~~ license to practice, refuse to 41439
issue a ~~certificate~~ license to an applicant, refuse to renew a 41440
~~certificate~~ license, refuse to reinstate a ~~certificate~~ license, or 41441
reprimand or place on probation the holder of a ~~certificate~~ 41442
license for any of the following reasons: 41443

(1) Permitting the holder's name or ~~certificate~~ license to be 41444
used by another person; 41445

(2) Failure to comply with the requirements of this chapter, 41446
Chapter 4731. of the Revised Code, or any rules adopted by the 41447
board; 41448

(3) Violating or attempting to violate, directly or 41449
indirectly, or assisting in or abetting the violation of, or 41450
conspiring to violate, any provision of this chapter, Chapter 41451
4731. of the Revised Code, or the rules adopted by the board; 41452

(4) A departure from, or failure to conform to, minimal 41453
standards of care of similar practitioners under the same or 41454
similar circumstances whether or not actual injury to the patient 41455
is established; 41456

(5) Inability to practice according to acceptable and 41457
prevailing standards of care by reason of mental illness or 41458
physical illness, including physical deterioration that adversely 41459
affects cognitive, motor, or perceptive skills; 41460

(6) Impairment of ability to practice according to acceptable 41461
and prevailing standards of care because of habitual or excessive 41462
use or abuse of drugs, alcohol, or other substances that impair 41463

ability to practice; 41464

(7) Willfully betraying a professional confidence; 41465

(8) Making a false, fraudulent, deceptive, or misleading 41466
statement in soliciting or advertising for patients or in securing 41467
or attempting to secure a ~~certificate~~ license to practice as an 41468
oriental medicine practitioner or ~~certificate~~ license to practice 41469
as an acupuncturist. 41470

As used in this division, "false, fraudulent, deceptive, or 41471
misleading statement" means a statement that includes a 41472
misrepresentation of fact, is likely to mislead or deceive because 41473
of a failure to disclose material facts, is intended or is likely 41474
to create false or unjustified expectations of favorable results, 41475
or includes representations or implications that in reasonable 41476
probability will cause an ordinarily prudent person to 41477
misunderstand or be deceived. 41478

(9) Representing, with the purpose of obtaining compensation 41479
or other advantage personally or for any other person, that an 41480
incurable disease or injury, or other incurable condition, can be 41481
permanently cured; 41482

(10) The obtaining of, or attempting to obtain, money or a 41483
thing of value by fraudulent misrepresentations in the course of 41484
practice; 41485

(11) A plea of guilty to, a judicial finding of guilt of, or 41486
a judicial finding of eligibility for intervention in lieu of 41487
conviction for, a felony; 41488

(12) Commission of an act that constitutes a felony in this 41489
state, regardless of the jurisdiction in which the act was 41490
committed; 41491

(13) A plea of guilty to, a judicial finding of guilt of, or 41492
a judicial finding of eligibility for intervention in lieu of 41493

conviction for, a misdemeanor committed in the course of practice; 41494

(14) A plea of guilty to, a judicial finding of guilt of, or 41495
a judicial finding of eligibility for intervention in lieu of 41496
conviction for, a misdemeanor involving moral turpitude; 41497

(15) Commission of an act in the course of practice that 41498
constitutes a misdemeanor in this state, regardless of the 41499
jurisdiction in which the act was committed; 41500

(16) Commission of an act involving moral turpitude that 41501
constitutes a misdemeanor in this state, regardless of the 41502
jurisdiction in which the act was committed; 41503

(17) A plea of guilty to, a judicial finding of guilt of, or 41504
a judicial finding of eligibility for intervention in lieu of 41505
conviction for violating any state or federal law regulating the 41506
possession, distribution, or use of any drug, including 41507
trafficking in drugs; 41508

(18) Any of the following actions taken by the state agency 41509
responsible for regulating the practice of oriental medicine or 41510
acupuncture in another jurisdiction, for any reason other than the 41511
nonpayment of fees: the limitation, revocation, or suspension of 41512
an individual's license to practice; acceptance of an individual's 41513
license surrender; denial of a license; refusal to renew or 41514
reinstate a license; imposition of probation; or issuance of an 41515
order of censure or other reprimand; 41516

(19) Violation of the conditions placed by the board on a 41517
~~certificate~~ license to practice as an oriental medicine 41518
practitioner or ~~certificate~~ license to practice as an 41519
acupuncturist; 41520

(20) Failure to use universal blood and body fluid 41521
precautions established by rules adopted under section 4731.051 of 41522
the Revised Code; 41523

(21) Failure to cooperate in an investigation conducted by 41524
the board under section 4762.14 of the Revised Code, including 41525
failure to comply with a subpoena or order issued by the board or 41526
failure to answer truthfully a question presented by the board at 41527
a deposition or in written interrogatories, except that failure to 41528
cooperate with an investigation shall not constitute grounds for 41529
discipline under this section if a court of competent jurisdiction 41530
has issued an order that either quashes a subpoena or permits the 41531
individual to withhold the testimony or evidence in issue; 41532

(22) Failure to comply with the standards of the national 41533
certification commission for acupuncture and oriental medicine 41534
regarding professional ethics, commitment to patients, commitment 41535
to the profession, and commitment to the public; 41536

(23) Failure to have adequate professional liability 41537
insurance coverage in accordance with section 4762.22 of the 41538
Revised Code; 41539

(24) Failure to maintain a current and active designation as 41540
a diplomate in oriental medicine, diplomate of acupuncture and 41541
Chinese herbology, or diplomate in acupuncture, as applicable, 41542
from the national certification commission for acupuncture and 41543
oriental medicine, including revocation by the commission of the 41544
individual's designation, failure by the individual to meet the 41545
commission's requirements for redesignation, or failure to notify 41546
the board that the appropriate designation has not been 41547
maintained. 41548

(C) Disciplinary actions taken by the board under divisions 41549
(A) and (B) of this section shall be taken pursuant to an 41550
adjudication under Chapter 119. of the Revised Code, except that 41551
in lieu of an adjudication, the board may enter into a consent 41552
agreement with an oriental medicine practitioner or acupuncturist 41553
or applicant to resolve an allegation of a violation of this 41554
chapter or any rule adopted under it. A consent agreement, when 41555

ratified by an affirmative vote of not fewer than six members of 41556
the board, shall constitute the findings and order of the board 41557
with respect to the matter addressed in the agreement. If the 41558
board refuses to ratify a consent agreement, the admissions and 41559
findings contained in the consent agreement shall be of no force 41560
or effect. 41561

(D) For purposes of divisions (B)(12), (15), and (16) of this 41562
section, the commission of the act may be established by a finding 41563
by the board, pursuant to an adjudication under Chapter 119. of 41564
the Revised Code, that the applicant or ~~certificate~~ license holder 41565
committed the act in question. The board shall have no 41566
jurisdiction under these divisions in cases where the trial court 41567
renders a final judgment in the ~~certificate~~ license holder's favor 41568
and that judgment is based upon an adjudication on the merits. The 41569
board shall have jurisdiction under these divisions in cases where 41570
the trial court issues an order of dismissal upon technical or 41571
procedural grounds. 41572

(E) The sealing of conviction records by any court shall have 41573
no effect upon a prior board order entered under the provisions of 41574
this section or upon the board's jurisdiction to take action under 41575
the provisions of this section if, based upon a plea of guilty, a 41576
judicial finding of guilt, or a judicial finding of eligibility 41577
for intervention in lieu of conviction, the board issued a notice 41578
of opportunity for a hearing or entered into a consent agreement 41579
prior to the court's order to seal the records. The board shall 41580
not be required to seal, destroy, redact, or otherwise modify its 41581
records to reflect the court's sealing of conviction records. 41582

(F) For purposes of this division, any individual who holds a 41583
~~certificate~~ license to practice issued under this chapter, or 41584
applies for a ~~certificate~~ license to practice, shall be deemed to 41585
have given consent to submit to a mental or physical examination 41586
when directed to do so in writing by the board and to have waived 41587

all objections to the admissibility of testimony or examination 41588
reports that constitute a privileged communication. 41589

(1) In enforcing division (B)(5) of this section, the board, 41590
upon a showing of a possible violation, may compel any individual 41591
who holds a ~~certificate~~ license to practice issued under this 41592
chapter or who has applied for a ~~certificate~~ license pursuant to 41593
this chapter to submit to a mental examination, physical 41594
examination, including an HIV test, or both a mental and physical 41595
examination. The expense of the examination is the responsibility 41596
of the individual compelled to be examined. Failure to submit to a 41597
mental or physical examination or consent to an HIV test ordered 41598
by the board constitutes an admission of the allegations against 41599
the individual unless the failure is due to circumstances beyond 41600
the individual's control, and a default and final order may be 41601
entered without the taking of testimony or presentation of 41602
evidence. If the board finds an oriental medicine practitioner or 41603
acupuncturist unable to practice because of the reasons set forth 41604
in division (B)(5) of this section, the board shall require the 41605
individual to submit to care, counseling, or treatment by 41606
physicians approved or designated by the board, as a condition for 41607
an initial, continued, reinstated, or renewed ~~certificate~~ license 41608
to practice. An individual affected by this division shall be 41609
afforded an opportunity to demonstrate to the board the ability to 41610
resume practicing in compliance with acceptable and prevailing 41611
standards of care. 41612

(2) For purposes of division (B)(6) of this section, if the 41613
board has reason to believe that any individual who holds a 41614
~~certificate~~ license to practice issued under this chapter or any 41615
applicant for a ~~certificate~~ license suffers such impairment, the 41616
board may compel the individual to submit to a mental or physical 41617
examination, or both. The expense of the examination is the 41618
responsibility of the individual compelled to be examined. Any 41619

mental or physical examination required under this division shall 41620
be undertaken by a treatment provider or physician qualified to 41621
conduct such examination and chosen by the board. 41622

Failure to submit to a mental or physical examination ordered 41623
by the board constitutes an admission of the allegations against 41624
the individual unless the failure is due to circumstances beyond 41625
the individual's control, and a default and final order may be 41626
entered without the taking of testimony or presentation of 41627
evidence. If the board determines that the individual's ability to 41628
practice is impaired, the board shall suspend the individual's 41629
~~certificate~~ license or deny the individual's application and shall 41630
require the individual, as a condition for an initial, continued, 41631
reinstated, or renewed ~~certificate~~ license, to submit to 41632
treatment. 41633

Before being eligible to apply for reinstatement of a 41634
~~certificate~~ license suspended under this division, the oriental 41635
medicine practitioner or acupuncturist shall demonstrate to the 41636
board the ability to resume practice in compliance with acceptable 41637
and prevailing standards of care. The demonstration shall include 41638
the following: 41639

(a) Certification from a treatment provider approved under 41640
section 4731.25 of the Revised Code that the individual has 41641
successfully completed any required inpatient treatment; 41642

(b) Evidence of continuing full compliance with an aftercare 41643
contract or consent agreement; 41644

(c) Two written reports indicating that the individual's 41645
ability to practice has been assessed and that the individual has 41646
been found capable of practicing according to acceptable and 41647
prevailing standards of care. The reports shall be made by 41648
individuals or providers approved by the board for making such 41649
assessments and shall describe the basis for their determination. 41650

The board may reinstate a ~~certificate~~ license suspended under 41651
this division after such demonstration and after the individual 41652
has entered into a written consent agreement. 41653

When the impaired individual resumes practice, the board 41654
shall require continued monitoring of the individual. The 41655
monitoring shall include monitoring of compliance with the written 41656
consent agreement entered into before reinstatement or with 41657
conditions imposed by board order after a hearing, and, upon 41658
termination of the consent agreement, submission to the board for 41659
at least two years of annual written progress reports made under 41660
penalty of falsification stating whether the individual has 41661
maintained sobriety. 41662

(G) If the secretary and supervising member determine both of 41663
the following, they may recommend that the board suspend an 41664
individual's ~~certificate~~ license to practice without a prior 41665
hearing: 41666

(1) That there is clear and convincing evidence that an 41667
oriental medicine practitioner or acupuncturist has violated 41668
division (B) of this section; 41669

(2) That the individual's continued practice presents a 41670
danger of immediate and serious harm to the public. 41671

Written allegations shall be prepared for consideration by 41672
the board. The board, upon review of the allegations and by an 41673
affirmative vote of not fewer than six of its members, excluding 41674
the secretary and supervising member, may suspend a ~~certificate~~ 41675
license without a prior hearing. A telephone conference call may 41676
be utilized for reviewing the allegations and taking the vote on 41677
the summary suspension. 41678

The board shall issue a written order of suspension by 41679
certified mail or in person in accordance with section 119.07 of 41680
the Revised Code. The order shall not be subject to suspension by 41681

the court during pendency of any appeal filed under section 119.12 41682
of the Revised Code. If the oriental medicine practitioner or 41683
acupuncturist requests an adjudicatory hearing by the board, the 41684
date set for the hearing shall be within fifteen days, but not 41685
earlier than seven days, after the hearing is requested, unless 41686
otherwise agreed to by both the board and the ~~certificate~~ license 41687
holder. 41688

A summary suspension imposed under this division shall remain 41689
in effect, unless reversed on appeal, until a final adjudicative 41690
order issued by the board pursuant to this section and Chapter 41691
119. of the Revised Code becomes effective. The board shall issue 41692
its final adjudicative order within sixty days after completion of 41693
its hearing. Failure to issue the order within sixty days shall 41694
result in dissolution of the summary suspension order, but shall 41695
not invalidate any subsequent, final adjudicative order. 41696

(H) If the board takes action under division (B)(11), (13), 41697
or (14) of this section, and the judicial finding of guilt, guilty 41698
plea, or judicial finding of eligibility for intervention in lieu 41699
of conviction is overturned on appeal, upon exhaustion of the 41700
criminal appeal, a petition for reconsideration of the order may 41701
be filed with the board along with appropriate court documents. 41702
Upon receipt of a petition and supporting court documents, the 41703
board shall reinstate the ~~certificate to practice~~ license. The 41704
board may then hold an adjudication under Chapter 119. of the 41705
Revised Code to determine whether the individual committed the act 41706
in question. Notice of opportunity for hearing shall be given in 41707
accordance with Chapter 119. of the Revised Code. If the board 41708
finds, pursuant to an adjudication held under this division, that 41709
the individual committed the act, or if no hearing is requested, 41710
it may order any of the sanctions specified in division (B) of 41711
this section. 41712

(I) The ~~certificate~~ license to practice of an oriental 41713

medicine practitioner or acupuncturist and the practitioner's or 41714
acupuncturist's practice in this state are automatically suspended 41715
as of the date the practitioner or acupuncturist pleads guilty to, 41716
is found by a judge or jury to be guilty of, or is subject to a 41717
judicial finding of eligibility for intervention in lieu of 41718
conviction in this state or treatment or intervention in lieu of 41719
conviction in another jurisdiction for any of the following 41720
criminal offenses in this state or a substantially equivalent 41721
criminal offense in another jurisdiction: aggravated murder, 41722
murder, voluntary manslaughter, felonious assault, kidnapping, 41723
rape, sexual battery, gross sexual imposition, aggravated arson, 41724
aggravated robbery, or aggravated burglary. Continued practice 41725
after the suspension shall be considered practicing without a 41726
~~certificate~~ license. 41727

The board shall notify the individual subject to the 41728
suspension by certified mail or in person in accordance with 41729
section 119.07 of the Revised Code. If an individual whose 41730
~~certificate~~ license is suspended under this division fails to make 41731
a timely request for an adjudication under Chapter 119. of the 41732
Revised Code, the board shall enter a final order permanently 41733
revoking the individual's ~~certificate to practice~~ license. 41734

(J) In any instance in which the board is required by Chapter 41735
119. of the Revised Code to give notice of opportunity for hearing 41736
and the individual subject to the notice does not timely request a 41737
hearing in accordance with section 119.07 of the Revised Code, the 41738
board is not required to hold a hearing, but may adopt, by an 41739
affirmative vote of not fewer than six of its members, a final 41740
order that contains the board's findings. In the final order, the 41741
board may order any of the sanctions identified under division (A) 41742
or (B) of this section. 41743

(K) Any action taken by the board under division (B) of this 41744
section resulting in a suspension shall be accompanied by a 41745

written statement of the conditions under which the ~~certificate to~~ 41746
~~practice~~ license may be reinstated. The board shall adopt rules in 41747
accordance with Chapter 119. of the Revised Code governing 41748
conditions to be imposed for reinstatement. Reinstatement of a 41749
~~certificate~~ license suspended pursuant to division (B) of this 41750
section requires an affirmative vote of not fewer than six members 41751
of the board. 41752

(L) When the board refuses to grant or issue a ~~certificate to~~ 41753
~~practice~~ license to an applicant, revokes an individual's 41754
~~certificate~~ license, refuses to renew an individual's ~~certificate~~ 41755
license, or refuses to reinstate an individual's ~~certificate~~ 41756
license, the board may specify that its action is permanent. An 41757
individual subject to a permanent action taken by the board is 41758
forever thereafter ineligible to hold a ~~certificate~~ license to 41759
practice as an oriental medicine practitioner or ~~certificate~~ 41760
license to practice as an acupuncturist and the board shall not 41761
accept an application for reinstatement of the ~~certificate~~ license 41762
or for issuance of a new ~~certificate~~ license. 41763

(M) Notwithstanding any other provision of the Revised Code, 41764
all of the following apply: 41765

(1) The surrender of a ~~certificate~~ license to practice as an 41766
oriental medicine practitioner or ~~certificate~~ license to practice 41767
as an acupuncturist issued under this chapter is not effective 41768
unless or until accepted by the board. Reinstatement of a 41769
~~certificate~~ license surrendered to the board requires an 41770
affirmative vote of not fewer than six members of the board. 41771

(2) An application made under this chapter for a ~~certificate~~ 41772
license may not be withdrawn without approval of the board. 41773

(3) Failure by an individual to renew a ~~certificate~~ license 41774
in accordance with section 4762.06 of the Revised Code shall not 41775
remove or limit the board's jurisdiction to take disciplinary 41776

action under this section against the individual. 41777

Sec. 4762.131. On receipt of a notice pursuant to section 41778
3123.43 of the Revised Code, the state medical board shall comply 41779
with sections 3123.41 to 3123.50 of the Revised Code and any 41780
applicable rules adopted under section 3123.63 of the Revised Code 41781
with respect to a ~~certificate~~ license to practice as an oriental 41782
medicine practitioner or ~~certificate~~ license to practice as an 41783
acupuncturist issued pursuant to this chapter. 41784

Sec. 4762.132. If the state medical board has reason to 41785
believe that any person who has been granted under this chapter a 41786
~~certificate~~ license to practice as an oriental medicine 41787
practitioner or ~~certificate~~ license to practice as an 41788
acupuncturist is mentally ill or mentally incompetent, it may file 41789
in the probate court of the county in which the person has a legal 41790
residence an affidavit in the form prescribed in section 5122.11 41791
of the Revised Code and signed by the board secretary or a member 41792
of the board secretary's staff, whereupon the same proceedings 41793
shall be had as provided in Chapter 5122. of the Revised Code. The 41794
attorney general may represent the board in any proceeding 41795
commenced under this section. 41796

If any person who has been granted a ~~certificate~~ license is 41797
adjudged by a probate court to be mentally ill or mentally 41798
incompetent, the person's ~~certificate~~ license shall be 41799
automatically suspended until the person has filed with the state 41800
medical board a certified copy of an adjudication by a probate 41801
court of the person's subsequent restoration to competency or has 41802
submitted to the board proof, satisfactory to the board, that the 41803
person has been discharged as having a restoration to competency 41804
in the manner and form provided in section 5122.38 of the Revised 41805
Code. The judge of the probate court shall forthwith notify the 41806
state medical board of an adjudication of mental illness or mental 41807

incompetence, and shall note any suspension of a ~~certificate~~ 41808
license in the margin of the court's record of such ~~certificate~~ 41809
license. 41810

Sec. 4762.14. (A) The state medical board shall investigate 41811
evidence that appears to show that any person has violated this 41812
chapter or the rules adopted under it. Any person may report to 41813
the board in a signed writing any information the person has that 41814
appears to show a violation of any provision of this chapter or 41815
the rules adopted under it. In the absence of bad faith, a person 41816
who reports such information or testifies before the board in an 41817
adjudication conducted under Chapter 119. of the Revised Code 41818
shall not be liable for civil damages as a result of reporting the 41819
information or providing testimony. Each complaint or allegation 41820
of a violation received by the board shall be assigned a case 41821
number and be recorded by the board. 41822

(B) Investigations of alleged violations of this chapter or 41823
rules adopted under it shall be supervised by the supervising 41824
member elected by the board in accordance with section 4731.02 of 41825
the Revised Code and by the secretary as provided in section 41826
4762.17 of the Revised Code. The board's president may designate 41827
another member of the board to supervise the investigation in 41828
place of the supervising member. A member of the board who 41829
supervises the investigation of a case shall not participate in 41830
further adjudication of the case. 41831

(C) In investigating a possible violation of this chapter or 41832
the rules adopted under it, the board may administer oaths, order 41833
the taking of depositions, issue subpoenas, and compel the 41834
attendance of witnesses and production of books, accounts, papers, 41835
records, documents, and testimony, except that a subpoena for 41836
patient record information shall not be issued without 41837
consultation with the attorney general's office and approval of 41838

the secretary and supervising member of the board. Before issuance 41839
of a subpoena for patient record information, the secretary and 41840
supervising member shall determine whether there is probable cause 41841
to believe that the complaint filed alleges a violation of this 41842
chapter or the rules adopted under it and that the records sought 41843
are relevant to the alleged violation and material to the 41844
investigation. The subpoena may apply only to records that cover a 41845
reasonable period of time surrounding the alleged violation. 41846

On failure to comply with any subpoena issued by the board 41847
and after reasonable notice to the person being subpoenaed, the 41848
board may move for an order compelling the production of persons 41849
or records pursuant to the Rules of Civil Procedure. 41850

A subpoena issued by the board may be served by a sheriff, 41851
the sheriff's deputy, or a board employee designated by the board. 41852
Service of a subpoena issued by the board may be made by 41853
delivering a copy of the subpoena to the person named therein, 41854
reading it to the person, or leaving it at the person's usual 41855
place of residence. When the person being served is an oriental 41856
medicine practitioner or acupuncturist, service of the subpoena 41857
may be made by certified mail, restricted delivery, return receipt 41858
requested, and the subpoena shall be deemed served on the date 41859
delivery is made or the date the person refuses to accept 41860
delivery. 41861

A sheriff's deputy who serves a subpoena shall receive the 41862
same fees as a sheriff. Each witness who appears before the board 41863
in obedience to a subpoena shall receive the fees and mileage 41864
provided for under section 119.094 of the Revised Code. 41865

(D) All hearings and investigations of the board shall be 41866
considered civil actions for the purposes of section 2305.252 of 41867
the Revised Code. 41868

(E) Information received by the board pursuant to an 41869

investigation is confidential and not subject to discovery in any 41870
civil action. 41871

The board shall conduct all investigations and proceedings in 41872
a manner that protects the confidentiality of patients and persons 41873
who file complaints with the board. The board shall not make 41874
public the names or any other identifying information about 41875
patients or complainants unless proper consent is given. 41876

The board may share any information it receives pursuant to 41877
an investigation, including patient records and patient record 41878
information, with law enforcement agencies, other licensing 41879
boards, and other governmental agencies that are prosecuting, 41880
adjudicating, or investigating alleged violations of statutes or 41881
administrative rules. An agency or board that receives the 41882
information shall comply with the same requirements regarding 41883
confidentiality as those with which the state medical board must 41884
comply, notwithstanding any conflicting provision of the Revised 41885
Code or procedure of the agency or board that applies when it is 41886
dealing with other information in its possession. In a judicial 41887
proceeding, the information may be admitted into evidence only in 41888
accordance with the Rules of Evidence, but the court shall require 41889
that appropriate measures are taken to ensure that confidentiality 41890
is maintained with respect to any part of the information that 41891
contains names or other identifying information about patients or 41892
complainants whose confidentiality was protected by the state 41893
medical board when the information was in the board's possession. 41894
Measures to ensure confidentiality that may be taken by the court 41895
include sealing its records or deleting specific information from 41896
its records. 41897

(F) The state medical board shall develop requirements for 41898
and provide appropriate initial training and continuing education 41899
for investigators employed by the board to carry out its duties 41900
under this chapter. The training and continuing education may 41901

include enrollment in courses operated or approved by the Ohio 41902
peace officer training commission that the board considers 41903
appropriate under conditions set forth in section 109.79 of the 41904
Revised Code. 41905

(G) On a quarterly basis, the board shall prepare a report 41906
that documents the disposition of all cases during the preceding 41907
three months. The report shall contain the following information 41908
for each case with which the board has completed its activities: 41909

(1) The case number assigned to the complaint or alleged 41910
violation; 41911

(2) The type of ~~certificate to practice~~ license, if any, held 41912
by the individual against whom the complaint is directed; 41913

(3) A description of the allegations contained in the 41914
complaint; 41915

(4) The disposition of the case. 41916

The report shall state how many cases are still pending, and 41917
shall be prepared in a manner that protects the identity of each 41918
person involved in each case. The report is a public record for 41919
purposes of section 149.43 of the Revised Code. 41920

Sec. 4762.15. (A) As used in this section, "prosecutor" has 41921
the same meaning as in section 2935.01 of the Revised Code. 41922

(B) Whenever any person holding a valid ~~certificate~~ license 41923
to practice as an oriental medicine practitioner or valid 41924
~~certificate~~ license to practice as an acupuncturist issued 41925
pursuant to this chapter pleads guilty to, is subject to a 41926
judicial finding of guilt of, or is subject to a judicial finding 41927
of eligibility for intervention in lieu of conviction for a 41928
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 41929
of any substantively comparable ordinance of a municipal 41930
corporation in connection with the person's practice, the 41931

prosecutor in the case, on forms prescribed and provided by the 41932
state medical board, shall promptly notify the board of the 41933
conviction. Within thirty days of receipt of that information, the 41934
board shall initiate action in accordance with Chapter 119. of the 41935
Revised Code to determine whether to suspend or revoke the 41936
~~certificate~~ license under section 4762.13 of the Revised Code. 41937

(C) The prosecutor in any case against any person holding a 41938
valid ~~certificate to practice~~ license issued pursuant to this 41939
chapter, on forms prescribed and provided by the state medical 41940
board, shall notify the board of any of the following: 41941

(1) A plea of guilty to, a finding of guilt by a jury or 41942
court of, or judicial finding of eligibility for intervention in 41943
lieu of conviction for a felony, or a case in which the trial 41944
court issues an order of dismissal upon technical or procedural 41945
grounds of a felony charge; 41946

(2) A plea of guilty to, a finding of guilt by a jury or 41947
court of, or judicial finding of eligibility for intervention in 41948
lieu of conviction for a misdemeanor committed in the course of 41949
practice, or a case in which the trial court issues an order of 41950
dismissal upon technical or procedural grounds of a charge of a 41951
misdemeanor, if the alleged act was committed in the course of 41952
practice; 41953

(3) A plea of guilty to, a finding of guilt by a jury or 41954
court of, or judicial finding of eligibility for intervention in 41955
lieu of conviction for a misdemeanor involving moral turpitude, or 41956
a case in which the trial court issues an order of dismissal upon 41957
technical or procedural grounds of a charge of a misdemeanor 41958
involving moral turpitude. 41959

The report shall include the name and address of the 41960
~~certificate~~ license holder, the nature of the offense for which 41961
the action was taken, and the certified court documents recording 41962

the action. 41963

Sec. 4762.16. (A) Within sixty days after the imposition of 41964
any formal disciplinary action taken by any health care facility, 41965
including a hospital, health care facility operated by a health 41966
insuring corporation, ambulatory surgical center, or similar 41967
facility, against any individual holding a valid ~~certificate~~ 41968
license to practice as an oriental medicine practitioner or valid 41969
~~certificate~~ license to practice as an acupuncturist, the chief 41970
administrator or executive officer of the facility shall report to 41971
the state medical board the name of the individual, the action 41972
taken by the facility, and a summary of the underlying facts 41973
leading to the action taken. Upon request, the board shall be 41974
provided certified copies of the patient records that were the 41975
basis for the facility's action. Prior to release to the board, 41976
the summary shall be approved by the peer review committee that 41977
reviewed the case or by the governing board of the facility. 41978

The filing of a report with the board or decision not to file 41979
a report, investigation by the board, or any disciplinary action 41980
taken by the board, does not preclude a health care facility from 41981
taking disciplinary action against an oriental medicine 41982
practitioner or acupuncturist. 41983

In the absence of fraud or bad faith, no individual or entity 41984
that provides patient records to the board shall be liable in 41985
damages to any person as a result of providing the records. 41986

(B)(1) Except as provided in division (B)(2) of this section, 41987
an oriental medicine practitioner or acupuncturist, professional 41988
association or society of oriental medicine practitioners or 41989
acupuncturists, physician, or professional association or society 41990
of physicians that believes a violation of any provision of this 41991
chapter, Chapter 4731. of the Revised Code, or rule of the board 41992
has occurred shall report to the board the information upon which 41993

the belief is based. 41994

(2) An oriental medicine practitioner or acupuncturist, 41995
professional association or society of oriental medicine 41996
practitioners or acupuncturists, physician, or professional 41997
association or society of physicians that believes a violation of 41998
division (B)(6) of section 4762.13 of the Revised Code has 41999
occurred shall report the information upon which the belief is 42000
based to the monitoring organization conducting the program 42001
established by the board under section 4731.251 of the Revised 42002
Code. If any such report is made to the board, it shall be 42003
referred to the monitoring organization unless the board is aware 42004
that the individual who is the subject of the report does not meet 42005
the program eligibility requirements of section 4731.252 of the 42006
Revised Code. 42007

(C) Any professional association or society composed 42008
primarily of oriental medicine practitioners or acupuncturists 42009
that suspends or revokes an individual's membership for violations 42010
of professional ethics, or for reasons of professional 42011
incompetence or professional malpractice, within sixty days after 42012
a final decision, shall report to the board, on forms prescribed 42013
and provided by the board, the name of the individual, the action 42014
taken by the professional organization, and a summary of the 42015
underlying facts leading to the action taken. 42016

The filing of a report with the board or decision not to file 42017
a report, investigation by the board, or any disciplinary action 42018
taken by the board, does not preclude a professional organization 42019
from taking disciplinary action against an individual. 42020

(D) Any insurer providing professional liability insurance to 42021
any person holding a valid ~~certificate~~ license to practice as an 42022
oriental medicine practitioner or valid ~~certificate~~ license to 42023
practice as an acupuncturist or any other entity that seeks to 42024
indemnify the professional liability of an oriental medicine 42025

practitioner or acupuncturist shall notify the board within thirty 42026
days after the final disposition of any written claim for damages 42027
where such disposition results in a payment exceeding twenty-five 42028
thousand dollars. The notice shall contain the following 42029
information: 42030

(1) The name and address of the person submitting the 42031
notification; 42032

(2) The name and address of the insured who is the subject of 42033
the claim; 42034

(3) The name of the person filing the written claim; 42035

(4) The date of final disposition; 42036

(5) If applicable, the identity of the court in which the 42037
final disposition of the claim took place. 42038

(E) The board may investigate possible violations of this 42039
chapter or the rules adopted under it that are brought to its 42040
attention as a result of the reporting requirements of this 42041
section, except that the board shall conduct an investigation if a 42042
possible violation involves repeated malpractice. As used in this 42043
division, "repeated malpractice" means three or more claims for 42044
malpractice within the previous five-year period, each resulting 42045
in a judgment or settlement in excess of twenty-five thousand 42046
dollars in favor of the claimant, and each involving negligent 42047
conduct by the oriental medicine practitioner or acupuncturist. 42048

(F) All summaries, reports, and records received and 42049
maintained by the board pursuant to this section shall be held in 42050
confidence and shall not be subject to discovery or introduction 42051
in evidence in any federal or state civil action involving an 42052
oriental medicine practitioner, acupuncturist, supervising 42053
physician, or health care facility arising out of matters that are 42054
the subject of the reporting required by this section. The board 42055
may use the information obtained only as the basis for an 42056

investigation, as evidence in a disciplinary hearing against an 42057
oriental medicine practitioner, acupuncturist, or supervising 42058
physician, or in any subsequent trial or appeal of a board action 42059
or order. 42060

The board may disclose the summaries and reports it receives 42061
under this section only to health care facility committees within 42062
or outside this state that are involved in credentialing or 42063
recredentialing an oriental medicine practitioner, acupuncturist, 42064
or supervising physician or reviewing their privilege to practice 42065
within a particular facility. The board shall indicate whether or 42066
not the information has been verified. Information transmitted by 42067
the board shall be subject to the same confidentiality provisions 42068
as when maintained by the board. 42069

(G) Except for reports filed by an individual pursuant to 42070
division (B) of this section, the board shall send a copy of any 42071
reports or summaries it receives pursuant to this section to the 42072
acupuncturist. The oriental medicine practitioner or acupuncturist 42073
shall have the right to file a statement with the board concerning 42074
the correctness or relevance of the information. The statement 42075
shall at all times accompany that part of the record in 42076
contention. 42077

(H) An individual or entity that reports to the board, 42078
reports to the monitoring organization described in section 42079
4731.251 of the Revised Code, or refers an impaired oriental 42080
medicine practitioner or impaired acupuncturist to a treatment 42081
provider approved by the board under section 4731.25 of the 42082
Revised Code shall not be subject to suit for civil damages as a 42083
result of the report, referral, or provision of the information. 42084

(I) In the absence of fraud or bad faith, a professional 42085
association or society of oriental medicine practitioners or 42086
acupuncturists that sponsors a committee or program to provide 42087
peer assistance to an oriental medicine practitioner or 42088

acupuncturist with substance abuse problems, a representative or 42089
agent of such a committee or program, a representative or agent of 42090
the monitoring organization described in section 4731.251 of the 42091
Revised Code, and a member of the state medical board shall not be 42092
held liable in damages to any person by reason of actions taken to 42093
refer an oriental medicine practitioner or acupuncturist to a 42094
treatment provider approved under section 4731.25 of the Revised 42095
Code for examination or treatment. 42096

Sec. 4762.18. (A) Subject to division (E) of this section, 42097
the attorney general, the prosecuting attorney of any county in 42098
which the offense was committed or the offender resides, the state 42099
medical board, or any other person having knowledge of a person 42100
engaged either directly or by complicity in the practice of 42101
oriental medicine or acupuncture without having first obtained a 42102
~~certificate~~ license to do so pursuant to this chapter, may, in 42103
accord with provisions of the Revised Code governing injunctions, 42104
maintain an action in the name of the state to enjoin any person 42105
from engaging either directly or by complicity in the unlawful 42106
practice of oriental medicine or acupuncture by applying for an 42107
injunction in any court of competent jurisdiction. 42108

(B) Prior to application for an injunction under division (A) 42109
of this section, the secretary of the state medical board shall 42110
notify the person allegedly engaged either directly or by 42111
complicity in the unlawful practice of oriental medicine or 42112
acupuncture by registered mail that the secretary has received 42113
information indicating that this person is so engaged. The person 42114
shall answer the secretary within thirty days showing that the 42115
person is either properly licensed for the stated activity or that 42116
the person is not in violation of this chapter. If the answer is 42117
not forthcoming within thirty days after notice by the secretary, 42118
the secretary shall request that the attorney general, the 42119
prosecuting attorney of the county in which the offense was 42120

committed or the offender resides, or the state medical board 42121
proceed as authorized in this section. 42122

(C) Upon the filing of a verified petition in court, the 42123
court shall conduct a hearing on the petition and shall give the 42124
same preference to this proceeding as is given all proceedings 42125
under Chapter 119. of the Revised Code, irrespective of the 42126
position of the proceeding on the calendar of the court. 42127

(D) Injunction proceedings as authorized by this section 42128
shall be in addition to, and not in lieu of, all penalties and 42129
other remedies provided in this chapter. 42130

(E) An injunction proceeding permitted by division (A) of 42131
this section may not be maintained against a person described in 42132
division (B) of section 4762.02 of the Revised Code or a 42133
chiropractor who holds a valid certificate to practice acupuncture 42134
issued under section 4734.283 of the Revised Code. 42135

Sec. 4762.22. An individual who holds a ~~certificate~~ license 42136
to practice as an oriental medicine practitioner or ~~certificate~~ 42137
license to practice as an acupuncturist issued under this chapter 42138
shall have professional liability insurance coverage in an amount 42139
that is not less than five hundred thousand dollars. 42140

Sec. 4763.16. (A) The real estate appraiser recovery fund is 42141
hereby created in the state treasury, to be administered by the 42142
superintendent of real estate. The treasurer of state shall credit 42143
to the fund amounts collected by the superintendent as prescribed 42144
in this section and interest earned on the assets of the fund. The 42145
superintendent shall ascertain the balance of the fund as of the 42146
first day of October of each year. If that balance is less than 42147
~~five~~ two hundred thousand dollars at any time, the director of 42148
budget and management, upon the request of the superintendent and 42149
approval of the controlling board, may transfer from the real 42150

estate appraiser operating fund to the real estate appraiser 42151
recovery fund a sum as will bring the real estate appraiser 42152
recovery fund to that amount. 42153

(B) When any person obtains a final judgment in any court of 42154
competent jurisdiction against a certificate holder, registrant, 42155
or licensee, based upon conduct that is in violation of this 42156
chapter or the rules adopted under it, which conduct occurred on 42157
or after the date of their certification, registration, or 42158
licensure, and that is associated with an act or transaction of a 42159
certificate holder, registrant, or licensee specified in this 42160
chapter, that person may file a verified complaint, as described 42161
in this division, in the Franklin county court of common pleas for 42162
an order directing payment out of the real estate appraiser 42163
recovery fund of the portion of the judgment that remains unpaid 42164
and that represents the actual and direct loss of the person for 42165
the act or transaction upon which the underlying judgment was 42166
based, and court costs, if awarded in the underlying judgment, 42167
provided that no person shall receive more than ten thousand 42168
dollars from the fund for any one judgment. A bonding or insurance 42169
company or any partnership, corporation, or association that uses 42170
any tool to develop a valuation of real property for purposes of a 42171
loan or that employs, retains, or engages as an independent 42172
contractor a person licensed, registered, or certified as a real 42173
estate appraiser in its usual or occasional operations may not 42174
seek an order directing, and is not eligible for, payment out of 42175
the fund. Punitive or exemplary damages are not recoverable from 42176
the fund. 42177

The complaint shall specify the nature of the act or 42178
transaction upon which the underlying judgment was based, the 42179
activities of the applicant in pursuit of remedies available under 42180
law for the collection of judgments, and the amount of the fee 42181
paid by the applicant to the certificate holder, registrant, or 42182

licensee. The applicant shall attach to the complaint a copy of 42183
each pleading and order in the underlying court action. 42184

The Franklin county court of common pleas shall order the 42185
superintendent to make payments out of the fund when the person 42186
seeking the order has shown all of the following: 42187

(1) The person has obtained a judgment, as provided in this 42188
division; 42189

(2) All appeals from the judgment have been exhausted and the 42190
person has given notice to the superintendent, as required by 42191
division (C) of this section; 42192

(3) The person is not a spouse of the certificate holder, 42193
registrant, or licensee, or the personal representative of the 42194
spouse; 42195

(4) The person has diligently pursued the person's remedies 42196
against all the certificate holders, registrants, licensees, and 42197
all other persons liable to the person in the transaction for 42198
which the person seeks recovery from the fund; 42199

(5) The person is making a complaint not more than one year 42200
after termination of all proceedings, including appeals, in 42201
connection with the judgment. 42202

(C) A person who applies to the Franklin county court of 42203
common pleas for an order directing payment out of the fund shall 42204
file notice of the complaint with the superintendent. The 42205
superintendent shall send notice to the affected certificate 42206
holder, registrant, or licensee, where possible. The 42207
superintendent may defend the action on behalf of the fund and 42208
shall have recourse to all appropriate means of defense and 42209
review, including examination of witnesses. The superintendent may 42210
move the court at any time to dismiss the complaint when it 42211
appears there are no triable issues and the complaint is without 42212
merit. The motion may be supported by affidavit of any person 42213

having knowledge of the facts and may be made on the basis that 42214
the complaint, including the judgment referred to in the 42215
complaint, does not form the basis for a meritorious recovery 42216
claim. The superintendent may, subject to court approval, 42217
compromise a claim based upon the complaint of an aggrieved party. 42218
The superintendent is not bound by any prior compromise or 42219
stipulation of the certificate holder, registrant, or licensee. 42220
Upon petition of the superintendent, the court may require all 42221
claimants and prospective claimants against one certificate 42222
holder, registrant, or licensee to be joined in one action, to the 42223
end that the respective rights of all such claimants to the fund 42224
may be equitably adjudicated and settled. 42225

(D) If the superintendent pays from the fund any amount in 42226
settlement of a claim or toward satisfaction of a judgment against 42227
a certificate holder, registrant, or licensee, the certificate, 42228
registration, or license of the certificate holder, registrant, or 42229
licensee automatically is suspended upon the date of payment from 42230
the fund. No certificate, registration, or license that has been 42231
suspended pursuant to this division shall be reinstated until the 42232
certificate holder, registrant, or licensee has repaid in full, 42233
plus interest per annum at the rate specified in division (A) of 42234
section 1343.03 of the Revised Code, the amount paid from the fund 42235
on the certificate holder's, registrant's, or licensee's account. 42236
A discharge in bankruptcy does not relieve a person from the 42237
suspension and requirements for reinstatement provided in this 42238
section. 42239

(E) If, at any time, the money deposited in the fund is 42240
insufficient to satisfy any duly authorized claim or portion of a 42241
claim, the superintendent shall, when sufficient money has been 42242
deposited in the fund, satisfy the unpaid claims or portions, in 42243
the order that the claims or portions were originally filed, plus 42244
accumulated interest per annum at the rate specified in division 42245

(A) of section 1343.03 of the Revised Code. 42246

(F) When, upon the order of the court, the superintendent has 42247
paid from the fund any sum to the judgment creditor, the 42248
superintendent is subrogated to all of the rights of the judgment 42249
creditor to the extent of the amount so paid, and the judgment 42250
creditor shall assign all of the judgment creditor's right, title, 42251
and interest in the judgment to the superintendent to the extent 42252
of the amount so paid. The superintendent shall deposit in the 42253
fund any amount and interest so recovered by the superintendent on 42254
the judgment. 42255

(G) Nothing contained in this section shall limit the 42256
authority of the real estate appraiser board to take disciplinary 42257
action against a certificate holder, registrant, or licensee under 42258
other provisions of this chapter. The repayment in full of all 42259
obligations to the fund by a certificate holder, registrant, or 42260
licensee does not nullify or modify the effect of any other 42261
disciplinary proceeding brought pursuant to this chapter, unless 42262
repayment is imposed as a condition in that proceeding. 42263

(H) The superintendent shall collect from the fund a service 42264
fee in an amount equivalent to the interest rate specified in 42265
division (A) of section 1343.03 of the Revised Code multiplied by 42266
the annual interest earned on the assets of the fund, to defray 42267
the expenses incurred in the administration of the fund. 42268

Sec. 4765.60. (A) As used in this section and sections 42269
4765.601 to 4765.609 of the Revised Code: 42270

(1) "Minor" means an individual under eighteen years of age 42271
who is not emancipated. 42272

For purposes of this section, an individual under eighteen 42273
years of age is emancipated only if the individual has married, 42274
has entered the armed services of the United States, has become 42275

employed and self-sustaining, or otherwise has become independent 42276
from the care and control of the individual's parent, guardian, or 42277
legal custodian. 42278

(2) "Prescriber" means any of the following: 42279

(a) An advanced practice registered nurse who holds a 42280
current, valid license issued under Chapter 4723. of the Revised 42281
Code and is designated as a clinical nurse specialist, certified 42282
nurse-midwife, or certified nurse practitioner; 42283

(b) A physician authorized under Chapter 4731. of the Revised 42284
Code to practice medicine and surgery or osteopathic medicine and 42285
surgery; 42286

(c) A physician assistant who is licensed under Chapter 4730. 42287
of the Revised Code, holds a valid prescriber number issued by the 42288
state medical board, and has been granted physician-delegated 42289
prescriptive authority. 42290

(3) "Opioid analgesic" has the same meaning as in section 42291
3719.01 of the Revised Code. 42292

(B) Not later than one year after the effective date of this 42293
section, the state board of emergency medical, fire, and 42294
transportation services shall develop a non-opioid directive form. 42295
The form shall specify that the patient who is the subject of the 42296
form desires not to be offered, prescribed, administered, 42297
personally furnished, or otherwise provided with an opioid 42298
analgesic. When developing the form, the board shall seek input on 42299
the form's content from all of the following: 42300

(1) Prescribers; 42301

(2) Pharmacists; 42302

(3) Emergency medical services personnel, firefighters, 42303
volunteer firefighters, and law enforcement officers; 42304

(4) Addiction treatment professionals; 42305

(5) Nursing homes; 42306

(6) Hospitals; 42307

(7) Ambulatory surgical facilities; 42308

(8) Any other constituency that the board determines to be 42309
appropriate. 42310

The board shall make the form available on its internet web 42311
site. The form shall be made available in a format that can be 42312
downloaded free of charge and reproduced. 42313

Sec. 4765.601. A patient's decision to sign a non-opioid 42314
directive form is voluntary. A form does not become effective 42315
until it is signed by the patient to whom it pertains, or that 42316
individual's representative, and is placed in the patient's paper 42317
or electronic medical record. In the case of a patient who is a 42318
minor, the patient's representative is the patient's parent, 42319
guardian, or legal custodian. 42320

An individual who places a signed non-opioid directive form 42321
in a patient's medical record, or that individual's delegate, 42322
shall notify the state board of pharmacy that the patient has 42323
signed a non-opioid directive form and where the form is 42324
maintained. 42325

Sec. 4765.602. (A) A non-opioid directive form shall be 42326
distributed to both of the following: 42327

(1) Each individual who has completed treatment with a 42328
community addiction services provider, as defined in section 42329
5119.01 of the Revised Code, at the time of discharge from such 42330
treatment; 42331

(2) Each individual who served a prison term for a drug 42332
offense that is a violation of any provision of Chapter 2925., 42333
3719., or 4729. of the Revised Code, at the time of release from 42334

prison. 42335

(B) An individual who receives a non-opioid directive form as 42336
described in this section shall not be pressured to sign it. 42337

Sec. 4765.603. The state board of emergency medical, fire, 42338
and transportation services shall adopt rules in accordance with 42339
Chapter 119. of the Revised Code to do all of the following: 42340

(A) Specify procedures to ensure that a signed non-opioid 42341
directive form is properly filed in the medical record of the 42342
patient to whom it pertains and that a notification of its 42343
existence is sent to the state board of pharmacy; 42344

(B) If the state board of pharmacy maintains a drug database 42345
pursuant to section 4729.75 of the Revised Code, specify a marker 42346
or other form of notification that shall be included in that 42347
database under the name and patient identifier of a patient who 42348
has signed a non-opioid directive form; 42349

(C) Specify a procedure for the transmission, sharing, and 42350
distribution of a patient's non-opioid directive form between 42351
health care providers, health care facilities, emergency medical 42352
services personnel, firefighters, volunteer firefighters, and law 42353
enforcement officers that ensures that protected health 42354
information is disclosed only in a manner that is consistent with 42355
applicable state and federal laws regarding the use and disclosure 42356
of such information; 42357

(D) Specify the circumstances under which a patient may 42358
authorize another individual, including an attorney in fact under 42359
a durable power of attorney for health care created pursuant to 42360
sections 1337.11 to 1337.17 of the Revised Code, to override a 42361
patient's non-opioid directive form, and a procedure to accomplish 42362
an override. 42363

Sec. 4765.604. The patient who is the subject of a non-opioid 42364

directive form, the patient's representative, or, if the patient 42365
is under eighteen years of age, the patient's parent, guardian, or 42366
legal custodian, may revoke a non-opioid directive form at any 42367
time and in any manner that communicates the intent to revoke. 42368
42369

Sec. 4765.605. In an emergency situation, emergency medical 42370
services personnel, firefighters, volunteer firefighters, and law 42371
enforcement officers are not required to inquire about the 42372
existence of a non-opioid directive form for a patient or 42373
determine if the patient is the subject of a non-opioid directive 42374
form. If a patient is the subject of a non-opioid directive form, 42375
if any of the foregoing persons provide care to the patient in an 42376
emergency situation, and if, at that time, those persons do not 42377
know that the patient is the subject of a non-opioid directive 42378
form or if they believe based on their professional judgment that 42379
the patient's chances of recovery would be substantially improved 42380
through use of an opioid analgesic, the foregoing persons or 42381
emergency department personnel are not subject to any of the 42382
following associated with offering, prescribing, administering, 42383
personally furnishing, or otherwise providing an opioid analgesic 42384
to the patient if doing so is otherwise in accordance with 42385
applicable law: 42386

(A) Criminal prosecution; 42387

(B) Liability for damages in a tort or other civil action for 42388
injury, death, or loss to person or property; 42389

(C) Professional disciplinary action. 42390

Sec. 4765.606. (A) A pharmacist or pharmacy intern to whom a 42391
valid prescription for an opioid analgesic is presented for 42392
dispensing is neither required to inquire about the existence of a 42393
non-opioid directive form for the patient who is the subject of 42394

the prescription nor is required to determine if the patient is 42395
the subject of a non-opioid directive form. 42396

(B)(1) Except on evidence that a pharmacist or pharmacy 42397
intern knowingly failed to comply with a patient's non-opioid 42398
directive form, the pharmacist or pharmacy intern shall not be 42399
subject to criminal prosecution associated with dispensing the 42400
opioid analgesic. 42401

(2) Except on evidence that a pharmacist or pharmacy intern 42402
failed to comply with a patient's non-opioid directive form in a 42403
manner that constitutes willful or wanton misconduct, the 42404
pharmacist or pharmacy intern shall not be subject to either of 42405
the following associated with dispensing the opioid analgesic: 42406

(a) Liability for damages in tort or other civil action for 42407
injury, death, or loss to person or property; 42408

(b) Professional disciplinary action. 42409

Sec. 4765.607. (A) Except on evidence that a prescriber, 42410
employee or contractor of a prescriber, or delegate of a 42411
prescriber knowingly failed to comply with a non-opioid directive 42412
form signed by a patient or the patient's representative, that 42413
individual shall not be subject to criminal prosecution associated 42414
with offering, prescribing, administering, personally furnishing, 42415
or otherwise providing an opioid analgesic to a patient who has an 42416
effective non-opioid directive form. 42417

(B) Except on evidence that a prescriber, employee or 42418
contractor of a prescriber, or delegate of a prescriber failed to 42419
comply with a non-opioid directive form signed by a patient or the 42420
patient's representative in a manner that constitutes willful or 42421
wanton misconduct, that individual shall not be subject to 42422
liability for either of the following associated with offering, 42423
prescribing, administering, personally furnishing, or otherwise 42424

providing an opioid analgesic to a patient who has an effective 42425
non-opioid directive form: 42426

(1) Liability for damages in a tort or other civil action for 42427
injury, death, or loss to person or property; 42428

(2) Professional disciplinary action. 42429

Sec. 4765.608. The existence or nonexistence of a non-opioid 42430
directive form for a patient shall not do any of the following: 42431

(A) Affect in any manner the sale, procurement, issuance, or 42432
renewal of a policy of life insurance or annuity, notwithstanding 42433
any term of a policy or annuity to the contrary; 42434

(B) Modify in any manner or invalidate the terms of a policy 42435
of life insurance or annuity that is in effect on the effective 42436
date of this section; 42437

(C) Impair or invalidate a policy of life insurance or 42438
annuity or any health benefit plan. 42439

Sec. 4765.609. No prescriber, health care facility, or other 42440
health care provider, person authorized to engage in the business 42441
of insurance under this state under Title XXXIX of the Revised 42442
Code, health insuring corporation, other health care benefit plan, 42443
legal entity that is self-insured and provides benefits to its 42444
employees or members, government entity, or other person shall 42445
require that an individual be the subject of a non-opioid 42446
directive form, or shall require an individual to revoke or 42447
refrain from being the subject of a non-opioid directive form, as 42448
a condition of being insured or receiving health care benefits or 42449
services. 42450

Sec. 4766.17. An air medical service organization licensed 42451
under this chapter that uses a rotorcraft or fixed wing air 42452
ambulance shall do both of the following: 42453

(A) Use at a minimum a physician who holds a current, valid 42454
license issued under Chapter 4731. of the Revised Code or 42455
registered nurse who holds a current, valid license issued under 42456
Chapter 4723. of the Revised Code, and a paramedic or one other 42457
person, designated by the medical director of the air medical 42458
service organization, who holds a current, valid certificate or 42459
license to practice a health care profession in this state; 42460

(B) Employ as a medical director an individual who holds a 42461
current, valid ~~certificate~~ license issued under Chapter 4731. of 42462
the Revised Code authorizing the practice of medicine and surgery 42463
or osteopathic medicine and surgery. 42464

Sec. 4768.09. (A) ~~Except within the first thirty days after~~ 42465
~~an appraiser is first added to the appraiser panel of an appraisal~~ 42466
~~management company, an~~ An appraisal management company shall not 42467
remove the appraiser from its appraiser panel or otherwise refuse 42468
to assign requests for real estate appraisal services to the 42469
appraiser without first doing both of the following: 42470

(1) Notifying the appraiser in writing of the reasons the 42471
appraiser is being removed from the appraiser panel or is refused 42472
assignment requests for appraisal services; 42473

(2) Providing the appraiser with an opportunity to respond to 42474
that notification, in writing, within ten business days after the 42475
appraisal management company sends the removal notification. 42476

(B) The notice described in division (A)(1) of this section 42477
shall be sent by a delivery system that delivers letters, 42478
packages, and other materials in its ordinary course of business 42479
with traceable delivery and signature receipt. An appraisal 42480
management company that sends such notice shall keep a copy of the 42481
notice for at least five years from the date the notice is sent to 42482
the appraiser. 42483

(C) Nothing in this section prohibits an appraisal management 42484
company from suspending an appraiser from receiving assignment 42485
requests during the period described in division (A)(2) of this 42486
section. 42487

Sec. 4773.01. As used in this chapter: 42488

(A) "General x-ray machine operator" means an individual who 42489
performs standard, diagnostic, radiologic procedures; whose 42490
performance of radiologic procedures is limited to specific body 42491
sites; and who does not, to any significant degree, determine the 42492
site or dosage of radiation to which a patient is exposed. 42493

(B) "Chiropractor" means an individual licensed under Chapter 42494
4734. of the Revised Code to practice chiropractic. 42495

(C) "Ionizing radiation" means any electromagnetic or 42496
particulate radiation that interacts with atoms to produce 42497
ionization in matter, including x-rays, gamma rays, alpha and beta 42498
particles, high speed electrons, neutrons, and other nuclear 42499
particles. 42500

(D) "Physician" means an individual ~~who holds a certificate~~ 42501
~~issued~~ authorized under Chapter 4731. of the Revised Code 42502
~~authorizing the individual~~ to practice medicine and surgery or 42503
osteopathic medicine and surgery. 42504

(E) "Podiatrist" means an individual ~~who holds a certificate~~ 42505
~~issued~~ authorized under Chapter 4731. of the Revised Code 42506
~~authorizing the individual~~ to practice ~~podiatry~~ podiatric medicine
and surgery. 42507
42508

(F) "Nuclear medicine technologist" means an individual who 42509
prepares and administers radio-pharmaceuticals to human beings and 42510
conducts in vivo or in vitro detection and measurement of 42511
radioactivity for medical purposes. 42512

(G) "Radiation therapy technologist" means an individual who 42513

utilizes ionizing radiation-generating equipment for therapeutic 42514
purposes on human subjects. 42515

(H) "Radiographer" means an individual who performs a 42516
comprehensive scope of diagnostic radiologic procedures employing 42517
equipment that emits ionizing radiation, exposes radiographs, and 42518
performs other procedures that contribute significantly to 42519
determining the site or dosage of ionizing radiation to which a 42520
patient is exposed. 42521

(I) "Mechanotherapist" means an individual who holds a 42522
certificate issued under section 4731.15 of the Revised Code 42523
authorizing the individual to practice mechanotherapy. 42524

Sec. 4773.02. (A) Except as provided in division (B) of this 42525
section, no person shall practice or hold ~~himself~~ self out as a 42526
general x-ray machine operator, radiographer, radiation therapy 42527
technologist, or nuclear medicine technologist without a valid 42528
license issued under this chapter for ~~his~~ the person's area of 42529
practice. 42530

(B) Division (A) of this section does not apply to any of the 42531
following: 42532

(1) A physician, podiatrist, mechanotherapist, or 42533
chiropractor; 42534

(2) An individual licensed under Chapter 4715. of the Revised 42535
Code to practice dentistry, to practice as a dental hygienist, or 42536
to practice as a dental x-ray machine operator; 42537

(3) As specified in 42 C.F.R. 75, radiologic personnel 42538
employed by the federal government or serving in a branch of the 42539
armed forces of the United States; 42540

(4) Students engaging in any of the activities performed by 42541
basic x-ray machine operators, radiographers, radiation therapy 42542
technologists, and nuclear medicine technologists as an integral 42543

part of a program of study leading to receipt of a license issued 42544
under this chapter, or Chapter 4715., 4731., or Chapter 4734. of 42545
~~the Revised Code; or a certificate issued under Chapter 4731. of~~ 42546
~~the Revised Code.~~ 42547

Sec. 4773.08. The director of health shall adopt rules to 42548
implement and administer this chapter. In adopting the rules, the 42549
director shall consider any recommendations made by the radiation 42550
advisory council created under section ~~3701.93~~ 3748.20 of the 42551
Revised Code. The rules shall be adopted in accordance with 42552
Chapter 119. of the Revised Code and shall not be less stringent 42553
than any applicable standards specified in 42 C.F.R. 75. The rules 42554
shall establish all of the following: 42555

(A) Standards for licensing general x-ray machine operators, 42556
radiographers, radiation therapy technologists, and nuclear 42557
medicine technologists; 42558

(B) Application, renewal, and reinstatement fees for licenses 42559
issued under this chapter that do not exceed the cost incurred in 42560
issuing, renewing, and reinstating the licenses; 42561

(C) Standards for accreditation of educational programs and 42562
approval of continuing education programs in general x-ray machine 42563
operation, radiography, radiation therapy technology, and nuclear 42564
medicine technology; 42565

(D) Fees for accrediting educational programs and approving 42566
continuing education programs in general x-ray machine operation, 42567
radiography, radiation therapy technology, and nuclear medicine 42568
technology that do not exceed the cost incurred in accrediting the 42569
educational programs; 42570

(E) Fees for issuing conditional licenses under section 42571
4773.05 of the Revised Code that do not exceed the cost incurred 42572
in issuing the licenses; 42573

(F) Continuing education requirements that must be met to 42574
have a license renewed or reinstated under section 4773.03 of the 42575
Revised Code; 42576

(G) Continuing education requirements that the holder of a 42577
conditional license must meet to receive a license issued under 42578
section 4773.03 of the Revised Code; 42579

(H) Any other rules necessary for the implementation or 42580
administration of this chapter. 42581

Sec. 4774.02. (A)(1) Except as provided in division (B) of 42582
this section, no person shall practice as a radiologist assistant 42583
unless the person holds a current, valid ~~certificate~~ license to 42584
practice as a radiologist assistant issued under this chapter. 42585

(2) No person shall use the title "radiologist assistant" or 42586
otherwise hold the person out as a radiologist assistant, unless 42587
the person holds a current, valid ~~certificate~~ license to practice 42588
as a radiologist assistant issued under this chapter. 42589

(B) Division (A)(1) of this section does not apply to either 42590
of the following: 42591

(1) A student participating in an advanced academic program 42592
that must be completed to receive a ~~certificate~~ license to 42593
practice as a radiologist assistant, as those programs are 42594
described in division (B)(3) of section 4774.03 of the Revised 42595
Code; 42596

(2) A person who is otherwise authorized to perform any of 42597
the activities that a radiologist assistant is authorized to 42598
perform, either pursuant to another provision of the Revised Code 42599
or pursuant to the rules adopted by the state medical board under 42600
section 4731.053 of the Revised Code governing physician 42601
delegation of medical tasks. 42602

Sec. 4774.03. (A) An individual seeking a ~~certificate~~ license 42603
to practice as a radiologist assistant shall file with the state 42604
medical board a written application on a form prescribed and 42605
supplied by the board. The application shall include all the 42606
information the board considers necessary to process the 42607
application, including evidence satisfactory to the board that the 42608
applicant meets the requirements specified in division (B) of this 42609
section. 42610

At the time an application is submitted, the applicant shall 42611
pay the board the application fee specified by the board in rules 42612
adopted under section 4774.11 of the Revised Code. No part of the 42613
fee shall be returned. 42614

(B) To be eligible to receive a ~~certificate~~ license to 42615
practice as a radiologist assistant, an applicant shall meet all 42616
of the following requirements: 42617

(1) Be at least eighteen years of age and of good moral 42618
character; 42619

(2) Hold a current, valid license as a radiographer under 42620
Chapter 4773. of the Revised Code; 42621

(3) Have attained a baccalaureate degree or postbaccalaureate 42622
certificate from an advanced academic program encompassing a 42623
nationally recognized radiologist assistant curriculum that 42624
includes a radiologist-directed clinical preceptorship; 42625

(4) Hold current certification as a registered radiologist 42626
assistant from the American registry of radiologic technologists 42627
and have attained the certification by meeting the standard 42628
certification requirements established by the registry, including 42629
the registry's requirements for documenting clinical education in 42630
the form of a clinical portfolio and passing an examination to 42631
determine competence to practice; 42632

(5) Hold current certification in advanced cardiac life support. 42633
42634

(C) The board shall review all applications received under 42635
this section. Not later than sixty days after receiving an 42636
application the board considers to be complete, the board shall 42637
determine whether the applicant meets the requirements to receive 42638
a ~~certificate~~ license to practice as a radiologist assistant. The 42639
~~affirmative vote of not fewer than six members of the board is~~ 42640
~~required to determine that the applicant meets the requirements~~ 42641
~~for a certificate to practice as a radiologist assistant.~~ 42642

Sec. 4774.031. In addition to any other eligibility 42643
requirement set forth in this chapter, each applicant for a 42644
~~certificate~~ license to practice as a radiologist assistant shall 42645
comply with sections 4776.01 to 4776.04 of the Revised Code. The 42646
state medical board shall not grant to an applicant a ~~certificate~~ 42647
license to practice as a radiologist assistant unless the board, 42648
in its discretion, decides that the results of the criminal 42649
records check do not make the applicant ineligible for a 42650
~~certificate~~ license issued pursuant to section 4774.04 of the 42651
Revised Code. 42652

Sec. 4774.04. If the state medical board determines under 42653
section 4774.03 of the Revised Code that an applicant meets the 42654
requirements for a ~~certificate~~ license to practice as a 42655
radiologist assistant, the secretary of the board shall register 42656
the applicant as a radiologist assistant and issue to the 42657
applicant a ~~certificate~~ license to practice as a radiologist 42658
assistant. The ~~certificate~~ license shall be valid for a two-year 42659
period unless revoked or suspended, shall expire ~~biennially on the~~ 42660
date that is two years after the date of issuance, and may be 42661
renewed for additional two-year periods in accordance with section 42662
4774.06 of the Revised Code. 42663

Sec. 4774.05. On application by the holder of a ~~certificate~~ license to practice as a radiologist assistant, the state medical board shall issue a duplicate ~~certificate~~ license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate ~~certificate~~ license is thirty-five dollars.

Sec. 4774.06. (A) An individual seeking to renew a ~~certificate~~ license to practice as a radiologist assistant shall, on or before the ~~thirty-first day of January of each even-numbered year~~ license's expiration date, apply to the state medical board for renewal ~~of the certificate~~. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date.

Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee specified by the board in rules adopted under section 4774.11 of the Revised Code.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a ~~certificate~~ license under section 4774.13 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a ~~certificate~~ license to practice as a radiologist assistant.

(B) To be eligible for renewal, a radiologist assistant shall certify to the board that the assistant has maintained both of the following:

(1) A license as a radiographer under Chapter 4773. of the Revised Code;

(2) Certification as a registered radiologist assistant from 42694
the American registry of radiologic technologists by meeting the 42695
registry's requirements for annual registration, including 42696
completion of the continuing education requirements established by 42697
the registry. 42698

(C) If an applicant submits a renewal application that the 42699
board considers to be complete and qualifies for renewal pursuant 42700
to division (B) of this section, the board shall issue to the 42701
applicant a renewed ~~certificate~~ license to practice as a 42702
radiologist assistant. 42703

(D) A ~~certificate to practice~~ license that is not renewed on 42704
or before its expiration date is automatically suspended on its 42705
expiration date, subject to the provisions of section 119.06 of 42706
the Revised Code specifying that an applicant who appropriately 42707
files a renewal application is not required to discontinue 42708
practicing merely because the board has failed to act on the 42709
application. ~~If~~ 42710

If a ~~certificate~~ license has been suspended pursuant to this 42711
division for two years or less, the board shall reinstate the 42712
~~certificate~~ license upon an applicant's submission of a renewal 42713
application, the biennial renewal fee, and the applicable monetary 42714
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 42715

If a ~~certificate~~ license has been suspended pursuant to this 42716
division for more than two years, it may be restored. Subject to 42717
section 4774.061 of the Revised Code, the board may restore the 42718
license upon an applicant's submission of a restoration 42719
application, the biennial renewal fee, and the applicable monetary 42720
penalty and compliance with sections 4776.01 to 4776.04 of the 42721
Revised Code. The board shall not restore a ~~certificate~~ license 42722
unless the board, in its discretion, decides that the results of 42723
the criminal records check do not make the applicant ineligible 42724
for a certificate issued pursuant to section 4774.04 of the 42725

Revised Code. The penalty for restoration is fifty dollars. 42726

Sec. 4774.061. (A) This section applies to both of the 42727
following: 42728

(1) An applicant seeking restoration of a license issued 42729
under this chapter that has been in a suspended or inactive state 42730
for any cause for more than two years; 42731

(2) An applicant seeking issuance of a license pursuant to 42732
this chapter who for more than two years has not been practicing 42733
as a radiologist assistant as either of the following: 42734

(a) An active practitioner; 42735

(b) A student in an academic program as described in section 42736
4774.03 of the Revised Code. 42737

(B) Before issuing a license to an applicant subject to this 42738
section or restoring a license to good standing for an applicant 42739
subject to this section, the state medical board may impose terms 42740
and conditions including any one or more of the following: 42741

(1) Requiring the applicant to pass an oral or written 42742
examination, or both, to determine the applicant's present fitness 42743
to resume practice; 42744

(2) Requiring the applicant to obtain additional training and 42745
to pass an examination upon completion of such training; 42746

(3) Requiring an assessment of the applicant's physical 42747
skills for purposes of determining whether the applicant's 42748
coordination, fine motor skills, and dexterity are sufficient for 42749
performing evaluations and procedures in a manner that meets the 42750
minimal standards of care; 42751

(4) Requiring an assessment of the applicant's skills in 42752
recognizing and understanding diseases and conditions; 42753

(5) Requiring the applicant to undergo a comprehensive 42754

physical examination, which may include an assessment of physical 42755
abilities, evaluation of sensory capabilities, or screening for 42756
the presence of neurological disorders; 42757

(6) Restricting or limiting the extent, scope, or type of 42758
practice of the applicant. 42759

The board shall consider the moral background and the 42760
activities of the applicant during the period of suspension or 42761
inactivity. The board shall not issue or restore a license under 42762
this section unless the applicant complies with sections 4776.01 42763
to 4776.04 of the Revised Code. 42764

Sec. 4774.09. At all times when an individual who is a 42765
radiologist assistant is providing direct patient care, the 42766
individual shall display in an appropriate manner the title 42767
"radiologist assistant" as a means of identifying the individual's 42768
authority to practice under this chapter. 42769

In the case of an individual who is a student participating 42770
in an advanced academic program that must be completed to receive 42771
a ~~certificate~~ license to practice as a radiologist assistant, as 42772
those programs are described in division (B)(3) of section 4774.03 42773
of the Revised Code, when the individual is providing direct 42774
patient care or is otherwise involved with direct patient care 42775
under the program, the individual shall display in an appropriate 42776
manner the title "student radiologist assistant" or another 42777
appropriate designation as a means of identifying the individual 42778
as a student participating in the program. 42779

Sec. 4774.11. (A) The state medical board shall adopt rules 42780
in accordance with Chapter 119. of the Revised Code to implement 42781
and administer this chapter. In adopting the rules, the board 42782
shall take into consideration the guidelines adopted by the 42783
American college of radiology, the American society of radiologic 42784

technologists, and the American registry of radiologic 42785
technologists. 42786

(B) The rules adopted under this section shall include all of 42787
the following: 42788

(1) Standards and procedures for issuing and renewing 42789
~~certificates~~ licenses to practice as a radiologist assistant; 42790

(2) Application fees for an initial or renewed ~~certificate to~~ 42791
~~practice~~ license; 42792

(3) Any additional radiologic procedures that radiologist 42793
assistants may perform pursuant to division (A)(5) of section 42794
4774.08 of the Revised Code and the level of supervision that the 42795
supervising radiologist is required to provide pursuant to section 42796
4774.10 of the Revised Code; 42797

(4) Definitions of "general anesthesia," "deep sedation," 42798
"moderate sedation," and "minimal sedation"; 42799

(5) Any other standards and procedures the board considers 42800
necessary to govern the practice of radiologist assistants, the 42801
supervisory relationship between radiologist assistants and 42802
supervising radiologists, and the administration and enforcement 42803
of this chapter. 42804

Sec. 4774.13. (A) The state medical board, by an affirmative 42805
vote of not fewer than six members, may revoke or may refuse to 42806
grant a ~~certificate~~ license to practice as a radiologist assistant 42807
to an individual found by the board to have committed fraud, 42808
misrepresentation, or deception in applying for or securing the 42809
~~certificate~~ license. 42810

(B) The board, by an affirmative vote of not fewer than six 42811
members, shall, to the extent permitted by law, limit, revoke, or 42812
suspend an individual's ~~certificate~~ license to practice as a 42813

radiologist assistant, refuse to issue a ~~certificate~~ license to an 42814
applicant, refuse to renew a ~~certificate~~ license, refuse to 42815
reinstate a ~~certificate~~ license, or reprimand or place on 42816
probation the holder of a ~~certificate~~ license for any of the 42817
following reasons: 42818

(1) Permitting the holder's name or ~~certificate~~ license to be 42819
used by another person; 42820

(2) Failure to comply with the requirements of this chapter, 42821
Chapter 4731. of the Revised Code, or any rules adopted by the 42822
board; 42823

(3) Violating or attempting to violate, directly or 42824
indirectly, or assisting in or abetting the violation of, or 42825
conspiring to violate, any provision of this chapter, Chapter 42826
4731. of the Revised Code, or the rules adopted by the board; 42827

(4) A departure from, or failure to conform to, minimal 42828
standards of care of similar practitioners under the same or 42829
similar circumstances whether or not actual injury to the patient 42830
is established; 42831

(5) Inability to practice according to acceptable and 42832
prevailing standards of care by reason of mental illness or 42833
physical illness, including physical deterioration that adversely 42834
affects cognitive, motor, or perceptive skills; 42835

(6) Impairment of ability to practice according to acceptable 42836
and prevailing standards of care because of habitual or excessive 42837
use or abuse of drugs, alcohol, or other substances that impair 42838
ability to practice; 42839

(7) Willfully betraying a professional confidence; 42840

(8) Making a false, fraudulent, deceptive, or misleading 42841
statement in securing or attempting to secure a ~~certificate~~ 42842
license to practice as a radiologist assistant. 42843

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or

a judicial finding of eligibility for intervention in lieu of 42874
conviction for violating any state or federal law regulating the 42875
possession, distribution, or use of any drug, including 42876
trafficking in drugs; 42877

(17) Any of the following actions taken by the state agency 42878
responsible for regulating the practice of radiologist assistants 42879
in another jurisdiction, for any reason other than the nonpayment 42880
of fees: the limitation, revocation, or suspension of an 42881
individual's license to practice; acceptance of an individual's 42882
license surrender; denial of a license; refusal to renew or 42883
reinstate a license; imposition of probation; or issuance of an 42884
order of censure or other reprimand; 42885

(18) Violation of the conditions placed by the board on a 42886
~~certificate~~ license to practice as a radiologist assistant; 42887

(19) Failure to use universal blood and body fluid 42888
precautions established by rules adopted under section 4731.051 of 42889
the Revised Code; 42890

(20) Failure to cooperate in an investigation conducted by 42891
the board under section 4774.14 of the Revised Code, including 42892
failure to comply with a subpoena or order issued by the board or 42893
failure to answer truthfully a question presented by the board at 42894
a deposition or in written interrogatories, except that failure to 42895
cooperate with an investigation shall not constitute grounds for 42896
discipline under this section if a court of competent jurisdiction 42897
has issued an order that either quashes a subpoena or permits the 42898
individual to withhold the testimony or evidence in issue; 42899

(21) Failure to maintain a license as a radiographer under 42900
Chapter 4773. of the Revised Code; 42901

(22) Failure to maintain certification as a registered 42902
radiologist assistant from the American registry of radiologic 42903
technologists, including revocation by the registry of the 42904

assistant's certification or failure by the assistant to meet the 42905
registry's requirements for annual registration, or failure to 42906
notify the board that the certification as a registered 42907
radiologist assistant has not been maintained; 42908

(23) Failure to comply with any of the rules of ethics 42909
included in the standards of ethics established by the American 42910
registry of radiologic technologists, as those rules apply to an 42911
individual who holds the registry's certification as a registered 42912
radiologist assistant. 42913

(C) Disciplinary actions taken by the board under divisions 42914
(A) and (B) of this section shall be taken pursuant to an 42915
adjudication under Chapter 119. of the Revised Code, except that 42916
in lieu of an adjudication, the board may enter into a consent 42917
agreement with a radiologist assistant or applicant to resolve an 42918
allegation of a violation of this chapter or any rule adopted 42919
under it. A consent agreement, when ratified by an affirmative 42920
vote of not fewer than six members of the board, shall constitute 42921
the findings and order of the board with respect to the matter 42922
addressed in the agreement. If the board refuses to ratify a 42923
consent agreement, the admissions and findings contained in the 42924
consent agreement shall be of no force or effect. 42925

(D) For purposes of divisions (B)(11), (14), and (15) of this 42926
section, the commission of the act may be established by a finding 42927
by the board, pursuant to an adjudication under Chapter 119. of 42928
the Revised Code, that the applicant or ~~certificate~~ license holder 42929
committed the act in question. The board shall have no 42930
jurisdiction under these divisions in cases where the trial court 42931
renders a final judgment in the ~~certificate~~ license holder's favor 42932
and that judgment is based upon an adjudication on the merits. The 42933
board shall have jurisdiction under these divisions in cases where 42934
the trial court issues an order of dismissal on technical or 42935
procedural grounds. 42936

(E) The sealing of conviction records by any court shall have 42937
no effect on a prior board order entered under the provisions of 42938
this section or on the board's jurisdiction to take action under 42939
the provisions of this section if, based upon a plea of guilty, a 42940
judicial finding of guilt, or a judicial finding of eligibility 42941
for intervention in lieu of conviction, the board issued a notice 42942
of opportunity for a hearing prior to the court's order to seal 42943
the records. The board shall not be required to seal, destroy, 42944
redact, or otherwise modify its records to reflect the court's 42945
sealing of conviction records. 42946

(F) For purposes of this division, any individual who holds a 42947
~~certificate~~ license to practice as a radiologist assistant issued 42948
under this chapter, or applies for a ~~certificate to practice~~ 42949
license, shall be deemed to have given consent to submit to a 42950
mental or physical examination when directed to do so in writing 42951
by the board and to have waived all objections to the 42952
admissibility of testimony or examination reports that constitute 42953
a privileged communication. 42954

(1) In enforcing division (B)(5) of this section, the board, 42955
on a showing of a possible violation, may compel any individual 42956
who holds a ~~certificate~~ license to practice as a radiologist 42957
assistant issued under this chapter or who has applied for a 42958
~~certificate to practice~~ license to submit to a mental or physical 42959
examination, or both. A physical examination may include an HIV 42960
test. The expense of the examination is the responsibility of the 42961
individual compelled to be examined. Failure to submit to a mental 42962
or physical examination or consent to an HIV test ordered by the 42963
board constitutes an admission of the allegations against the 42964
individual unless the failure is due to circumstances beyond the 42965
individual's control, and a default and final order may be entered 42966
without the taking of testimony or presentation of evidence. If 42967
the board finds a radiologist assistant unable to practice because 42968

of the reasons set forth in division (B)(5) of this section, the 42969
board shall require the radiologist assistant to submit to care, 42970
counseling, or treatment by physicians approved or designated by 42971
the board, as a condition for an initial, continued, reinstated, 42972
or renewed ~~certificate to practice~~ license. An individual affected 42973
by this division shall be afforded an opportunity to demonstrate 42974
to the board the ability to resume practicing in compliance with 42975
acceptable and prevailing standards of care. 42976

(2) For purposes of division (B)(6) of this section, if the 42977
board has reason to believe that any individual who holds a 42978
~~certificate~~ license to practice as a radiologist assistant issued 42979
under this chapter or any applicant for a ~~certificate to practice~~ 42980
license suffers such impairment, the board may compel the 42981
individual to submit to a mental or physical examination, or both. 42982
The expense of the examination is the responsibility of the 42983
individual compelled to be examined. Any mental or physical 42984
examination required under this division shall be undertaken by a 42985
treatment provider or physician qualified to conduct such 42986
examination and chosen by the board. 42987

Failure to submit to a mental or physical examination ordered 42988
by the board constitutes an admission of the allegations against 42989
the individual unless the failure is due to circumstances beyond 42990
the individual's control, and a default and final order may be 42991
entered without the taking of testimony or presentation of 42992
evidence. If the board determines that the individual's ability to 42993
practice is impaired, the board shall suspend the individual's 42994
~~certificate~~ license or deny the individual's application and shall 42995
require the individual, as a condition for an initial, continued, 42996
reinstated, or renewed ~~certificate~~ license to practice, to submit 42997
to treatment. 42998

Before being eligible to apply for reinstatement of a 42999
~~certificate~~ license suspended under this division, the radiologist 43000

assistant shall demonstrate to the board the ability to resume 43001
practice in compliance with acceptable and prevailing standards of 43002
care. The demonstration shall include the following: 43003

(a) Certification from a treatment provider approved under 43004
section 4731.25 of the Revised Code that the individual has 43005
successfully completed any required inpatient treatment; 43006

(b) Evidence of continuing full compliance with an aftercare 43007
contract or consent agreement; 43008

(c) Two written reports indicating that the individual's 43009
ability to practice has been assessed and that the individual has 43010
been found capable of practicing according to acceptable and 43011
prevailing standards of care. The reports shall be made by 43012
individuals or providers approved by the board for making such 43013
assessments and shall describe the basis for their determination. 43014

The board may reinstate a ~~certificate~~ license suspended under 43015
this division after such demonstration and after the individual 43016
has entered into a written consent agreement. 43017

When the impaired radiologist assistant resumes practice, the 43018
board shall require continued monitoring of the radiologist 43019
assistant. The monitoring shall include monitoring of compliance 43020
with the written consent agreement entered into before 43021
reinstatement or with conditions imposed by board order after a 43022
hearing, and, on termination of the consent agreement, submission 43023
to the board for at least two years of annual written progress 43024
reports made under penalty of falsification stating whether the 43025
radiologist assistant has maintained sobriety. 43026

(G) If the secretary and supervising member determine that 43027
there is clear and convincing evidence that a radiologist 43028
assistant has violated division (B) of this section and that the 43029
individual's continued practice presents a danger of immediate and 43030
serious harm to the public, they may recommend that the board 43031

suspend the individual's ~~certificate~~ license to practice without a 43032
prior hearing. Written allegations shall be prepared for 43033
consideration by the board. 43034

The board, on review of the allegations and by an affirmative 43035
vote of not fewer than six of its members, excluding the secretary 43036
and supervising member, may suspend a ~~certificate~~ license without 43037
a prior hearing. A telephone conference call may be utilized for 43038
reviewing the allegations and taking the vote on the summary 43039
suspension. 43040

The board shall issue a written order of suspension by 43041
certified mail or in person in accordance with section 119.07 of 43042
the Revised Code. The order shall not be subject to suspension by 43043
the court during pendency of any appeal filed under section 119.12 43044
of the Revised Code. If the radiologist assistant requests an 43045
adjudicatory hearing by the board, the date set for the hearing 43046
shall be within fifteen days, but not earlier than seven days, 43047
after the radiologist assistant requests the hearing, unless 43048
otherwise agreed to by both the board and the ~~certificate~~ license 43049
holder. 43050

A summary suspension imposed under this division shall remain 43051
in effect, unless reversed on appeal, until a final adjudicative 43052
order issued by the board pursuant to this section and Chapter 43053
119. of the Revised Code becomes effective. The board shall issue 43054
its final adjudicative order within sixty days after completion of 43055
its hearing. Failure to issue the order within sixty days shall 43056
result in dissolution of the summary suspension order, but shall 43057
not invalidate any subsequent, final adjudicative order. 43058

(H) If the board takes action under division (B)(10), (12), 43059
or (13) of this section, and the judicial finding of guilt, guilty 43060
plea, or judicial finding of eligibility for intervention in lieu 43061
of conviction is overturned on appeal, on exhaustion of the 43062
criminal appeal, a petition for reconsideration of the order may 43063

be filed with the board along with appropriate court documents. On 43064
receipt of a petition and supporting court documents, the board 43065
shall reinstate the ~~certificate~~ license to practice as a 43066
radiologist assistant. The board may then hold an adjudication 43067
under Chapter 119. of the Revised Code to determine whether the 43068
individual committed the act in question. Notice of opportunity 43069
for hearing shall be given in accordance with Chapter 119. of the 43070
Revised Code. If the board finds, pursuant to an adjudication held 43071
under this division, that the individual committed the act, or if 43072
no hearing is requested, it may order any of the sanctions 43073
specified in division (B) of this section. 43074

(I) The ~~certificate~~ license to practice of a radiologist 43075
assistant and the assistant's practice in this state are 43076
automatically suspended as of the date the radiologist assistant 43077
pleads guilty to, is found by a judge or jury to be guilty of, or 43078
is subject to a judicial finding of eligibility for intervention 43079
in lieu of conviction in this state or treatment of intervention 43080
in lieu of conviction in another jurisdiction for any of the 43081
following criminal offenses in this state or a substantially 43082
equivalent criminal offense in another jurisdiction: aggravated 43083
murder, murder, voluntary manslaughter, felonious assault, 43084
kidnapping, rape, sexual battery, gross sexual imposition, 43085
aggravated arson, aggravated robbery, or aggravated burglary. 43086
Continued practice after the suspension shall be considered 43087
practicing without a ~~certificate~~ license. 43088

The board shall notify the individual subject to the 43089
suspension by certified mail or in person in accordance with 43090
section 119.07 of the Revised Code. If an individual whose 43091
~~certificate~~ license is suspended under this division fails to make 43092
a timely request for an adjudication under Chapter 119. of the 43093
Revised Code, the board shall enter a final order permanently 43094
revoking the individual's ~~certificate to practice~~ license. 43095

(J) In any instance in which the board is required by Chapter 43096
119. of the Revised Code to give notice of opportunity for hearing 43097
and the individual subject to the notice does not timely request a 43098
hearing in accordance with section 119.07 of the Revised Code, the 43099
board is not required to hold a hearing, but may adopt, by an 43100
affirmative vote of not fewer than six of its members, a final 43101
order that contains the board's findings. In the final order, the 43102
board may order any of the sanctions identified under division (A) 43103
or (B) of this section. 43104

(K) Any action taken by the board under division (B) of this 43105
section resulting in a suspension shall be accompanied by a 43106
written statement of the conditions under which the radiologist 43107
assistant's ~~certificate~~ license may be reinstated. The board shall 43108
adopt rules in accordance with Chapter 119. of the Revised Code 43109
governing conditions to be imposed for reinstatement. 43110
Reinstatement of a ~~certificate~~ license suspended pursuant to 43111
division (B) of this section requires an affirmative vote of not 43112
fewer than six members of the board. 43113

(L) When the board refuses to grant or issue a ~~certificate~~ 43114
license to practice as a radiologist assistant to an applicant, 43115
revokes an individual's ~~certificate~~ license, refuses to renew an 43116
individual's ~~certificate~~ license, or refuses to reinstate an 43117
individual's ~~certificate~~ license, the board may specify that its 43118
action is permanent. An individual subject to a permanent action 43119
taken by the board is forever thereafter ineligible to hold a 43120
~~certificate~~ license to practice as a radiologist assistant and the 43121
board shall not accept an application for reinstatement of the 43122
~~certificate~~ license or for issuance of a new ~~certificate~~ license. 43123

(M) Notwithstanding any other provision of the Revised Code, 43124
all of the following apply: 43125

(1) The surrender of a ~~certificate~~ license to practice as a 43126
radiologist assistant issued under this chapter is not effective 43127

unless or until accepted by the board. Reinstatement of a 43128
~~certificate~~ license surrendered to the board requires an 43129
affirmative vote of not fewer than six members of the board. 43130

(2) An application made under this chapter for a ~~certificate~~ 43131
license to practice may not be withdrawn without approval of the 43132
board. 43133

(3) Failure by an individual to renew a ~~certificate~~ license 43134
to practice in accordance with section 4774.06 of the Revised Code 43135
shall not remove or limit the board's jurisdiction to take 43136
disciplinary action under this section against the individual. 43137

Sec. 4774.131. On receipt of a notice pursuant to section 43138
3123.43 of the Revised Code, the state medical board shall comply 43139
with sections 3123.41 to 3123.50 of the Revised Code and any 43140
applicable rules adopted under section 3123.63 of the Revised Code 43141
with respect to a ~~certificate~~ license to practice as a radiologist 43142
assistant issued under this chapter. 43143

Sec. 4774.132. If the state medical board has reason to 43144
believe that any person who has been granted a ~~certificate~~ license 43145
to practice as a radiologist assistant under this chapter is 43146
mentally ill or mentally incompetent, it may file in the probate 43147
court of the county in which the person has a legal residence an 43148
affidavit in the form prescribed in section 5122.11 of the Revised 43149
Code and signed by the board secretary or a member of the board 43150
secretary's staff, whereupon the same proceedings shall be had as 43151
provided in Chapter 5122. of the Revised Code. The attorney 43152
general may represent the board in any proceeding commenced under 43153
this section. 43154

If any person who has been granted a ~~certificate to practice~~ 43155
license is adjudged by a probate court to be mentally ill or 43156
mentally incompetent, the person's ~~certificate~~ license shall be 43157

automatically suspended until the person has filed with the state 43158
medical board a certified copy of an adjudication by a probate 43159
court of the person's subsequent restoration to competency or has 43160
submitted to the board proof, satisfactory to the board, that the 43161
person has been discharged as having a restoration to competency 43162
in the manner and form provided in section 5122.38 of the Revised 43163
Code. The judge of the probate court shall forthwith notify the 43164
state medical board of an adjudication of mental illness or mental 43165
incompetence, and shall note any suspension of a ~~certificate~~ 43166
license in the margin of the court's record of such ~~certificate~~ 43167
license. 43168

Sec. 4774.14. (A) The state medical board shall investigate 43169
evidence that appears to show that any person has violated this 43170
chapter or the rules adopted under it. Any person may report to 43171
the board in a signed writing any information the person has that 43172
appears to show a violation of any provision of this chapter or 43173
the rules adopted under it. In the absence of bad faith, a person 43174
who reports such information or testifies before the board in an 43175
adjudication conducted under Chapter 119. of the Revised Code 43176
shall not be liable for civil damages as a result of reporting the 43177
information or providing testimony. Each complaint or allegation 43178
of a violation received by the board shall be assigned a case 43179
number and be recorded by the board. 43180

(B) Investigations of alleged violations of this chapter or 43181
rules adopted under it shall be supervised by the supervising 43182
member elected by the board in accordance with section 4731.02 of 43183
the Revised Code and by the secretary as provided in section 43184
4774.17 of the Revised Code. The board's president may designate 43185
another member of the board to supervise the investigation in 43186
place of the supervising member. A member of the board who 43187
supervises the investigation of a case shall not participate in 43188
further adjudication of the case. 43189

(C) In investigating a possible violation of this chapter or 43190
the rules adopted under it, the board may administer oaths, order 43191
the taking of depositions, issue subpoenas, and compel the 43192
attendance of witnesses and production of books, accounts, papers, 43193
records, documents, and testimony, except that a subpoena for 43194
patient record information shall not be issued without 43195
consultation with the attorney general's office and approval of 43196
the secretary and supervising member of the board. Before issuance 43197
of a subpoena for patient record information, the secretary and 43198
supervising member shall determine whether there is probable cause 43199
to believe that the complaint filed alleges a violation of this 43200
chapter or the rules adopted under it and that the records sought 43201
are relevant to the alleged violation and material to the 43202
investigation. The subpoena may apply only to records that cover a 43203
reasonable period of time surrounding the alleged violation. 43204

On failure to comply with any subpoena issued by the board 43205
and after reasonable notice to the person being subpoenaed, the 43206
board may move for an order compelling the production of persons 43207
or records pursuant to the Rules of Civil Procedure. 43208

A subpoena issued by the board may be served by a sheriff, 43209
the sheriff's deputy, or a board employee designated by the board. 43210
Service of a subpoena issued by the board may be made by 43211
delivering a copy of the subpoena to the person named therein, 43212
reading it to the person, or leaving it at the person's usual 43213
place of residence. When the person being served is a radiologist 43214
assistant, service of the subpoena may be made by certified mail, 43215
restricted delivery, return receipt requested, and the subpoena 43216
shall be deemed served on the date delivery is made or the date 43217
the person refuses to accept delivery. 43218

A sheriff's deputy who serves a subpoena shall receive the 43219
same fees as a sheriff. Each witness who appears before the board 43220
in obedience to a subpoena shall receive the fees and mileage 43221

provided for witnesses in civil cases in the courts of common 43222
pleas. 43223

(D) All hearings and investigations of the board shall be 43224
considered civil actions for the purposes of section 2305.252 of 43225
the Revised Code. 43226

(E) Information received by the board pursuant to an 43227
investigation is confidential and not subject to discovery in any 43228
civil action. 43229

The board shall conduct all investigations and proceedings in 43230
a manner that protects the confidentiality of patients and persons 43231
who file complaints with the board. The board shall not make 43232
public the names or any other identifying information about 43233
patients or complainants unless proper consent is given. 43234

The board may share any information it receives pursuant to 43235
an investigation, including patient records and patient record 43236
information, with law enforcement agencies, other licensing 43237
boards, and other governmental agencies that are prosecuting, 43238
adjudicating, or investigating alleged violations of statutes or 43239
administrative rules. An agency or board that receives the 43240
information shall comply with the same requirements regarding 43241
confidentiality as those with which the state medical board must 43242
comply, notwithstanding any conflicting provision of the Revised 43243
Code or procedure of the agency or board that applies when it is 43244
dealing with other information in its possession. In a judicial 43245
proceeding, the information may be admitted into evidence only in 43246
accordance with the Rules of Evidence, but the court shall require 43247
that appropriate measures are taken to ensure that confidentiality 43248
is maintained with respect to any part of the information that 43249
contains names or other identifying information about patients or 43250
complainants whose confidentiality was protected by the state 43251
medical board when the information was in the board's possession. 43252
Measures to ensure confidentiality that may be taken by the court 43253

include sealing its records or deleting specific information from 43254
its records. 43255

(F) The state medical board shall develop requirements for 43256
and provide appropriate initial training and continuing education 43257
for investigators employed by the board to carry out its duties 43258
under this chapter. The training and continuing education may 43259
include enrollment in courses operated or approved by the Ohio 43260
peace officer training commission that the board considers 43261
appropriate under conditions set forth in section 109.79 of the 43262
Revised Code. 43263

(G) On a quarterly basis, the board shall prepare a report 43264
that documents the disposition of all cases during the preceding 43265
three months. The report shall contain the following information 43266
for each case with which the board has completed its activities: 43267

(1) The case number assigned to the complaint or alleged 43268
violation; 43269

(2) The type of ~~certificate~~ license, if any, held by the 43270
individual against whom the complaint is directed; 43271

(3) A description of the allegations contained in the 43272
complaint; 43273

(4) The disposition of the case. 43274

The report shall state how many cases are still pending, and 43275
shall be prepared in a manner that protects the identity of each 43276
person involved in each case. The report is a public record for 43277
purposes of section 149.43 of the Revised Code. 43278

Sec. 4774.15. (A) As used in this section, "prosecutor" has 43279
the same meaning as in section 2935.01 of the Revised Code. 43280

(B) Whenever any person holding a valid ~~certificate~~ license 43281
to practice as a radiologist assistant issued under this chapter 43282
pleads guilty to, is subject to a judicial finding of guilt of, or 43283

is subject to a judicial finding of eligibility for intervention 43284
in lieu of conviction for a violation of Chapter 2907., 2925., or 43285
3719. of the Revised Code or of any substantively comparable 43286
ordinance of a municipal corporation in connection with the 43287
person's practice, the prosecutor in the case, on forms prescribed 43288
and provided by the state medical board, shall promptly notify the 43289
board of the conviction. Within thirty days of receipt of that 43290
information, the board shall initiate action in accordance with 43291
Chapter 119. of the Revised Code to determine whether to suspend 43292
or revoke the ~~certificate~~ license under section 4774.13 of the 43293
Revised Code. 43294

(C) The prosecutor in any case against any person holding a 43295
valid ~~certificate to practice~~ license issued under this chapter, 43296
on forms prescribed and provided by the state medical board, shall 43297
notify the board of any of the following: 43298

(1) A plea of guilty to, a finding of guilt by a jury or 43299
court of, or judicial finding of eligibility for intervention in 43300
lieu of conviction for a felony, or a case in which the trial 43301
court issues an order of dismissal upon technical or procedural 43302
grounds of a felony charge; 43303

(2) A plea of guilty to, a finding of guilt by a jury or 43304
court of, or judicial finding of eligibility for intervention in 43305
lieu of conviction for a misdemeanor committed in the course of 43306
practice, or a case in which the trial court issues an order of 43307
dismissal upon technical or procedural grounds of a charge of a 43308
misdemeanor, if the alleged act was committed in the course of 43309
practice; 43310

(3) A plea of guilty to, a finding of guilt by a jury or 43311
court of, or judicial finding of eligibility for intervention in 43312
lieu of conviction for a misdemeanor involving moral turpitude, or 43313
a case in which the trial court issues an order of dismissal upon 43314
technical or procedural grounds of a charge of a misdemeanor 43315

involving moral turpitude. 43316

The report shall include the name and address of the 43317
~~certificate~~ license holder, the nature of the offense for which 43318
the action was taken, and the certified court documents recording 43319
the action. 43320

Sec. 4774.16. (A) Within sixty days after the imposition of 43321
any formal disciplinary action taken by any health care facility, 43322
including a hospital, health care facility operated by a health 43323
insuring corporation, ambulatory surgical facility, or similar 43324
facility, against any individual holding a valid ~~certificate~~ 43325
license to practice as a radiologist assistant, the chief 43326
administrator or executive officer of the facility shall report to 43327
the state medical board the name of the individual, the action 43328
taken by the facility, and a summary of the underlying facts 43329
leading to the action taken. On request, the board shall be 43330
provided certified copies of the patient records that were the 43331
basis for the facility's action. Prior to release to the board, 43332
the summary shall be approved by the peer review committee that 43333
reviewed the case or by the governing board of the facility. 43334

The filing of a report with the board or decision not to file 43335
a report, investigation by the board, or any disciplinary action 43336
taken by the board, does not preclude a health care facility from 43337
taking disciplinary action against a radiologist assistant. 43338

In the absence of fraud or bad faith, no individual or entity 43339
that provides patient records to the board shall be liable in 43340
damages to any person as a result of providing the records. 43341

(B)(1) Except as provided in division (B)(2) of this section, 43342
a radiologist assistant, professional association or society of 43343
radiologist assistants, physician, or professional association or 43344
society of physicians that believes a violation of any provision 43345
of this chapter, Chapter 4731. of the Revised Code, or rule of the 43346

board has occurred shall report to the board the information on 43347
which the belief is based. 43348

(2) A radiologist assistant, professional association or 43349
society of radiologist assistants, physician, or professional 43350
association or society of physicians that believes a violation of 43351
division (B)(6) of section 4774.13 of the Revised Code has 43352
occurred shall report the information upon which the belief is 43353
based to the monitoring organization conducting the program 43354
established by the board under section 4731.251 of the Revised 43355
Code. If any such report is made to the board, it shall be 43356
referred to the monitoring organization unless the board is aware 43357
that the individual who is the subject of the report does not meet 43358
the program eligibility requirements of section 4731.252 of the 43359
Revised Code. 43360

(C) Any professional association or society composed 43361
primarily of radiologist assistants that suspends or revokes an 43362
individual's membership for violations of professional ethics, or 43363
for reasons of professional incompetence or professional 43364
malpractice, within sixty days after a final decision, shall 43365
report to the board, on forms prescribed and provided by the 43366
board, the name of the individual, the action taken by the 43367
professional organization, and a summary of the underlying facts 43368
leading to the action taken. 43369

The filing of a report with the board or decision not to file 43370
a report, investigation by the board, or any disciplinary action 43371
taken by the board, does not preclude a professional organization 43372
from taking disciplinary action against a radiologist assistant. 43373

(D) Any insurer providing professional liability insurance to 43374
any person holding a valid ~~certificate~~ license to practice as a 43375
radiologist assistant or any other entity that seeks to indemnify 43376
the professional liability of a radiologist assistant shall notify 43377
the board within thirty days after the final disposition of any 43378

written claim for damages where such disposition results in a 43379
payment exceeding twenty-five thousand dollars. The notice shall 43380
contain the following information: 43381

(1) The name and address of the person submitting the 43382
notification; 43383

(2) The name and address of the insured who is the subject of 43384
the claim; 43385

(3) The name of the person filing the written claim; 43386

(4) The date of final disposition; 43387

(5) If applicable, the identity of the court in which the 43388
final disposition of the claim took place. 43389

(E) The board may investigate possible violations of this 43390
chapter or the rules adopted under it that are brought to its 43391
attention as a result of the reporting requirements of this 43392
section, except that the board shall conduct an investigation if a 43393
possible violation involves repeated malpractice. As used in this 43394
division, "repeated malpractice" means three or more claims for 43395
malpractice within the previous five-year period, each resulting 43396
in a judgment or settlement in excess of twenty-five thousand 43397
dollars in favor of the claimant, and each involving negligent 43398
conduct by the radiologist assistant. 43399

(F) All summaries, reports, and records received and 43400
maintained by the board pursuant to this section shall be held in 43401
confidence and shall not be subject to discovery or introduction 43402
in evidence in any federal or state civil action involving a 43403
radiologist assistant, supervising physician, or health care 43404
facility arising out of matters that are the subject of the 43405
reporting required by this section. The board may use the 43406
information obtained only as the basis for an investigation, as 43407
evidence in a disciplinary hearing against a radiologist assistant 43408
or supervising radiologist, or in any subsequent trial or appeal 43409

of a board action or order. 43410

The board may disclose the summaries and reports it receives 43411
under this section only to health care facility committees within 43412
or outside this state that are involved in credentialing or 43413
recredentialing a radiologist assistant or supervising radiologist 43414
or reviewing their privilege to practice within a particular 43415
facility. The board shall indicate whether or not the information 43416
has been verified. Information transmitted by the board shall be 43417
subject to the same confidentiality provisions as when maintained 43418
by the board. 43419

(G) Except for reports filed by an individual pursuant to 43420
division (B) of this section, the board shall send a copy of any 43421
reports or summaries it receives pursuant to this section to the 43422
radiologist assistant. The radiologist assistant shall have the 43423
right to file a statement with the board concerning the 43424
correctness or relevance of the information. The statement shall 43425
at all times accompany that part of the record in contention. 43426

(H) An individual or entity that reports to the board, 43427
reports to the monitoring organization described in section 43428
4731.251 of the Revised Code, or refers an impaired radiologist 43429
assistant to a treatment provider approved by the board under 43430
section 4731.25 of the Revised Code shall not be subject to suit 43431
for civil damages as a result of the report, referral, or 43432
provision of the information. 43433

(I) In the absence of fraud or bad faith, a professional 43434
association or society of radiologist assistants that sponsors a 43435
committee or program to provide peer assistance to a radiologist 43436
assistant with substance abuse problems, a representative or agent 43437
of such a committee or program, a representative or agent of the 43438
monitoring organization described in section 4731.251 of the 43439
Revised Code, and a member of the state medical board shall not be 43440
held liable in damages to any person by reason of actions taken to 43441

refer a radiologist assistant to a treatment provider approved 43442
under section 4731.25 of the Revised Code for examination or 43443
treatment. 43444

Sec. 4774.18. The attorney general, the prosecuting attorney 43445
of any county in which the offense was committed or the offender 43446
resides, the state medical board, or any other person having 43447
knowledge of a person engaged either directly or by complicity in 43448
practicing as a radiologist assistant without having first 43449
obtained under this chapter a ~~certificate~~ license to practice as a 43450
radiologist assistant, may, in accordance with provisions of the 43451
Revised Code governing injunctions, maintain an action in the name 43452
of the state to enjoin any person from engaging either directly or 43453
by complicity in unlawfully practicing as a radiologist assistant 43454
by applying for an injunction in any court of competent 43455
jurisdiction. 43456

Prior to application for an injunction, the secretary of the 43457
state medical board shall notify the person allegedly engaged 43458
either directly or by complicity in the unlawful practice by 43459
registered mail that the secretary has received information 43460
indicating that this person is so engaged. The person shall answer 43461
the secretary within thirty days showing that the person is either 43462
properly licensed for the stated activity or that the person is 43463
not in violation of this chapter. If the answer is not forthcoming 43464
within thirty days after notice by the secretary, the secretary 43465
shall request that the attorney general, the prosecuting attorney 43466
of the county in which the offense was committed or the offender 43467
resides, or the state medical board proceed as authorized in this 43468
section. 43469

Upon the filing of a verified petition in court, the court 43470
shall conduct a hearing on the petition and shall give the same 43471
preference to this proceeding as is given all proceedings under 43472

Chapter 119. of the Revised Code, irrespective of the position of 43473
the proceeding on the calendar of the court. 43474

Injunction proceedings shall be in addition to, and not in 43475
lieu of, all penalties and other remedies provided in this 43476
chapter. 43477

Sec. 4776.01. As used in this chapter: 43478

(A) "License" means an authorization evidenced by a license, 43479
certificate, registration, permit, card, or other authority that 43480
is issued or conferred by a licensing agency to a licensee or to 43481
an applicant for an initial license by which the licensee or 43482
initial license applicant has or claims the privilege to engage in 43483
a profession, occupation, or occupational activity, or, except in 43484
the case of the state dental board, to have control of and operate 43485
certain specific equipment, machinery, or premises, over which the 43486
licensing agency has jurisdiction. 43487

(B) Except as provided in section 4776.20 of the Revised 43488
Code, "licensee" means the person to whom the license is issued by 43489
a licensing agency. "Licensee" includes a person who, for purposes 43490
of section 3796.13 of the Revised Code, has complied with sections 43491
4776.01 to 4776.04 of the Revised Code and has been determined by 43492
the department of commerce or state board of pharmacy, as the 43493
applicable licensing agency, to meet the requirements for 43494
employment. 43495

(C) Except as provided in section 4776.20 of the Revised 43496
Code, "licensing agency" means any of the following: 43497

(1) The board authorized by Chapters 4701., 4717., 4725., 43498
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 43499
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 43500
4779., and 4783. of the Revised Code to issue a license to engage 43501
in a specific profession, occupation, or occupational activity, or 43502

to have charge of and operate certain specific equipment, 43503
machinery, or premises. 43504

(2) The state dental board, relative to its authority to 43505
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 43506
4715.27 of the Revised Code; 43507

(3) The department of commerce or state board of pharmacy, 43508
relative to its authority under Chapter 3796. of the Revised Code 43509
and any rules adopted under that chapter with respect to a person 43510
who is subject to section 3796.13 of the Revised Code. 43511

(D) "Applicant for an initial license" includes persons 43512
seeking a license for the first time and persons seeking a license 43513
by reciprocity, endorsement, or similar manner of a license issued 43514
in another state. "Applicant for an initial license" also includes 43515
a person who, for purposes of section 3796.13 of the Revised Code, 43516
is required to comply with sections 4776.01 to 4776.04 of the 43517
Revised Code. 43518

(E) "Applicant for a restored license" includes persons 43519
seeking restoration of a license under section 4730.14, 4730.28, 43520
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, ~~or~~ 4760.061, 43521
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 43522
or 4778.071 of the Revised Code. "Applicant for a restored 43523
license" does not include a person seeking restoration of a 43524
license under section 4751.33 of the Revised Code. 43525

(F) "Criminal records check" has the same meaning as in 43526
section 109.572 of the Revised Code. 43527

Sec. 4776.20. (A) As used in this section: 43528

(1) "Licensing agency" means, in addition to each board 43529
identified in division (C) of section 4776.01 of the Revised Code, 43530
the board or other government entity authorized to issue a license 43531
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 43532

4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 43533
4747., 4749., ~~4751.~~, 4752., 4753., 4758., 4759., 4763., 4764., 43534
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 43535
"Licensing agency" includes an administrative officer that has 43536
authority to issue a license. 43537

(2) "Licensee" means, in addition to a licensee as described 43538
in division (B) of section 4776.01 of the Revised Code, the person 43539
to whom a license is issued by the board or other government 43540
entity authorized to issue a license under Chapters 4703., 4707., 43541
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 43542
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 43543
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 43544
4781. of the Revised Code. 43545

(3) "Prosecutor" has the same meaning as in section 2935.01 43546
of the Revised Code. 43547

(B) On a licensee's conviction of, plea of guilty to, 43548
judicial finding of guilt of, or judicial finding of guilt 43549
resulting from a plea of no contest to the offense of trafficking 43550
in persons in violation of section 2905.32 of the Revised Code, 43551
the prosecutor in the case shall promptly notify the licensing 43552
agency of the conviction, plea, or finding and provide the 43553
licensee's name and residential address. On receipt of this 43554
notification, the licensing agency shall immediately suspend the 43555
licensee's license. 43556

(C) If there is a conviction of, plea of guilty to, judicial 43557
finding of guilt of, or judicial finding of guilt resulting from a 43558
plea of no contest to the offense of trafficking in persons in 43559
violation of section 2905.32 of the Revised Code and all or part 43560
of the violation occurred on the premises of a facility that is 43561
licensed by a licensing agency, the prosecutor in the case shall 43562
promptly notify the licensing agency of the conviction, plea, or 43563
finding and provide the facility's name and address and the 43564

offender's name and residential address. On receipt of this 43565
notification, the licensing agency shall immediately suspend the 43566
facility's license. 43567

(D) Notwithstanding any provision of the Revised Code to the 43568
contrary, the suspension of a license under division (B) or (C) of 43569
this section shall be implemented by a licensing agency without a 43570
prior hearing. After the suspension, the licensing agency shall 43571
give written notice to the subject of the suspension of the right 43572
to request a hearing under Chapter 119. of the Revised Code. After 43573
a hearing is held, the licensing agency shall either revoke or 43574
permanently revoke the license of the subject of the suspension, 43575
unless it determines that the license holder has not been 43576
convicted of, pleaded guilty to, been found guilty of, or been 43577
found guilty based on a plea of no contest to the offense of 43578
trafficking in persons in violation of section 2905.32 of the 43579
Revised Code. 43580

Sec. 4778.03. (A) An individual seeking a license to practice 43581
as a genetic counselor shall file with the state medical board an 43582
application in a manner prescribed by the board. The application 43583
shall include all the information the board considers necessary to 43584
process the application, including evidence satisfactory to the 43585
board that the applicant meets the requirements specified in 43586
division (B) of this section. 43587

At the time an application is submitted, the applicant shall 43588
pay the board an application fee of two hundred dollars. No part 43589
of the fee shall be returned to the applicant or transferred for 43590
purposes of another application. 43591

(B)(1) To be eligible to receive a license to practice as a 43592
genetic counselor, an applicant shall demonstrate to the board 43593
that the applicant meets all of the following requirements: 43594

(a) Is at least eighteen years of age and of good moral 43595

character; 43596

(b) Except as provided in division (B)(2) of this section, 43597
has attained a master's degree or higher degree from a genetic 43598
counseling graduate program accredited by the American board of 43599
genetic counseling, inc.; 43600

(c) Is a certified genetic counselor; 43601

(d) Has satisfied any other requirements established by the 43602
board in rules adopted under section 4778.12 of the Revised Code. 43603

(2) In the case of an applicant who files an application not 43604
later than December 31, 2013, and meets all eligibility 43605
requirements other than the requirement specified in division 43606
(B)(1)(b) of this section, the applicant is eligible for a license 43607
to practice as a genetic counselor if the applicant has attained a 43608
master's or higher degree in education or in a field that the 43609
state medical board considers to be closely related to genetic 43610
counseling. 43611

(C) The board shall review all applications received under 43612
this section. Not later than sixty days after receiving an 43613
application it considers complete, the board shall determine 43614
whether the applicant meets the requirements for a license to 43615
practice as a genetic counselor. ~~The affirmative vote of not fewer~~ 43616
~~than six members of the board is required to determine that the~~ 43617
~~applicant meets the requirements for the license.~~ 43618

Sec. 4778.05. If the state medical board determines under 43619
section 4778.03 of the Revised Code that an applicant meets the 43620
requirements for a license to practice as a genetic counselor, the 43621
secretary of the board shall issue the license to the applicant. 43622
The license shall be valid for a two-year period unless revoked or 43623
suspended, shall expire biennially on the date that is two years 43624
after the date of issuance, and may be renewed for additional 43625

two-year periods in accordance with section 4778.06 of the Revised 43626
Code. 43627

Sec. 4778.06. (A) An individual seeking to renew a license to 43628
practice as a genetic counselor shall, on or before the 43629
~~thirty first day of January of each even numbered year~~ license's 43630
expiration date, apply to the state medical board for renewal ~~of~~ 43631
~~the license~~. The ~~state medical~~ board shall provide renewal notices 43632
to license holders at least one month prior to the expiration 43633
date. 43634

Renewal applications shall be submitted to the board in a 43635
manner prescribed by the board. Each application shall be 43636
accompanied by a biennial renewal fee of one hundred fifty 43637
dollars. 43638

The applicant shall report any criminal offense to which the 43639
applicant has pleaded guilty, of which the applicant has been 43640
found guilty, or for which the applicant has been found eligible 43641
for intervention in lieu of conviction, since last signing an 43642
application for a license to practice as a genetic counselor. 43643

(B) To be eligible for renewal, a genetic counselor shall 43644
certify to the board that the counselor has done both of the 43645
following: 43646

(1) Maintained the counselor's status as a certified genetic 43647
counselor; 43648

(2) Completed at least thirty hours of continuing education 43649
in genetic counseling that has been approved by the national 43650
society of genetic counselors or American board of genetic 43651
counseling. 43652

(C) If an applicant submits a renewal application that the 43653
board considers to be complete and qualifies for renewal pursuant 43654
to division (B) of this section, the board shall issue to the 43655

applicant a renewed license to practice as a genetic counselor. 43656

(D) The board may require a random sample of genetic 43657
counselors to submit materials documenting that their status as 43658
certified genetic counselors has been maintained and that the 43659
number of hours of continuing education required under division 43660
(B)(2) of this section has been completed. This division does not 43661
limit the board's authority to conduct investigations pursuant to 43662
section 4778.14 of the Revised Code. 43663

(E)(1) If, through a random sample conducted under division 43664
(D) of this section or any other means, the board finds that an 43665
individual who certified completion of the number of hours and 43666
type of continuing education required to renew, reinstate, or 43667
restore a license to practice did not complete the requisite 43668
continuing education, the board may do either of the following: 43669

(a) Take disciplinary action against the individual under 43670
section 4778.14 of the Revised Code, impose a civil penalty, or 43671
both; 43672

(b) Permit the individual to agree in writing to complete the 43673
continuing education and pay a civil penalty. 43674

(2) The board's finding in any disciplinary action taken 43675
under division (E)(1)(a) of this section shall be made pursuant to 43676
an adjudication under Chapter 119. of the Revised Code and by an 43677
affirmative vote of not fewer than six of its members. 43678

(3) A civil penalty imposed under division (E)(1)(a) of this 43679
section or paid under division (E)(1)(b) of this section shall be 43680
in an amount specified by the board of not more than five thousand 43681
dollars. The board shall deposit civil penalties in accordance 43682
with section 4731.24 of the Revised Code. 43683

~~If a genetic counselor certifies that the genetic counselor~~ 43684
~~has completed the number of hours and type of continuing education~~ 43685
~~required for renewal of a license, and the board finds through the~~ 43686

~~random sample or any other means that the genetic counselor did 43687~~
~~not complete the requisite continuing education, the board may 43688~~
~~impose a civil penalty of not more than five thousand dollars. If 43689~~
~~a civil penalty is imposed in addition to any other action the 43690~~
~~board takes under section 4778.14 of the Revised Code, the board's 43691~~
~~finding shall be made pursuant to an adjudication under Chapter 43692~~
~~119. of the Revised Code and by an affirmative vote of not fewer 43693~~
~~than six members. A civil penalty imposed under this division may 43694~~
~~be in addition to or in lieu of any other action the board may 43695~~
~~take under section 4778.14 of the Revised Code. The board shall 43696~~
~~deposit civil penalties in accordance with section 4731.24 of the 43697~~
~~Revised Code. 43698~~

Sec. 4778.07. (A) A license to practice as a genetic 43699
counselor issued under section 4778.05 of the Revised Code that is 43700
not renewed on or before its expiration date is automatically 43701
suspended on its expiration date. Continued practice after 43702
suspension shall be considered as practicing in violation of 43703
section 4778.02 of the Revised Code. 43704

(B) If a license has been suspended pursuant to this section 43705
for two years or less, ~~the board shall reinstate the license it~~ 43706
may be reinstated upon an applicant's submission of a complete 43707
renewal application, the biennial renewal fee, and a monetary 43708
penalty of twenty-five dollars. 43709

(C)~~(1)~~ If a license has been suspended pursuant to this 43710
section for more than two years, it may be restored. Subject to 43711
section 4778.071 of the Revised Code, the board may restore the 43712
license upon an applicant's submission of a complete restoration 43713
application, the biennial renewal fee, and a monetary penalty of 43714
fifty dollars and compliance with sections 4776.01 to 4776.04 of 43715
the Revised Code. The board shall not restore a license unless the 43716
board, in its discretion, decides that the results of the criminal 43717

records check do not make the applicant ineligible for a license 43718
issued pursuant to section 4778.05 of the Revised Code. 43719

~~(2) The board may impose terms and conditions for the 43720
restoration, including the following: 43721~~

~~(a) Requiring the applicant to pass an oral or written 43722
examination, or both, to determine the applicant's present fitness 43723
to resume practice; 43724~~

~~(b) Requiring the applicant to obtain additional training and 43725
to pass an examination upon completion of such training; 43726~~

~~(c) Restricting or limiting the extent, scope, or type of 43727
practice of the applicant. 43728~~

Sec. 4778.071. (A) This section applies to both of the 43729
following: 43730

(1) An applicant seeking restoration of a license issued 43731
under this chapter that has been in a suspended or inactive state 43732
for any cause for more than two years; 43733

(2) An applicant seeking issuance of a license pursuant to 43734
this chapter who for more than two years has not been practicing 43735
as a genetic counselor as either of the following: 43736

(a) An active practitioner; 43737

(b) A student in a graduate program as described in section 43738
4778.03 of the Revised Code. 43739

(B) Before issuing a license to an applicant subject to this 43740
section or restoring a license to good standing for an applicant 43741
subject to this section, the state medical board may impose terms 43742
and conditions including any one or more of the following: 43743

(1) Requiring the applicant to pass an oral or written 43744
examination, or both, to determine the applicant's present fitness 43745
to resume practice; 43746

(2) Requiring the applicant to obtain additional training and 43747
to pass an examination upon completion of such training; 43748

(3) Requiring an assessment of the applicant's physical 43749
skills for purposes of determining whether the applicant's 43750
coordination, fine motor skills, and dexterity are sufficient for 43751
performing evaluations and procedures in a manner that meets the 43752
minimal standards of care; 43753

(4) Requiring an assessment of the applicant's skills in 43754
recognizing and understanding diseases and conditions; 43755

(5) Requiring the applicant to undergo a comprehensive 43756
physical examination, which may include an assessment of physical 43757
abilities, evaluation of sensory capabilities, or screening for 43758
the presence of neurological disorders; 43759

(6) Restricting or limiting the extent, scope, or type of 43760
practice of the applicant. 43761

The board shall consider the moral background and the 43762
activities of the applicant during the period of suspension or 43763
inactivity. The board shall not issue or restore a license under 43764
this section unless the applicant complies with sections 4776.01 43765
to 4776.04 of the Revised Code. 43766

Sec. 4928.02. It is the policy of this state to do the 43767
following throughout this state: 43768

(A) Ensure the availability to consumers of adequate, 43769
reliable, safe, efficient, nondiscriminatory, and reasonably 43770
priced retail electric service; 43771

(B) Ensure the availability of unbundled and comparable 43772
retail electric service that provides consumers with the supplier, 43773
price, terms, conditions, and quality options they elect to meet 43774
their respective needs; 43775

(C) Ensure diversity of electricity supplies and suppliers, 43776

by giving consumers effective choices over the selection of those 43777
supplies and suppliers and by encouraging the development of 43778
distributed and small generation facilities; 43779

(D) Encourage innovation and market access for cost-effective 43780
supply- and demand-side retail electric service including, but not 43781
limited to, demand-side management, time-differentiated pricing, 43782
waste energy recovery systems, smart grid programs, and 43783
implementation of advanced metering infrastructure; 43784

(E) Encourage cost-effective and efficient access to 43785
information regarding the operation of the transmission and 43786
distribution systems of electric utilities in order to promote 43787
both effective customer choice of retail electric service and the 43788
development of performance standards and targets for service 43789
quality for all consumers, including annual achievement reports 43790
written in plain language; 43791

(F) Ensure that an electric utility's transmission and 43792
distribution systems are available to a customer-generator or 43793
owner of distributed generation, so that the customer-generator or 43794
owner can market and deliver the electricity it produces; 43795

(G) Recognize the continuing emergence of competitive 43796
electricity markets through the development and implementation of 43797
flexible regulatory treatment; 43798

(H) Ensure effective competition in the provision of retail 43799
electric service by avoiding anticompetitive subsidies flowing 43800
from a noncompetitive retail electric service to a competitive 43801
retail electric service or to a product or service other than 43802
retail electric service, and vice versa, including by prohibiting 43803
the recovery of any generation-related costs through distribution 43804
or transmission rates; 43805

(I) Ensure retail electric service consumers protection 43806
against unreasonable sales practices, market deficiencies, and 43807

market power; 43808

(J) Provide coherent, transparent means of giving appropriate 43809
incentives to technologies that can adapt successfully to 43810
potential environmental mandates; 43811

(K) Encourage implementation of distributed generation across 43812
customer classes through regular review and updating of 43813
administrative rules governing critical issues such as, but not 43814
limited to, interconnection standards, standby charges, and net 43815
metering; 43816

(L) Protect at-risk populations, including, but not limited 43817
to, when considering the implementation of any new advanced energy 43818
or renewable energy resource; 43819

(M) Encourage the education of small business owners in this 43820
state regarding the use of, and encourage the use of, energy 43821
efficiency programs and alternative energy resources in their 43822
businesses; 43823

(N) Facilitate the state's effectiveness in the global 43824
economy. 43825

(O) Recognize an individual customer's ownership and right to 43826
share the usage data generated by meters and evaluate systems that 43827
make customer sharing as simple as possible. 43828

(P) Ensure that a customer's data is standardized and 43829
provided to third parties in as close to real time as is 43830
economically justifiable in order to spur economic investment and 43831
improve the energy options of individual customers. 43832

In carrying out this policy, the commission shall consider 43833
rules as they apply to the costs of electric distribution 43834
infrastructure, including, but not limited to, line extensions, 43835
for the purpose of development in this state. 43836

Sec. 4928.143. (A) For the purpose of complying with section 43837

4928.141 of the Revised Code, an electric distribution utility may 43838
file an application for public utilities commission approval of an 43839
electric security plan as prescribed under division (B) of this 43840
section. The utility may file that application prior to the 43841
effective date of any rules the commission may adopt for the 43842
purpose of this section, and, as the commission determines 43843
necessary, the utility immediately shall conform its filing to 43844
those rules upon their taking effect. 43845

(B) Notwithstanding any other provision of Title XLIX of the 43846
Revised Code to the contrary except division (D) of this section, 43847
divisions (I), (J), and (K) of section 4928.20, division (E) of 43848
section 4928.64, and section 4928.69 of the Revised Code: 43849

(1) An electric security plan shall include provisions 43850
relating to the supply and pricing of electric generation service. 43851
In addition, if the proposed electric security plan has a term 43852
longer than three years, it may include provisions in the plan to 43853
permit the commission to test the plan pursuant to division (E) of 43854
this section and any transitional conditions that should be 43855
adopted by the commission if the commission terminates the plan as 43856
authorized under that division. 43857

(2) The plan may provide for or include, without limitation, 43858
any of the following: 43859

(a) Automatic recovery of any of the following costs of the 43860
electric distribution utility, provided the cost is prudently 43861
incurred: the cost of fuel used to generate the electricity 43862
supplied under the offer; the cost of purchased power supplied 43863
under the offer, including the cost of energy and capacity, and 43864
including purchased power acquired from an affiliate; the cost of 43865
emission allowances; and the cost of federally mandated carbon or 43866
energy taxes; 43867

(b) A reasonable allowance for construction work in progress 43868

for any of the electric distribution utility's cost of 43869
constructing an electric generating facility or for an 43870
environmental expenditure for any electric generating facility of 43871
the electric distribution utility, provided the cost is incurred 43872
or the expenditure occurs on or after January 1, 2009. Any such 43873
allowance shall be subject to the construction work in progress 43874
allowance limitations of division (A) of section 4909.15 of the 43875
Revised Code, except that the commission may authorize such an 43876
allowance upon the incurrence of the cost or occurrence of the 43877
expenditure. No such allowance for generating facility 43878
construction shall be authorized, however, unless the commission 43879
first determines in the proceeding that there is need for the 43880
facility based on resource planning projections submitted by the 43881
electric distribution utility. Further, no such allowance shall be 43882
authorized unless the facility's construction was sourced through 43883
a competitive bid process, regarding which process the commission 43884
may adopt rules. An allowance approved under division (B)(2)(b) of 43885
this section shall be established as a nonbypassable surcharge for 43886
the life of the facility. 43887

(c) The establishment of a nonbypassable surcharge for the 43888
life of an electric generating facility that is owned or operated 43889
by the electric distribution utility, was sourced through a 43890
competitive bid process subject to any such rules as the 43891
commission adopts under division (B)(2)(b) of this section, and is 43892
newly used and useful on or after January 1, 2009, which surcharge 43893
shall cover all costs of the utility specified in the application, 43894
excluding costs recovered through a surcharge under division 43895
(B)(2)(b) of this section. However, no surcharge shall be 43896
authorized unless the commission first determines in the 43897
proceeding that there is need for the facility based on resource 43898
planning projections submitted by the electric distribution 43899
utility. Additionally, if a surcharge is authorized for a facility 43900
pursuant to plan approval under division (C) of this section and 43901

as a condition of the continuation of the surcharge, the electric 43902
distribution utility shall dedicate to Ohio consumers the capacity 43903
and energy and the rate associated with the cost of that facility. 43904
Before the commission authorizes any surcharge pursuant to this 43905
division, it may consider, as applicable, the effects of any 43906
decommissioning, deratings, and retirements. 43907

(d) Terms, conditions, or charges relating to limitations on 43908
customer shopping for retail electric generation service, 43909
bypassability, standby, back-up, or supplemental power service, 43910
default service, carrying costs, amortization periods, and 43911
accounting or deferrals, including future recovery of such 43912
deferrals, as would have the effect of stabilizing or providing 43913
certainty regarding retail electric service; 43914

(e) Automatic increases or decreases in any component of the 43915
standard service offer price; 43916

(f) Consistent with sections 4928.23 to 4928.2318 of the 43917
Revised Code, both of the following: 43918

(i) Provisions for the electric distribution utility to 43919
securitize any phase-in, inclusive of carrying charges, of the 43920
utility's standard service offer price, which phase-in is 43921
authorized in accordance with section 4928.144 of the Revised 43922
Code; 43923

(ii) Provisions for the recovery of the utility's cost of 43924
securitization. 43925

(g) Provisions relating to transmission, ancillary, 43926
congestion, or any related service required for the standard 43927
service offer, including provisions for the recovery of any cost 43928
of such service that the electric distribution utility incurs on 43929
or after that date pursuant to the standard service offer; 43930

(h) Provisions regarding the utility's distribution service, 43931
including, without limitation and notwithstanding any provision of 43932

Title XLIX of the Revised Code to the contrary, provisions 43933
regarding single issue ratemaking, a revenue decoupling mechanism 43934
or any other incentive ratemaking, and provisions regarding 43935
distribution infrastructure and modernization incentives for the 43936
electric distribution utility. The latter may include a long-term 43937
energy delivery infrastructure modernization plan for that utility 43938
or any plan providing for the utility's recovery of costs, 43939
including lost revenue, shared savings, and avoided costs, and a 43940
just and reasonable rate of return on such infrastructure 43941
modernization. As part of its determination as to whether to allow 43942
in an electric distribution utility's electric security plan 43943
inclusion of any provision described in division (B)(2)(h) of this 43944
section, the commission shall examine the reliability of the 43945
electric distribution utility's distribution system and ensure 43946
that customers' and the electric distribution utility's 43947
expectations are aligned and that the electric distribution 43948
utility is placing sufficient emphasis on and dedicating 43949
sufficient resources to the reliability of its distribution 43950
system. 43951

(i) Provisions under which the electric distribution utility 43952
may implement economic development, job retention, and energy 43953
efficiency programs, which provisions may allocate program costs 43954
across all classes of customers of the utility and those of 43955
electric distribution utilities in the same holding company 43956
system. 43957

(C)(1) The burden of proof in the proceeding shall be on the 43958
electric distribution utility. The commission shall issue an order 43959
under this division for an initial application under this section 43960
not later than one hundred fifty days after the application's 43961
filing date and, for any subsequent application by the utility 43962
under this section, not later than two hundred seventy-five days 43963
after the application's filing date. Subject to division (D) of 43964

this section, the commission by order shall approve or modify and 43965
approve an application filed under division (A) of this section if 43966
it finds that the electric security plan so approved, including 43967
its pricing and all other terms and conditions, including any 43968
deferrals and any future recovery of deferrals, is more favorable 43969
in the aggregate as compared to the expected results that would 43970
otherwise apply under section 4928.142 of the Revised Code. 43971
Additionally, if the commission so approves an application that 43972
contains a surcharge under division (B)(2)(b) or (c) of this 43973
section, the commission shall ensure that the benefits derived for 43974
any purpose for which the surcharge is established are reserved 43975
and made available to those that bear the surcharge. Otherwise, 43976
the commission by order shall disapprove the application. 43977

(2)(a) If the commission modifies and approves an application 43978
under division (C)(1) of this section, the electric distribution 43979
utility may withdraw the application, thereby terminating it, and 43980
may file a new standard service offer under this section or a 43981
standard service offer under section 4928.142 of the Revised Code. 43982

(b) If the utility terminates an application pursuant to 43983
division (C)(2)(a) of this section or if the commission 43984
disapproves an application under division (C)(1) of this section, 43985
the commission shall issue such order as is necessary to continue 43986
the provisions, terms, and conditions of the utility's most recent 43987
standard service offer, along with any expected increases or 43988
decreases in fuel costs from those contained in that offer, until 43989
a subsequent offer is authorized pursuant to this section or 43990
section 4928.142 of the Revised Code, respectively. 43991

(D) Regarding the rate plan requirement of division (A) of 43992
section 4928.141 of the Revised Code, if an electric distribution 43993
utility that has a rate plan that extends beyond December 31, 43994
2008, files an application under this section for the purpose of 43995
its compliance with division (A) of section 4928.141 of the 43996

Revised Code, that rate plan and its terms and conditions are 43997
hereby incorporated into its proposed electric security plan and 43998
shall continue in effect until the date scheduled under the rate 43999
plan for its expiration, and that portion of the electric security 44000
plan shall not be subject to commission approval or disapproval 44001
under division (C) of this section, and the earnings test provided 44002
for in division (F) of this section shall not apply until after 44003
the expiration of the rate plan. However, that utility may include 44004
in its electric security plan under this section, and the 44005
commission may approve, modify and approve, or disapprove subject 44006
to division (C) of this section, provisions for the incremental 44007
recovery or the deferral of any costs that are not being recovered 44008
under the rate plan and that the utility incurs during that 44009
continuation period to comply with section 4928.141, division (B) 44010
of section 4928.64, or division (A) of section 4928.66 of the 44011
Revised Code. 44012

(E) If an electric security plan approved under division (C) 44013
of this section, except one withdrawn by the utility as authorized 44014
under that division, has a term, exclusive of phase-ins or 44015
deferrals, that exceeds three years from the effective date of the 44016
plan, the commission shall test the plan in the fourth year, and 44017
if applicable, every fourth year thereafter, to determine whether 44018
the plan, including its then-existing pricing and all other terms 44019
and conditions, including any deferrals and any future recovery of 44020
deferrals, continues to be more favorable in the aggregate and 44021
during the remaining term of the plan as compared to the expected 44022
results that would otherwise apply under section 4928.142 of the 44023
Revised Code. The commission shall also determine the prospective 44024
effect of the electric security plan to determine if that effect 44025
is substantially likely to provide the electric distribution 44026
utility with a return on common equity that is significantly in 44027
excess of the return on common equity that is likely to be earned 44028
by publicly traded companies, including utilities, that face 44029

comparable business and financial risk, with such adjustments for 44030
capital structure as may be appropriate. The burden of proof for 44031
demonstrating that significantly excessive earnings will not occur 44032
shall be on the electric distribution utility. For affiliated Ohio 44033
electric distribution utilities that operate under a joint 44034
electric security plan, their total earned return on common equity 44035
shall be used for purposes of assessing significantly excessive 44036
earnings. If the test results are in the negative or the 44037
commission finds that continuation of the electric security plan 44038
will result in a return on equity that is significantly in excess 44039
of the return on common equity that is likely to be earned by 44040
publicly traded companies, including utilities, that will face 44041
comparable business and financial risk, with such adjustments for 44042
capital structure as may be appropriate, during the balance of the 44043
plan, the commission may terminate the electric security plan, but 44044
not until it shall have provided interested parties with notice 44045
and an opportunity to be heard. The commission may impose such 44046
conditions on the plan's termination as it considers reasonable 44047
and necessary to accommodate the transition from an approved plan 44048
to the more advantageous alternative. In the event of an electric 44049
security plan's termination pursuant to this division, the 44050
commission shall permit the continued deferral and phase-in of any 44051
amounts that occurred prior to that termination and the recovery 44052
of those amounts as contemplated under that electric security 44053
plan. 44054

(F) With regard to the provisions that are included in an 44055
electric security plan under this section, the commission shall 44056
consider, following the end of each annual period of the plan, if 44057
any such adjustments resulted in excessive earnings as measured by 44058
whether the earned return on common equity of the electric 44059
distribution utility is significantly in excess of the return on 44060
common equity that was earned during the same period by publicly 44061
traded companies, including utilities, that face comparable 44062

business and financial risk, with such adjustments for capital 44063
structure as may be appropriate. In making its determination of 44064
significantly excessive earnings under this division, the 44065
commission shall, for affiliated Ohio electric distribution 44066
utilities that operate under a joint electric security plan, use 44067
the total of the utilities' earned return on common equity. 44068
Consideration also shall be given to the capital requirements of 44069
future committed investments in this state. The burden of proof 44070
for demonstrating that significantly excessive earnings did not 44071
occur shall be on the electric distribution utility. If the 44072
commission finds that such adjustments, in the aggregate, did 44073
result insignificantly excessive earnings, it shall require the 44074
electric distribution utility to return to consumers the amount of 44075
the excess by prospective adjustments; provided that, upon making 44076
such prospective adjustments, the electric distribution utility 44077
shall have the right to terminate the plan and immediately file an 44078
application pursuant to section 4928.142 of the Revised Code. Upon 44079
termination of a plan under this division, rates shall be set on 44080
the same basis as specified in division (C)(2)(b) of this section, 44081
and the commission shall permit the continued deferral and 44082
phase-in of any amounts that occurred prior to that termination 44083
and the recovery of those amounts as contemplated under that 44084
electric security plan. In making its determination of 44085
significantly excessive earnings under this division, the 44086
commission shall not consider, directly or indirectly, the 44087
revenue, expenses, or earnings of any affiliate that is not an 44088
Ohio electric distribution utility or parent company. 44089

Sec. 4937.01. As used in sections 4937.01 to 4937.05 of the 44090
Revised Code: 44091

(A) "Hazard" has the same meaning as in section 5502.21 of 44092
the Revised Code. 44093

(B) "Member agency" means the state agency of which a member 44094
of the utility radiological safety board is an officer. 44095

(C) "Nuclear electric facility" means any facility operated 44096
by a nuclear electric utility using nuclear energy to produce 44097
electricity and any facility for the storage of spent nuclear fuel 44098
arising from such production. 44099

(D) "Nuclear electric facility incident" means any hazard 44100
within the state which is associated with a nuclear electric 44101
facility and requires, pursuant to sections 5502.21 to 5502.51 of 44102
the Revised Code, emergency management to mitigate its effects. 44103

(E) "Nuclear electric utility" includes every person, their 44104
agents, assignees, or trustees, within this state engaged in the 44105
business of producing electricity using nuclear energy, or in the 44106
storage of spent nuclear fuel arising from such production. 44107

(F) "Nuclear electric utility holding company" means any 44108
company that holds an equity interest in a nuclear electric 44109
utility and is part of an electric utility holding company system 44110
exempt under section 3(a)(1) or (2) of the "Public Utility Holding 44111
Company Act of 1935," 49 Stat. 810, 15 U.S.C.A. 79c, and the 44112
regulations adopted under the act. 44113

Sec. 4937.05. (A) Subject to division (B) of this section, 44114
the utility radiological safety board may apportion among and 44115
assess against each nuclear electric utility in this state against 44116
which an assessment may be made under section 4905.10 of the 44117
Revised Code an amount no greater than the maximums specified in 44118
the applicable main operating appropriations act. The assessment 44119
shall be made in proportion to the intrastate gross receipts of 44120
the utility, excluding receipts from sales to other public 44121
utilities for resale, for the calendar year next preceding that in 44122
which the assessments are made, or be made based upon the 44123
utility's decommissioning budget for the year of the assessment, 44124

if the utility is not engaged in the business of producing 44125
electricity using nuclear energy. On or before the first day of 44126
October in each year, the board shall notify each such utility of 44127
the sum assessed against it, whereupon payment shall be made to 44128
the board. The board shall deposit the payment into any nuclear 44129
safety fund for which a maximum is specified, for the purposes of 44130
this section, in the applicable main operating appropriations act. 44131
Any assessments so deposited which are not expended shall be 44132
credited ratably to each nuclear electric utility that paid them, 44133
according to the respective portions of the amount assessable 44134
against the utility for the ensuing calendar year. The assessments 44135
for such calendar year shall be adjusted accordingly. 44136

(B) The board shall assess an amount against the nuclear 44137
electric utilities pursuant to division (A) of this section only 44138
in accordance with this division and subject to the conditions it 44139
specifies. 44140

(1) Nuclear electric utilities and, separately, the 44141
environmental protection agency, the department of health, the 44142
department of agriculture, and the emergency management agency of 44143
the department of public safety, as member agencies of the board, 44144
shall negotiate, in good faith, amounts to be given as grants by 44145
the nuclear electric utilities pursuant to this division for 44146
funding the member agency for a fiscal biennium. Any such grant 44147
shall cover all costs related to the statutory requirements or 44148
agreements specified in division (B)(4) of this section, but shall 44149
not be required to cover any costs of activities not directly 44150
related to those statutory requirements or agreements. 44151

(2)(a) If any of the member agencies specified in division 44152
(B)(1) of this section disagrees, before the first day of 44153
September of the first year of a fiscal biennium, with the nuclear 44154
electric utilities on a grant amount under that division for the 44155
agency's funding for that biennium and the agency is requesting a 44156

specified amount not exceeding seventy-five per cent of the 44157
maximum specified in the applicable main operating appropriations 44158
act, the agency shall make a written directive to the board for an 44159
assessment against the nuclear electric utilities for that 44160
specified amount and shall notify the controlling board, the 44161
director of budget and management, and the nuclear electric 44162
utilities in writing of that directive. Upon receipt of the 44163
directive, the utility radiological safety board shall assess the 44164
specified amount against the nuclear electric utilities as 44165
provided in division (A) of this section, notwithstanding any 44166
provision of that division to the contrary, provided the amount 44167
assessed does not exceed the maximum specified in the applicable 44168
main operating appropriations act. 44169

(b) If any of the member agencies specified in division 44170
(B)(1) of this section disagrees, before the first day of 44171
September of the first year of a fiscal biennium, with the nuclear 44172
electric utilities on a grant amount under that division for the 44173
agency's funding for that biennium and the agency is requesting a 44174
specified amount that exceeds seventy-five per cent of the maximum 44175
specified for that agency in the applicable main operating 44176
appropriations act, the agency may request that the controlling 44177
board approve an assessment against the electric utilities in the 44178
specified amount. The controlling board shall not approve an 44179
assessment so requested if it exceeds that maximum or will not be 44180
used for the purposes specified in division (B)(4) of this 44181
section. If the controlling board approves the request, the 44182
utility radiological safety board shall impose an assessment in 44183
the approved amount against the nuclear electric utilities as 44184
provided in division (A) of this section, notwithstanding any 44185
provision of that division to the contrary. 44186

(c) The board shall not assess against the nuclear electric 44187
utilities pursuant to division (A) of this section in any fiscal 44188

biennium for which each member agency and the nuclear electric 44189
utilities agree on grant amounts pursuant to division (B)(1) of 44190
this section. 44191

(3) Revenues received pursuant to grants or assessments under 44192
division (B)(1) or (2) of this section shall be deposited into the 44193
requesting agency's nuclear safety fund, as such fund is specified 44194
in the applicable main operating appropriations act. 44195

(4) Funding provided under this division to a member agency 44196
shall be for the purpose of enabling a member agency to fulfill 44197
its authority and duties under the statutes related to nuclear 44198
safety or the utility safety radiological board, or under 44199
agreements with the nuclear regulatory commission. 44200

(5) If a nuclear electric utility makes any recommendation to 44201
render the nuclear safety programs of member agencies of the 44202
utility radiological safety board more cost effective, the member 44203
agencies shall implement the recommendation or provide to the 44204
utility a written statement explaining why the recommendation will 44205
not be implemented or will be implemented with substantial 44206
modification. 44207

Sec. 5101.061. (A) There is hereby established in the 44208
department of job and family services the office of human services 44209
innovation. The office shall develop recommendations, as described 44210
in division (B) of this section, regarding the coordination and 44211
reform of state programs to assist the residents of this state in 44212
preparing for life and the dignity of work and to promote 44213
individual responsibility and work opportunity. 44214

The director of job and family services shall establish the 44215
office's organizational structure, may reassign the department's 44216
staff and resources as necessary to support the office's 44217
activities, and is responsible for the office's operations. The 44218
superintendent of public instruction, chancellor of ~~the Ohio board~~ 44219

~~of regents higher education, and~~ director of the governor's office 44220
of workforce transformation,~~and director of the governor's office~~ 44221
~~of health transformation~~ shall assist the director of job and 44222
family services with leadership and organizational support for the 44223
office. 44224

(B) Not later than January 1, 2015, the office shall submit 44225
to the governor recommendations for all of the following: 44226

(1) Coordinating services across all public assistance 44227
programs to help individuals find employment, succeed at work, and 44228
stay out of poverty; 44229

(2) Revising incentives for public assistance programs to 44230
foster person-centered case management; 44231

(3) Standardizing and automating eligibility determination 44232
policies and processes for public assistance programs; 44233

(4) Other matters the office considers appropriate. 44234

(C) Not later than three months after ~~the effective date of~~ 44235
~~this section~~ September 15, 2014, the office shall establish clear 44236
principles to guide the development of its recommendations, shall 44237
identify in detail the problems to be addressed in the 44238
recommendations, and shall make an inventory of all state and 44239
other resources that the office considers relevant to the 44240
recommendations. 44241

(D) The office shall convene the directors and staff of the 44242
departments, agencies, offices, boards, commissions, and 44243
institutions of the executive branch of the state as necessary to 44244
develop the office's recommendations. The departments, agencies, 44245
offices, boards, commissions, and institutions shall comply with 44246
all requests and directives that the office makes, subject to the 44247
supervision of the directors of the departments, agencies, 44248
offices, boards, commissions, and institutions. The office also 44249
shall convene other individuals interested in the issues that the 44250

office addresses in the development of the recommendations to 44251
obtain their input on, and support for, the recommendations. 44252

Sec. 5101.14. (A) As used in this section and section 44253
5101.144 of the Revised Code, "children services" means services 44254
provided to children pursuant to Chapter 5153. of the Revised 44255
Code. 44256

(B) Within available funds, the department of job and family 44257
services shall distribute funds to the counties within thirty days 44258
after the beginning of each calendar quarter for a part of the 44259
counties' costs for children services. 44260

Funds provided to the county under this section shall be 44261
deposited into the children services fund created pursuant to 44262
section 5101.144 of the Revised Code. 44263

(C) In each fiscal year, the amount of funds available for 44264
distribution under this section shall be allocated to counties as 44265
follows: 44266

(1) If the amount is less than the amount initially 44267
appropriated for the immediately preceding fiscal year, each 44268
county shall receive an amount equal to the percentage of the 44269
funding it received in the immediately preceding fiscal year, 44270
exclusive of any releases from or additions to the allocation or 44271
any sanctions imposed under this section; 44272

(2) If the amount is equal to the amount initially 44273
appropriated for the immediately preceding fiscal year, each 44274
county shall receive an amount equal to the amount it received in 44275
the preceding fiscal year, exclusive of any releases from or 44276
additions to the allocation or any sanctions imposed under this 44277
section; 44278

(3) If the amount is greater than the amount initially 44279
appropriated for the immediately preceding fiscal year, each 44280

county shall receive the amount determined under division (C)(2) 44281
of this section as a base allocation, plus a percentage of the 44282
amount that exceeds the amount initially appropriated for the 44283
immediately preceding fiscal year. The amount exceeding the amount 44284
initially appropriated in the immediately preceding fiscal year 44285
shall be allocated to the counties as follows: 44286

(a) Twelve per cent divided equally among all counties; 44287

(b) Forty-eight per cent in the ratio that the number of 44288
residents of the county under the age of eighteen bears to the 44289
total number of such persons residing in this state; 44290

(c) Forty per cent in the ratio that the number of residents 44291
of the county with incomes under the federal poverty guideline 44292
bears to the total number of such persons in this state. 44293

As used in division (C)(3)(c) of this section, "federal 44294
poverty guideline" means the poverty guideline as defined by the 44295
United States office of management and budget and revised by the 44296
United States secretary of health and human services in accordance 44297
with section 673 of the "Community Services Block Grant Act," 95 44298
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 44299

(D) Within ninety days after the end of each state fiscal 44300
biennium, each county shall return any unspent funds to the 44301
department. 44302

(E) Each county shall contribute local funds in accordance 44303
with division (F)(2) of this section to the county children 44304
services fund described in section 5101.144 of the Revised Code. 44305

(F)(1) The director of job and family services may adopt the 44306
following rules in accordance with section 111.15 of the Revised 44307
Code: 44308

(1)(a) Rules that are necessary for the allocation of funds 44309
under this section; 44310

~~(2)(b)~~ Rules prescribing reports on expenditures to be 44311
submitted by the counties as necessary for the implementation of 44312
this section. 44313

(2) The director shall adopt rules that determine the amount 44314
of local funds to be contributed by each county under division (E) 44315
of this section in accordance with section 111.15 of the Revised 44316
Code. 44317

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1414 44318
of the Revised Code: 44319

(1) "Adopted young adult" means a person: 44320

(a) Who was in the temporary or permanent custody of a public 44321
children services agency; 44322

(b) Who was adopted at the age of sixteen or seventeen and 44323
attained the age of sixteen before a Title IV-E adoption 44324
assistance agreement became effective; 44325

(c) Who has attained the age of eighteen; and 44326

(d) Who has not yet attained the age of twenty-one. 44327

(2) "Child" ~~includes a~~ means any of the following: 44328

(a) A person who meets the requirements of division (A)(1) 44329
(B)(3) of section 5101.1411 5153.01 of the Revised Code ~~or an~~ 44330
~~adopted person who meets the requirements applicable to such a~~ 44331
~~person under division (B)(1) of section 5101.1411 of the Revised~~ 44332
~~Code.~~ 44333

~~(2) "Designee" means a person with whom the department of job 44334
and family services has entered into a contract, pursuant to 44335
division (B)(2) of this section;~~ 44336

(b) An adopted young adult; 44337

(c) An emancipated young adult. 44338

(3) "Emancipated young adult" means a person: 44339

(a) Who was in the temporary or permanent custody of a public 44340
children services agency, a planned permanent living arrangement, 44341
or in the Title-IV-E-eligible care and placement responsibility of 44342
a juvenile court or other governmental agency that provides Title 44343
IV-E reimbursable placement services; 44344

(b) Whose custody, arrangement, or care and placement was 44345
terminated on or after the person's eighteenth birthday; and 44346

(c) Who has not yet attained the age of twenty-one. 44347

(4) "Representative" means a person with whom the department 44348
of job and family services has entered into a contract, pursuant 44349
to division (B)(2)(b) of this section. 44350

(5) "Title IV-E" means Title IV-E of the "Social Security 44351
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 44352

(B)(1) Except as provided in division (B)(2) of this section, 44353
the department of job and family services shall act as the single 44354
state agency to administer federal payments for foster care and 44355
adoption assistance made pursuant to Title IV-E. The director of 44356
job and family services shall adopt rules to implement this 44357
authority. Rules governing financial and administrative 44358
requirements applicable to public children services agencies and 44359
government entities that provide Title IV-E reimbursable placement 44360
services to children shall be adopted in accordance with section 44361
111.15 of the Revised Code, as if they were internal management 44362
rules. Rules governing requirements applicable to private child 44363
placing agencies and private noncustodial agencies and rules 44364
establishing eligibility, program participation, and other 44365
requirements concerning Title IV-E shall be adopted in accordance 44366
with Chapter 119. of the Revised Code. A public children services 44367
agency to which the department distributes Title IV-E funds shall 44368
administer the funds in accordance with those rules. 44369

(2) If the state plan is amended under divisions (A) and (B) 44370
of section 5101.1411 of the Revised Code, both of the following 44371
shall apply: 44372

(a) Implementation of the amendments to the plan shall begin 44373
fifteen months after September 13, 2016, the effective date of 44374
H.B. 50 of the 131st general assembly, if both of the following 44375
apply: 44376

(i) The plan as amended is approved by the secretary of 44377
health and human services; 44378

(ii) The general assembly has appropriated sufficient funds 44379
to operate the program required under the plan as amended. 44380

(b) The department shall have, exercise, and perform all new 44381
duties required under the plan as amended. In doing so, the 44382
department may contract with another person to carry out those new 44383
duties, to the extent permitted under Title IV-E. 44384

(C)(1) The Except with regard to the new duties imposed on 44385
the department or its contractor under division (B)(2)(b) of this 44386
section that are not imposed on the county, the county, on behalf 44387
of each child eligible for foster care maintenance payments under 44388
Title IV-E, shall make payments to cover the cost of providing all 44389
of the following: 44390

(a) The child's food, clothing, shelter, daily supervision, 44391
and school supplies; 44392

(b) The child's personal incidentals; 44393

(c) Reasonable travel to the child's home for visitation. 44394

(2) In addition to payments made under division (C)(1) of 44395
this section, the county may, on behalf of each child eligible for 44396
foster care maintenance payments under Title IV-E, make payments 44397
to cover the cost of providing the following: 44398

(a) Liability insurance with respect to the child; 44399

(b) If the county is participating in the demonstration 44400
project established under division (A) of section 5101.142 of the 44401
Revised Code, services provided under the project. 44402

(3) With respect to a child who is in a child-care 44403
institution, including any type of group home designed for the 44404
care of children or any privately operated program consisting of 44405
two or more certified foster homes operated by a common 44406
administrative unit, the foster care maintenance payments made by 44407
the county on behalf of the child shall include the reasonable 44408
cost of the administration and operation of the institution, group 44409
home, or program, as necessary to provide the items described in 44410
divisions (C)(1) and (2) of this section. 44411

(D) To the extent that either foster care maintenance 44412
payments under division (C) of this section or Title IV-E adoption 44413
assistance payments for maintenance costs require the expenditure 44414
of county funds, the board of county commissioners shall report 44415
the nature and amount of each expenditure of county funds to the 44416
department. 44417

(E) The department shall distribute to public children 44418
services agencies that incur and report expenditures of the type 44419
described in division (D) of this section federal financial 44420
participation received for administrative and training costs 44421
incurred in the operation of foster care maintenance and adoption 44422
assistance programs. The department may withhold not more than 44423
three per cent of the federal financial participation received. 44424
The funds withheld may be used only to fund the following: 44425

(1) The Ohio child welfare training program established under 44426
section 5103.30 of the Revised Code; 44427

(2) The university partnership program for college and 44428
university students majoring in social work who have committed to 44429
work for a public children services agency upon graduation; 44430

(3) Efforts supporting organizational excellence, including 44431
voluntary activities to be accredited by a nationally recognized 44432
accreditation organization. 44433

The funds withheld shall be in addition to any administration 44434
and training cost for which the department is reimbursed through 44435
its own cost allocation plan. 44436

(F) All federal financial participation funds received by a 44437
county pursuant to this section shall be deposited into the 44438
county's children services fund created pursuant to section 44439
5101.144 of the Revised Code. 44440

(G) The department shall periodically publish and distribute 44441
the maximum amounts that the department will reimburse public 44442
children services agencies for making payments on behalf of 44443
children eligible for foster care maintenance payments. 44444

(H) The department, by and through its director, is hereby 44445
authorized to develop, participate in the development of, 44446
negotiate, and enter into one or more interstate compacts on 44447
behalf of this state with agencies of any other states, for the 44448
provision of social services to children in relation to whom all 44449
of the following apply: 44450

(1) They have special needs. 44451

(2) This state or another state that is a party to the 44452
interstate compact is providing adoption assistance on their 44453
behalf. 44454

(3) They move into this state from another state or move out 44455
of this state to another state. 44456

Sec. 5101.1411. (A)(1) The director of job and family 44457
services shall, not later than nine months after September 13, 44458
2016, the effective date of H.B. 50 of the 131st general assembly, 44459
submit an amendment to the state plan required by 42 U.S.C. 671 to 44460

the United States secretary of health and human services to 44461
implement 42 U.S.C. 675(8) to make federal payments for foster 44462
care under Title IV-E directly to, or on behalf of, any ~~person~~ 44463
emancipated young adult who meets the following requirements: 44464

~~(a) The person has attained the age of eighteen but not 44465
attained the age of twenty one. 44466~~

~~(b) The person was in the custody of a public children 44467
services agency upon attaining the age of eighteen. 44468~~

~~(c) The person emancipated young adult signs a voluntary 44469
participation agreement. 44470~~

~~(d)(b) The person emancipated young adult satisfies division 44471
(C) of this section. 44472~~

(2) Any ~~person~~ emancipated young adult who meets the 44473
requirements of division (A)(1) of this section may apply for 44474
foster care payments and make the appropriate application at any 44475
time. 44476

(B)(1) The director of job and family services shall, not 44477
later than nine months after September 13, 2016, the effective 44478
date of H.B. 50 of the 131st general assembly, submit an amendment 44479
to the state plan required by 42 U.S.C. 671 to the United States 44480
secretary of health and human services to implement 42 U.S.C. 44481
675(8) to make federal payments for adoption assistance under 44482
Title IV-E available to any parent who meets all of the following 44483
requirements: 44484

(a) The parent adopted a person ~~while the adopted person was 44485
sixteen or seventeen and had been in the custody of a public 44486
children services agency, or who is an adopted young adult and the 44487
parent ~~enters~~ entered into an adoption assistance agreement under 44488
42 U.S.C. 673÷ while the adopted person was age sixteen or 44489
seventeen. 44490~~

(b) ~~The adopted person has attained the age of eighteen but~~ 44491
~~has not attained the age of twenty one;~~ 44492

~~(e)~~ The parent maintains parental responsibility ~~to that for~~ 44493
the adopted person; young adult. 44494

~~(d)~~(c) The adopted ~~person~~ young adult satisfies division (C) 44495
of this section. 44496

(2) Any parent who meets the requirements of division (B)(1) 44497
of this section that are applicable to a parent may request an 44498
extension of adoption assistance payments at any time before the 44499
adopted ~~person~~ young adult reaches age twenty-one. 44500

(3) An adopted young adult who is eligible to receive 44501
adoption assistance payments is not considered an emancipated 44502
young adult and is therefore not eligible to receive payment under 44503
division (A) of this section. 44504

(C) In addition to other requirements, ~~a person who is in~~ 44505
~~foster care or has been adopted~~ an adopted or emancipated young 44506
adult must meet at least one of the following criteria: 44507

(1) Is completing secondary education or a program leading to 44508
an equivalent credential; 44509

(2) Is enrolled in an institution that provides 44510
post-secondary or vocational education; 44511

(3) Is participating in a program or activity designed to 44512
promote, or remove barriers to, employment; 44513

(4) Is employed for at least eighty hours per month; 44514

(5) Is incapable of doing any of the activities described in 44515
~~division~~ divisions (C)(1) to (4) of this section due to a ~~medical~~ 44516
physical or mental condition, which incapacity is supported by 44517
regularly updated information in the person's case record or plan. 44518

(D) Any ~~person~~ emancipated young adult described in division 44519
(A)(1) of this section who is directly receiving foster care 44520

payments, or on whose behalf such foster care payments are 44521
received, or any parent receiving adoption assistance payments, 44522
~~pursuant to this section~~ may refuse the payments at any time. ~~If~~ 44523
~~the person or parent refuses payments and seeks payments at a~~ 44524
~~later date, the person or parent must reapply for the payments in~~ 44525
~~accordance with this section.~~ 44526

(E)(1) ~~A person~~ An emancipated young adult described in 44527
division (A)(1) of this section who is directly receiving foster 44528
care payments, or on whose behalf such foster care payments are 44529
received, or a parent receiving adoption assistance payments and 44530
the adopted ~~person, pursuant to this section,~~ young adult shall be 44531
eligible for services set forth in the federal, "Fostering 44532
Connections to Success and Increasing Adoptions Act of 2008," P.L. 44533
110-351, 122 Stat. 3949. 44534

(2) ~~A person~~ An emancipated young adult described in division 44535
(A)(1) of this section who is directly receiving foster care 44536
payments, or on whose behalf such foster care payments are 44537
received, pursuant to this section, may be eligible to reside in a 44538
supervised independent living setting, including apartment living, 44539
room and board arrangements, college or university dormitories, 44540
host homes, and shared roommate settings. 44541

(F) Any determination by the department that denies or 44542
terminates foster care or adoption assistance payments shall be 44543
subject to a state hearing pursuant to section 5101.35 of the 44544
Revised Code. 44545

Sec. 5101.1412. (A) Without the approval of a court, ~~a child~~ 44546
an emancipated young adult who receives payments, or on whose 44547
behalf payments are received, under division (A) of section 44548
5101.1411 of the Revised Code, may enter into a voluntary 44549
participation agreement with the department of job and family 44550
services, or its ~~designee~~ representative, for the ~~child's~~ 44551

emancipated young adult's care and placement. The agreement shall 44552
expire within one hundred eighty days and may not be renewed 44553
without court approval stay in effect until one of the following 44554
occurs: 44555

(1) The emancipated young adult enrolled in the program 44556
notifies the department, or its representative, that they want to 44557
terminate the agreement. 44558

(2) The emancipated young adult becomes ineligible for the 44559
program. 44560

(B) Prior to the agreement's expiration During the 44561
one-hundred-eighty-day period after the voluntary participation 44562
agreement becomes effective, the department or its designee 44563
representative shall seek approval from the court that the child's 44564
emancipated young adult's best interest is served by extending 44565
continuing the care and placement with the department or its 44566
designee representative. 44567

(C) In order to maintain Title IV-E eligibility for the 44568
emancipated young adult, not later than twelve months after the 44569
effective date of the voluntary participation agreement, and at 44570
least once every twelve months thereafter, the department or its 44571
representative must petition the court for, and obtain, a judicial 44572
determination that the department or its representative has made 44573
reasonable efforts to finalize a permanency plan that addresses 44574
the department's or its representative's efforts to prepare the 44575
emancipated young adult for independence. 44576

Sec. 5101.1414. (A) Not later than nine months after 44577
September 13, 2016, the effective date of H.B. 50 of the 131st 44578
general assembly, the department of job and family services shall 44579
adopt rules necessary to carry out the purposes of sections 44580
5101.1411 to 5101.1413 of the Revised Code, including rules that 44581

do all of the following: 44582

(1) Allow ~~a person~~ an emancipated young adult described in 44583
division (A)(1) of section 5101.1411 of the Revised Code who is 44584
directly receiving foster care payments, or on whose behalf such 44585
foster care payments are received, or ~~a person~~ an adopted young 44586
adult whose adoptive parents are receiving adoption assistance 44587
payments, to maintain eligibility while transitioning into, or out 44588
of, qualified employment or educational activities; 44589

(2) Require that a thirty-day notice of termination be given 44590
by the department to ~~a person~~ an emancipated young adult described 44591
in division (A)(1) of section 5101.1411 of the Revised Code who is 44592
receiving foster care payments, or on whose behalf such foster 44593
care payments are received, or to a parent receiving adoption 44594
assistance payments for an adopted ~~person~~ young adult described in 44595
division (B)(1) of section 5101.1411 of the Revised Code, who is 44596
determined to be ineligible for payments; 44597

(3) Establish the scope of practice and training necessary 44598
for ~~foster care workers and foster care worker~~ case managers and 44599
supervisors who care for ~~persons~~ emancipated young adults 44600
described in division (A)(1) of section 5101.1411 of the Revised 44601
Code who are receiving foster care payments, or on whose behalf 44602
such foster care payments are received, under section 5101.1411 of 44603
the Revised Code. 44604

(B) The department of job and family services shall create an 44605
advisory council to evaluate and make recommendations for 44606
statewide implementation of sections 5101.1411 and 5101.1412 of 44607
the Revised Code not later than one month after September 13, 44608
2016, the effective date of H.B. 50 of the 131st general assembly. 44609

Sec. 5101.1415. The provisions of divisions (A) and (C) to 44610
(F) of section 5101.1411 of the Revised Code shall not apply if 44611

the person is eligible for temporary or permanent custody until 44612
age twenty-one pursuant to a dispositional order under sections 44613
2151.353, 2151.414, and 2151.415 of the Revised Code. 44614

Sec. 5101.56. (A) As used in this section, "physician" means 44615
a person who holds a valid ~~certificate~~ license to practice 44616
medicine and surgery or osteopathic medicine and surgery issued 44617
under Chapter 4731. of the Revised Code. 44618

(B) Unless required by the United States Constitution or by 44619
federal statute, regulation, or decisions of federal courts, state 44620
or local funds may not be used for payment or reimbursement for 44621
abortion services unless the certification required by division 44622
(C) of this section is made and one of the following circumstances 44623
exists: 44624

(1) The woman suffers from a physical disorder, physical 44625
injury, or physical illness, including a life-endangering physical 44626
condition caused by or arising from the pregnancy, that would, as 44627
certified by a physician, place the woman in danger of death 44628
unless an abortion is performed. 44629

(2) The pregnancy was the result of an act of rape and the 44630
patient, the patient's legal guardian, or the person who made the 44631
report to the law enforcement agency, certifies in writing that 44632
prior to the performance of the abortion a report was filed with a 44633
law enforcement agency having the requisite jurisdiction, unless 44634
the patient was physically unable to comply with the reporting 44635
requirement and that fact is certified by the physician performing 44636
the abortion. 44637

(3) The pregnancy was the result of an act of incest and the 44638
patient, the patient's legal guardian, or the person who made the 44639
report certifies in writing that prior to the performance of the 44640
abortion a report was filed with either a law enforcement agency 44641
having the requisite jurisdiction, or, in the case of a minor, 44642

with a county children services agency established under Chapter 44643
5153. of the Revised Code, unless the patient was physically 44644
unable to comply with the reporting requirement and that fact is 44645
certified by the physician performing the abortion. 44646

(C)(1) Before payment of or reimbursement for an abortion can 44647
be made with state or local funds, the physician performing the 44648
abortion shall certify that one of the three circumstances in 44649
division (B) of this section has occurred. The certification shall 44650
be made on a form created by the Ohio department of job and family 44651
services known as the "Abortion Certification Form." The 44652
physician's signature shall be in the physician's own handwriting. 44653
The certification shall list the name and address of the patient. 44654
The certification form shall be attached to the billing invoice. 44655

(2) The certification shall be as follows: 44656

I certify that, on the basis of my professional judgment, 44657
this service was necessary because: 44658

(a) The woman suffers from a physical disorder, physical 44659
injury, or physical illness, including a life-endangering physical 44660
condition caused by or arising from the pregnancy itself, that 44661
would place the woman in danger of death unless an abortion was 44662
performed; 44663

(b) The pregnancy was the result of an act of rape and the 44664
patient, the patient's legal guardian, or the person who made the 44665
report to the law enforcement agency certified in writing that 44666
prior to the performance of the abortion a report was filed with a 44667
law enforcement agency having the requisite jurisdiction; 44668

(c) The pregnancy was the result of an act of incest and the 44669
patient, the patient's legal guardian, or the person who made the 44670
report certified in writing that prior to the performance of the 44671
abortion a report was filed with either a law enforcement agency 44672
having the requisite jurisdiction or, in the case of a minor, with 44673

a county children services agency established under Chapter 5153. 44674
of the Revised Code; 44675

(d) The pregnancy was the result of an act of rape and in my 44676
professional opinion the recipient was physically unable to comply 44677
with the reporting requirement; or 44678

(e) The pregnancy was a result of an act of incest and in my 44679
professional opinion the recipient was physically unable to comply 44680
with the reporting requirement. 44681

(D) Payment or reimbursement for abortion services shall not 44682
be made with state or local funds for associated services such as 44683
anesthesia, laboratory tests, or hospital services if the abortion 44684
service itself cannot be paid or reimbursed with state or local 44685
funds. All abortion services for which a physician is seeking 44686
reimbursement or payment for the purposes of this division shall 44687
be submitted on a hard-copy billing invoice. 44688

(E) Documentation that supports the certification made by a 44689
physician shall be maintained by the physician in the recipient's 44690
medical record. When the physician certifies that circumstances 44691
described in division (C)(2)(b) or (c) of this section are the 44692
case, a copy of the statement signed by the patient, the patient's 44693
legal guardian, or the person who made the report shall be 44694
maintained in the patient's medical record. 44695

(F) Nothing in this section denies reimbursement for drugs or 44696
devices to prevent implantation of the fertilized ovum, or for 44697
medical procedures for the termination of an ectopic pregnancy. 44698
This section does not apply to treatments for incomplete, missed, 44699
or septic abortions. 44700

(G) If enforcement of this section will adversely affect 44701
eligibility of the state or a political subdivision of the state 44702
for participation in a federal program, this section shall be 44703
enforced to the extent permissible without preventing 44704

participation in that federal program. 44705

Sec. 5101.83. (A) As used in this section: 44706

(1) "Assistance group" has the same meaning as in section 44707
5107.02 of the Revised Code, except that it also means a group 44708
provided benefits and services under the prevention, retention, 44709
and contingency program or the comprehensive case management and 44710
employment program. 44711

(2) "Fraudulent assistance" means assistance and ~~service~~ 44712
services, including cash assistance, provided under the Ohio works 44713
first program established under Chapter 5107., or benefits and 44714
services provided under the prevention, retention, and contingency 44715
program established under Chapter 5108. of the Revised Code or 44716
under the comprehensive case management and employment program 44717
established under Chapter 5116. of the Revised Code, to or on 44718
behalf of an assistance group that is provided as a result of 44719
fraud by a member of the assistance group, including an 44720
intentional violation of the program's requirements. "Fraudulent 44721
assistance" does not include assistance or services to or on 44722
behalf of an assistance group that is provided as a result of an 44723
error that is the fault of a county department of job and family 44724
services or the ~~state~~ Ohio department of job and family services. 44725

(B) If a county director of job and family services 44726
determines that an assistance group has received fraudulent 44727
assistance, the assistance group is ineligible to participate in 44728
the Ohio works first program ~~or~~, the prevention, retention, and 44729
contingency program, or the comprehensive case management and 44730
employment program until a member of the assistance group repays 44731
the cost of the fraudulent assistance. If a member repays the cost 44732
of the fraudulent assistance and the assistance group otherwise 44733
meets the eligibility requirements for the Ohio works first 44734
program ~~or~~, the prevention, retention, and contingency program, or 44735

the comprehensive case management and employment program, the 44736
assistance group shall not be denied the opportunity to 44737
participate in the program. 44738

This section does not limit the ability of a county 44739
department of job and family services to recover erroneous 44740
payments under section 5107.76 of the Revised Code. 44741

The ~~state~~ Ohio department of job and family services shall 44742
adopt rules in accordance with Chapter 119. of the Revised Code to 44743
implement this section. 44744

Sec. 5103.02. As used in sections 5103.03 to ~~5103.17~~ 5103.181 44745
of the Revised Code: 44746

(A)(1) "Association" or "institution" includes all of the 44747
following: 44748

(a) Any incorporated or unincorporated organization, society, 44749
association, or agency, public or private, that receives or cares 44750
for children for two or more consecutive weeks; 44751

(b) Any individual, including the operator of a foster home, 44752
who, for hire, gain, or reward, receives or cares for children for 44753
two or more consecutive weeks, unless the individual is related to 44754
them by blood or marriage; 44755

(c) Any individual not in the regular employ of a court, or 44756
of an institution or association certified in accordance with 44757
section 5103.03 of the Revised Code, who in any manner becomes a 44758
party to the placing of children in foster homes, unless the 44759
individual is related to such children by blood or marriage or is 44760
the appointed guardian of such children. 44761

(2) "Association" or "institution" does not include any of 44762
the following: 44763

(a) Any organization, society, association, school, agency, 44764
child guidance center, detention or rehabilitation facility, or 44765

children's clinic licensed, regulated, approved, operated under 44766
the direction of, or otherwise certified by the department of 44767
education, a local board of education, the department of youth 44768
services, the department of mental health and addiction services, 44769
or the department of developmental disabilities; 44770

(b) Any individual who provides care for only a single-family 44771
group, placed there by their parents or other relative having 44772
custody; 44773

(c) A private, nonprofit therapeutic wilderness camp. 44774

(B) "Family foster home" means a foster home that is not a 44775
specialized foster home. 44776

(C) "Foster caregiver" means a person holding a valid foster 44777
home certificate issued under section 5103.03 of the Revised Code. 44778

(D) "Foster home" means a private residence in which children 44779
are received apart from their parents, guardian, or legal 44780
custodian, by an individual reimbursed for providing the children 44781
nonsecure care, supervision, or training twenty-four hours a day. 44782
"Foster home" does not include care provided for a child in the 44783
home of a person other than the child's parent, guardian, or legal 44784
custodian while the parent, guardian, or legal custodian is 44785
temporarily away. Family foster homes and specialized foster homes 44786
are types of foster homes. 44787

(E) "Medically fragile foster home" means a foster home that 44788
provides specialized medical services designed to meet the needs 44789
of children with intensive health care needs who meet all of the 44790
following criteria: 44791

(1) Under rules adopted by the medicaid director governing 44792
medicaid payments for long-term care services, the children 44793
require a skilled level of care. 44794

(2) The children require the services of a doctor of medicine 44795

or osteopathic medicine at least once a week due to the 44796
instability of their medical conditions. 44797

(3) The children require the services of a registered nurse 44798
on a daily basis. 44799

(4) The children are at risk of institutionalization in a 44800
hospital, skilled nursing facility, or intermediate care facility 44801
for individuals with intellectual disabilities. 44802

(F) "Private, nonprofit therapeutic wilderness camp" means a 44803
structured, alternative residential setting for children who are 44804
experiencing emotional, behavioral, moral, social, or learning 44805
difficulties at home or school in which all of the following are 44806
the case: 44807

(1) The children spend the majority of their time, including 44808
overnight, either outdoors or in a primitive structure. 44809

(2) The children have been placed there by their parents or 44810
another relative having custody. 44811

(3) The camp accepts no public funds for use in its 44812
operations. 44813

(G) "Recommending agency" means a public children services 44814
agency, private child placing agency, or private noncustodial 44815
agency that recommends that the department of job and family 44816
services take any of the following actions under section 5103.03 44817
of the Revised Code regarding a foster home: 44818

(1) Issue a certificate; 44819

(2) Deny a certificate; 44820

(3) Renew a certificate; 44821

(4) Deny renewal of a certificate; 44822

(5) Revoke a certificate. 44823

(H) "Specialized foster home" means a medically fragile 44824

foster home or a treatment foster home. 44825

(I) "Treatment foster home" means a foster home that 44826
incorporates special rehabilitative services designed to treat the 44827
specific needs of the children received in the foster home and 44828
that receives and cares for children who are emotionally or 44829
behaviorally disturbed, who are chemically dependent, who have 44830
developmental disabilities, or who otherwise have exceptional 44831
needs. 44832

Sec. 5103.037. (A) Prior to employing or appointing a person 44833
as board president, or as an administrator or officer, an 44834
institution or association shall do the following regarding the 44835
person: 44836

(1) Request a summary report of a search of the uniform 44837
statewide automated child welfare information system in accordance 44838
with divisions (A) and (B) of section 5103.18 of the Revised Code; 44839

(2) Request a certified search of the findings for recovery 44840
database; 44841

(3) Conduct a database review at the federal web site known 44842
as the system for award management; 44843

(4) Conduct a search of the United States department of 44844
justice national sex offender public web site. 44845

(B) The institution or association may refuse to hire or 44846
appoint a person as board president, or as an administrator or 44847
officer as follows: 44848

(1) Based solely on the findings of the summary report 44849
described in division (B)(1)(a) of section 5103.18 of the Revised 44850
Code or the results of the search described in division (A)(4) of 44851
this section; 44852

(2) Based on the results of a certified search or database 44853
review described in division (A)(2) or (3) of this section, when 44854

considered within the totality of circumstances. 44855

(C) The director of job and family services shall adopt rules 44856
in accordance with Chapter 119. of the Revised Code necessary for 44857
the implementation and execution of this section. 44858

Sec. 5103.0310. (A) Prior to employing a person, an 44859
institution or association, as defined in division (A)(1)(a) of 44860
section 5103.02 of the Revised Code, shall do the following 44861
regarding the person: 44862

(1) Conduct a search of the United States department of 44863
justice national sex offender public web site regarding the 44864
person; 44865

(2) Request a summary report of a search of the uniform 44866
statewide automated child welfare information system in accordance 44867
with divisions (A) and (B) of section 5103.18 of the Revised Code. 44868

(B) The institution or association may refuse to hire the 44869
person based solely on the results of the search described in 44870
division (A)(1) of this section or the findings of the summary 44871
report described in division (B)(1)(a) of section 5103.18 of the 44872
Revised Code. 44873

(C) The director of job and family services shall adopt rules 44874
in accordance with Chapter 119. of the Revised Code necessary for 44875
the implementation and execution of this section. 44876

Sec. 5103.0328. (A) Not later than ninety-six hours after 44877
receiving notice from the superintendent of the bureau of criminal 44878
identification and investigation pursuant to section 109.5721 of 44879
the Revised Code that a foster caregiver has been arrested for, 44880
convicted of, or pleaded guilty to any foster 44881
caregiver-disqualifying offense, and not later than ninety-six 44882
hours after learning in any other manner that a foster caregiver 44883
has been arrested for, convicted of, or pleaded guilty to any 44884

foster caregiver-disqualifying offense, the department of job and 44885
family services shall provide notice of that arrest, conviction, 44886
or guilty plea to both the recommending agency relative to the 44887
foster caregiver and the custodial agency of any child currently 44888
placed with that caregiver. 44889

(B) If a recommending agency receives notice from the 44890
department of job and family services pursuant to division (A) of 44891
this section that a foster caregiver has been convicted of or 44892
pleaded guilty to any foster caregiver-disqualifying offense, or 44893
if a recommending agency learns in any other manner that a foster 44894
caregiver has been convicted of or pleaded guilty to any foster 44895
caregiver-disqualifying offense, the recommending agency shall 44896
assess the foster caregiver's overall situation for safety 44897
concerns and forward any recommendations, if applicable, for 44898
revoking the foster caregiver's certificate to the department for 44899
the department's review for possible revocation. 44900

(C) As used in this section, "foster caregiver-disqualifying 44901
offense" means any offense or violation listed or described in 44902
division (C)(1)(a) ~~or (b)~~ of section 2151.86 of the Revised Code. 44903

Sec. 5103.13. (A) As used in this section and section 44904
5103.131 of the Revised Code: 44905

(1)(a) "Children's crisis care facility" means a facility 44906
that has as its primary purpose the provision of residential and 44907
other care to either or both of the following: 44908

(i) One or more preteens voluntarily placed in the facility 44909
by the preteen's parent or other caretaker who is facing a crisis 44910
that causes the parent or other caretaker to seek temporary care 44911
for the preteen and referral for support services; 44912

(ii) One or more preteens placed in the facility by a public 44913
children services agency or private child placing agency that has 44914

legal custody or permanent custody of the preteen and determines 44915
that an emergency situation exists necessitating the preteen's 44916
placement in the facility rather than an institution certified 44917
under section 5103.03 of the Revised Code or elsewhere. 44918

(b) "Children's crisis care facility" does not include either 44919
of the following: 44920

(i) Any organization, society, association, school, agency, 44921
child guidance center, detention or rehabilitation facility, or 44922
children's clinic licensed, regulated, approved, operated under 44923
the direction of, or otherwise certified by the department of 44924
education, a local board of education, the department of youth 44925
services, the department of mental health and addiction services, 44926
or the department of developmental disabilities; 44927

(ii) Any individual who provides care for only a 44928
single-family group, placed there by their parents or other 44929
relative having custody. 44930

(2) "Legal custody" and "permanent custody" have the same 44931
meanings as in section 2151.011 of the Revised Code. 44932

(3) "Preteen" means an individual under thirteen years of 44933
age. 44934

(B) No person shall operate a children's crisis care facility 44935
or hold a children's crisis care facility out as a certified 44936
children's crisis care facility unless there is a valid children's 44937
crisis care facility certificate issued under this section for the 44938
facility. 44939

(C) A person seeking to operate a children's crisis care 44940
facility shall apply to the director of job and family services to 44941
obtain a certificate for the facility. The director shall certify 44942
the person's children's crisis care facility if the facility meets 44943
all of the certification standards established in rules adopted 44944
under division (F) of this section and the person complies with 44945

all of the rules governing the certification of children's crisis 44946
care facilities adopted under that division. The issuance of a 44947
children's crisis care facility certificate does not exempt the 44948
facility from a requirement to obtain another certificate or 44949
license mandated by law. 44950

(D)(1) No certified children's crisis care facility shall do 44951
any of the following: 44952

(a) Provide residential care to a preteen for more than one 44953
hundred twenty days in a calendar year; 44954

(b) Subject to division (D)(1)(c) of this section and except 44955
as provided in division (D)(2) of this section, provide 44956
residential care to a preteen for more than sixty consecutive 44957
days; 44958

(c) ~~Except as provided in division (D)(3) of this section,~~ 44959
~~provide~~ Provide residential care to a preteen for more than 44960
~~seventy-two~~ fourteen consecutive ~~hours~~ days if a public children 44961
services agency or private child placing agency placed the preteen 44962
in the facility; 44963

(d) Fail to comply with section 2151.86 of the Revised Code. 44964

(2) A certified children's crisis care facility may provide 44965
residential care to a preteen for up to ninety consecutive days, 44966
other than a preteen placed in the facility by a public children 44967
services agency or private child placing agency, if any of the 44968
following are the case: 44969

(a) The preteen's parent or other caretaker is enrolled in an 44970
alcohol and drug addiction service or a community mental health 44971
service certified under section 5119.36 of the Revised Code; 44972

(b) The preteen's parent or other caretaker is an inpatient 44973
in a hospital; 44974

(c) The preteen's parent or other caretaker is incarcerated; 44975

(d) A physician has diagnosed the preteen's parent or other 44976
caretaker as medically incapacitated. 44977

~~(3) A certified children's crisis care facility may provide 44978
residential care to a preteen placed in the facility by a public 44979
children services agency or private child placing agency for more 44980
than seventy two consecutive hours if the director of job and 44981
family services or the director's designee issues the agency a 44982
waiver of the seventy two consecutive hour limitation. The waiver 44983
may authorize the certified children's crisis care facility to 44984
provide residential care to the preteen for up to fourteen 44985
consecutive days. 44986~~

(E) The director of job and family services may suspend or 44987
revoke a children's crisis care facility's certificate pursuant to 44988
Chapter 119. of the Revised Code if the facility violates division 44989
(D) of this section or ceases to meet any of the certification 44990
standards established in rules adopted under division (F) of this 44991
section or the facility's operator ceases to comply with any of 44992
the rules governing the certification of children's crisis care 44993
facilities adopted under that division. 44994

(F) Not later than ninety days after September 21, 2006, the 44995
director of job and family services shall adopt rules pursuant to 44996
Chapter 119. of the Revised Code for the certification of 44997
children's crisis care facilities. The rules shall specify that a 44998
certificate shall not be issued to an applicant if the conditions 44999
at the children's crisis care facility would jeopardize the health 45000
or safety of the preteens placed in the facility. 45001

Sec. 5103.181. (A) Prior to certification or recertification 45002
of a foster home under section 5103.03 of the Revised Code, a 45003
recommending agency shall conduct a search of the United States 45004
department of justice national sex offender public web site 45005
regarding the prospective or current foster caregiver and all 45006

persons eighteen years of age or older who reside with the 45007
prospective or current foster caregiver. Certification or 45008
recertification may be denied based solely on the results of the 45009
search. 45010

(B) The director of job and family services shall adopt rules 45011
in accordance with Chapter 119. of the Revised Code necessary for 45012
the implementation and execution of this section. 45013

Sec. 5103.30. The Ohio child welfare training program is 45014
hereby established in the department of job and family services as 45015
a statewide program. The program shall provide all of the 45016
following: 45017

(A) The training that section 3107.014 of the Revised Code 45018
requires an assessor to complete; 45019

(B) The preplacement training that sections 5103.031 and 45020
5103.033 of the Revised Code require a prospective foster 45021
caregiver to complete; 45022

(C) The continuing training that sections 5103.032 and 45023
5103.033 of the Revised Code require a foster caregiver to 45024
complete; 45025

(D) The training that section 5153.122 of the Revised Code 45026
requires a PCSA caseworker to complete; 45027

(E) The training that section 5153.123 of the Revised Code 45028
requires a PCSA caseworker supervisor to complete; 45029

(F) The training required under section 5101.1414 of the 45030
Revised Code for a ~~foster care worker or foster care worker~~ case 45031
manager and supervisor. 45032

Sec. 5104.01. As used in this chapter: 45033

(A) "Administrator" means the person responsible for the 45034

daily operation of a center, type A home, or ~~type B home~~ approved
child day camp. The administrator and the owner may be the same
person.

(B) "Approved child day camp" means a child day camp approved
pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed
by a center, type A home, or approved child day camp that is owned
by a person other than an individual and who is authorized by the
owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure
or approval;

(3) Enter into on the owner's behalf provider agreements for
publicly funded child care.

(D) "Border state child care provider" means a child care
provider that is located in a state bordering Ohio and that is
licensed, certified, or otherwise approved by that state to
provide child care funded by the child care block grant act.

~~(D)~~(E) "Career pathways model" means an alternative pathway
to meeting the requirements to be a child-care staff member or
administrator that does both of the following:

(1) Uses a framework approved by the director of job and
family services to document formal education, training,
experience, and specialized credentials and certifications;

(2) Allows the child-care staff member or administrator to
achieve a designation as an early childhood professional level
one, two, three, four, five, or six.

~~(E)~~(F) "Caretaker parent" means the father or mother of a
child whose presence in the home is needed as the caretaker of the
child, a person who has legal custody of a child and whose

presence in the home is needed as the caretaker of the child, a 45065
guardian of a child whose presence in the home is needed as the 45066
caretaker of the child, and any other person who stands in loco 45067
parentis with respect to the child and whose presence in the home 45068
is needed as the caretaker of the child. 45069

~~(F)~~(G) "Chartered nonpublic school" means a school that meets 45070
standards for nonpublic schools prescribed by the state board of 45071
education for nonpublic schools pursuant to section 3301.07 of the 45072
Revised Code. 45073

~~(G)~~(H) "Child" includes an infant, toddler, preschool-age 45074
child, or school-age child. 45075

~~(H)~~(I) "Child care block grant act" means the "Child Care and 45076
Development Block Grant Act of 1990," ~~established in section 5082~~ 45077
~~of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat.~~ 45078
~~1388-236 (1990)~~ 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as 45079
amended. 45080

~~(I)~~(J) "Child day camp" means a program in which only 45081
school-age children attend or participate, that operates for no 45082
more than ~~seven~~ twelve hours per day, ~~that operates only during~~ 45083
~~one or more public school district's regular vacation periods or~~ 45084
~~for~~ and no more than fifteen weeks during the summer, ~~and that~~ 45085
~~operates outdoor activities for each child who attends or~~ 45086
~~participates in the program for a minimum of fifty per cent of~~ 45087
~~each day that children attend or participate in the program,~~ 45088
~~except for any day when hazardous weather conditions prevent the~~ 45089
~~program from operating outdoor activities for a minimum of fifty~~ 45090
~~per cent of that day.~~ For purposes of this division, the maximum 45091
~~seven~~ twelve hours of operation time does not include 45092
transportation time from a child's home to a child day camp and 45093
from a child day camp to a child's home. 45094

~~(J)~~(K) "Child care" means all of the following: 45095

(1) Administering to the needs of infants, toddlers, 45096
preschool-age children, and school-age children outside of school 45097
hours; 45098

(2) By persons other than their parents, guardians, or 45099
custodians; 45100

(3) For ~~any~~ part of the twenty-four-hour day; 45101

(4) In a place other than a child's own home, except that an 45102
in-home aide provides child care in the child's own home; 45103

(5) By a provider required by this chapter to be licensed or 45104
approved by the department of job and family services, certified 45105
by a county department of job and family services, or under 45106
contract with the department to provide publicly funded child care 45107
as described in section 5104.32 of the Revised Code. 45108

~~(K)(L)~~ "Child day-care center" and "center" mean ~~any place in 45109~~
~~which child care or publicly funded child care is provided for 45110~~
~~thirteen or more children at one time or any place that is not the 45111~~
permanent residence of the licensee or administrator in which 45112
child care or publicly funded child care is provided for seven ~~to 45113~~
~~twelve or more~~ children at one time. ~~In counting children for the 45114~~
~~purposes of this division, any children under six years of age who 45115~~
~~are related to a licensee, administrator, or employee and who are 45116~~
~~on the premises of the center shall be counted.~~ "Child day-care 45117
center" and "center" do not include any of the following: 45118

(1) A place located in and operated by a hospital, as defined 45119
in section 3727.01 of the Revised Code, in which the needs of 45120
children are administered to, if all the children whose needs are 45121
being administered to are monitored under the on-site supervision 45122
of a physician licensed under Chapter 4731. of the Revised Code or 45123
a registered nurse licensed under Chapter 4723. of the Revised 45124
Code, and the services are provided only for children who, in the 45125
opinion of the child's parent, guardian, or custodian, are 45126

exhibiting symptoms of a communicable disease or other illness or 45127
are injured; 45128

(2) A child day camp; 45129

(3) A place that provides ~~child care, but not publicly funded~~ 45130
~~child~~ care, if all of the following apply: 45131

(a) An organized religious body provides the ~~child~~ care; 45132

(b) A parent, custodian, or guardian of at least one child 45133
receiving ~~child~~ care is on the premises and readily accessible at 45134
all times; 45135

(c) The ~~child~~ care is not provided for more than thirty days 45136
a year; 45137

(d) The ~~child~~ care is provided only for preschool-age and 45138
school-age children. 45139

~~(L)~~(M) "Child care resource and referral service 45140
organization" means a community-based nonprofit organization that 45141
provides child care resource and referral services but not child 45142
care. 45143

~~(M)~~(N) "Child care resource and referral services" means all 45144
of the following services: 45145

(1) Maintenance of a uniform data base of all child care 45146
providers in the community that are in compliance with this 45147
chapter, including current occupancy and vacancy data; 45148

(2) Provision of individualized consumer education to 45149
families seeking child care; 45150

(3) Provision of timely referrals of available child care 45151
providers to families seeking child care; 45152

(4) Recruitment of child care providers; 45153

(5) Assistance in ~~the development, conduct, and dissemination~~ 45154
~~of developing, conducting, and disseminating~~ training for child 45155

care ~~providers~~ professionals and provision of technical assistance 45156
to current and potential child care providers, employers, and the 45157
community; 45158

(6) Collection and analysis of data on the supply of and 45159
demand for child care in the community; 45160

(7) Technical assistance concerning locally, state, and 45161
federally funded child care and early childhood education 45162
programs; 45163

(8) Stimulation of employer involvement in making child care 45164
more affordable, more available, safer, and of higher quality for 45165
their employees and for the community; 45166

(9) Provision of written educational materials to caretaker 45167
parents and informational resources to child care providers; 45168

(10) Coordination of services among child care resource and 45169
referral service organizations to assist in developing and 45170
maintaining a statewide system of child care resource and referral 45171
services if required by the department of job and family services; 45172

(11) Cooperation with the county department of job and family 45173
services in encouraging the establishment of parent cooperative 45174
child care centers and parent cooperative type A family day-care 45175
homes. 45176

~~(N)~~(O) "Child-care staff member" means an employee of a child 45177
day-care center ~~or~~, type A family day-care home, licensed type B 45178
family day-care home, or approved child day camp who is primarily 45179
responsible for the care and supervision of children. The 45180
administrator, authorized representative, or owner may be a 45181
~~part-time~~ child-care staff member when not involved in other 45182
duties. 45183

~~(O)~~(P) "Drop-in child day-care center," "drop-in center," 45184
"drop-in type A family day-care home," and "drop-in type A home" 45185

mean a center or type A home that provides child care or publicly 45186
funded child care for children on a temporary, irregular basis. 45187

~~(P)~~(Q) "Employee" means a person who either: 45188

(1) Receives compensation for duties performed in a child 45189
day-care center ~~or~~, type A family day-care home, licensed type B 45190
family day-care home, or approved child day camp; 45191

(2) Is assigned specific working hours or duties in a child 45192
day-care center ~~or~~, type A family day-care home, licensed type B 45193
family day-care home, or approved child day camp. 45194

~~(Q)~~(R) "Employer" means a person, firm, institution, 45195
organization, or agency that operates a child day-care center ~~or~~, 45196
type A family day-care home, licensed type B family day-care home, 45197
or approved child day camp subject to licensure or approval under 45198
this chapter. 45199

~~(R)~~(S) "Federal poverty line" means the official poverty 45200
guideline as revised annually in accordance with section 673(2) of 45201
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 45202
U.S.C. 9902, as amended, for a family size equal to the size of 45203
the family of the person whose income is being determined. 45204

~~(S)~~(T) "Head start program" means a comprehensive child 45205
development program serving birth to three years old and 45206
preschool-age children that receives funds distributed under the 45207
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 45208
amended, and is licensed as a child ~~day-care-center~~ care program. 45209

~~(T)~~(U) "Homeless child care" means child care provided to a 45210
child who satisfies any of the following: 45211

(1) Is homeless as defined in 42 U.S.C. 11302; 45212

(2) Is a homeless child or youth as defined in 42 U.S.C. 45213
11434a; 45214

(3) Resides temporarily with a caretaker in a facility 45215

providing emergency shelter for homeless families or is determined 45216
by a county department of job and family services to be homeless. 45217

(V) "Income" means gross income, as defined in section 45218
5107.10 of the Revised Code, less any amounts required by federal 45219
statutes or regulations to be disregarded. 45220

~~(U)~~(W) "Indicator checklist" means an inspection tool, used 45221
in conjunction with an instrument-based program monitoring 45222
information system, that contains selected licensing requirements 45223
that are statistically reliable indicators or predictors of a 45224
child day-care center's type A family day-care home's, or licensed 45225
type B family day-care home's compliance with licensing 45226
requirements. 45227

~~(V)~~(X) "Infant" means a child who is less than eighteen 45228
months of age. 45229

~~(W)~~(Y) "In-home aide" means a person who does not reside with 45230
the child but provides care in the child's home and is certified 45231
by a county director of job and family services pursuant to 45232
section 5104.12 of the Revised Code to provide publicly funded 45233
child care to a child in a child's own home pursuant to this 45234
chapter and any rules adopted under it. 45235

~~(X)~~(Z) "Instrument-based program monitoring information 45236
system" means a method to assess compliance with licensing 45237
requirements for child day-care centers, type A family day-care 45238
homes, and licensed type B family day-care homes in which each 45239
licensing requirement is assigned a weight indicative of the 45240
relative importance of the requirement to the health, growth, and 45241
safety of the children that is used to develop an indicator 45242
checklist. 45243

~~(Y)~~(AA) "License capacity" means the maximum number in each 45244
age category of children who may be cared for in a child day-care 45245
center ~~or~~, type A family day-care home, or licensed type B family 45246

day-care home at one time as determined by the director of job and 45247
family services considering building occupancy limits established 45248
by the department of commerce, amount of available indoor floor 45249
space and outdoor play space, and amount of available play 45250
equipment, materials, and supplies. ~~For the purposes of a~~ 45251
~~provisional license issued under this chapter, the director shall~~ 45252
~~also consider the number of available child care staff members~~ 45253
~~when determining "license capacity" for the provisional license.~~ 45254

~~(Z)~~(BB) "Licensed child care program" means any of the 45255
following: 45256

(1) A child day-care center licensed by the department of job 45257
and family services pursuant to this chapter; 45258

(2) A type A family day-care home or type B family day-care 45259
home licensed by the department of job and family services 45260
pursuant to this chapter; 45261

(3) A licensed preschool program or licensed school child 45262
program. 45263

~~(AA)~~(CC) "Licensed preschool program" or "licensed school 45264
child program" means a preschool program or school child program, 45265
as defined in section 3301.52 of the Revised Code, that is 45266
licensed by the department of education pursuant to sections 45267
3301.52 to 3301.59 of the Revised Code. 45268

~~(BB)~~(DD) "Licensed type B family day-care home" and "licensed 45269
type B home" mean a type B family day-care home for which there is 45270
a valid license issued by the director of job and family services 45271
pursuant to section 5104.03 of the Revised Code. 45272

~~(CC)~~(EE) "Licensee" means the owner of a child day-care 45273
center, type A family day-care home, or type B family day-care 45274
home that is licensed pursuant to this chapter and who is 45275
responsible for ensuring ~~its~~ compliance with this chapter and 45276
rules adopted pursuant to this chapter. 45277

~~(DD)~~(FF) "Operate a child day camp" means to operate, 45278
establish, manage, conduct, or maintain a child day camp. 45279

~~(EE)~~(GG) "Owner" includes a person, as defined in section 45280
1.59 of the Revised Code, or government entity. 45281

~~(FF)~~(HH) "Parent cooperative child day-care center," "parent 45282
cooperative center," "parent cooperative type A family day-care 45283
home," and "parent cooperative type A home" mean a corporation or 45284
association organized for providing educational services to the 45285
children of members of the corporation or association, without 45286
gain to the corporation or association as an entity, in which the 45287
services of the corporation or association are provided only to 45288
children of the members of the corporation or association, 45289
ownership and control of the corporation or association rests 45290
solely with the members of the corporation or association, and at 45291
least one parent-member of the corporation or association is on 45292
the premises of the center or type A home during its hours of 45293
operation. 45294

~~(GG)~~(II) "Part-time child day-care center," "part-time 45295
center," "part-time type A family day-care home," and "part-time 45296
type A home" mean a center or type A home that provides child care 45297
or publicly funded child care for not more than four hours a day 45298
for any child or not more than fifteen consecutive weeks per year, 45299
regardless of the number of hours per day. 45300

~~(HH)~~(JJ) "Place of worship" means a building where activities 45301
of an organized religious group are conducted and includes the 45302
grounds and any other buildings on the grounds used for such 45303
activities. 45304

~~(II)~~(KK) "Preschool-age child" means a child who is three 45305
years old or older but is not a school-age child. 45306

~~(JJ)~~(LL) "Protective child care" means publicly funded child 45307
care for the direct care and protection of a child to whom either 45308

all of the following ~~applies~~ apply: 45309

(1) A case plan has been prepared and maintained for the 45310
child pursuant to section 2151.412 of the Revised Code. 45311

(2) The case plan indicates a need for protective care ~~and~~ 45312
~~the.~~ 45313

(3) The child resides with a parent, stepparent, guardian, or 45314
another person who stands in loco parentis as defined in rules 45315
adopted under section 5104.38 of the Revised Code. 45316

~~(2) The child and the child's caretaker either temporarily~~ 45317
~~reside in a facility providing emergency shelter for homeless~~ 45318
~~families or are determined by the county department of job and~~ 45319
~~family services to be homeless, and are otherwise ineligible for~~ 45320
~~publicly funded child care.~~ 45321

~~(KK)~~ (MM) "Publicly funded child care" means administering to 45322
the needs of infants, toddlers, preschool-age children, and 45323
school-age children under age thirteen during any part of the 45324
twenty-four-hour day by persons other than their caretaker parents 45325
for remuneration wholly or in part with federal or state funds, 45326
including funds available under the child care block grant act, 45327
Title IV-A, and Title XX, distributed by the department of job and 45328
family services. 45329

~~(LL)~~ (NN) "Religious activities" means any of the following: 45330
worship or other religious services; religious instruction; Sunday 45331
school classes or other religious classes conducted during or 45332
prior to worship or other religious services; youth or adult 45333
fellowship activities; choir or other musical group practices or 45334
programs; meals; festivals; or meetings conducted by an organized 45335
religious group. 45336

~~(MM)~~ (OO) "School-age child" means a child who is enrolled in 45337
or is eligible to be enrolled in a grade of kindergarten or above 45338
but is less than fifteen years old or, in the case of a child who 45339

is receiving special needs child care, is less than eighteen years 45340
old. 45341

~~(NN) "School age child care center" and "school age child~~ 45342
~~type A home" mean a center or type A home that provides child care~~ 45343
~~for school age children only and that does either or both of the~~ 45344
~~following:~~ 45345

~~(1) Operates only during that part of the day that~~ 45346
~~immediately precedes or follows the public school day of the~~ 45347
~~school district in which the center or type A home is located;~~ 45348

~~(2) Operates only when the public schools in the school~~ 45349
~~district in which the center or type A home is located are not~~ 45350
~~open for instruction with pupils in attendance.~~ 45351

~~(OO)(PP)~~ "Serious risk noncompliance" means a licensure or 45352
certification rule violation that leads to a great risk of harm 45353
to, or death of, a child, and is observable, not inferable. 45354

~~(PP) "State median income" means the state median income~~ 45355
~~calculated by the department of development pursuant to division~~ 45356
~~(A)(1)(g) of section 5709.61 of the Revised Code~~ 45357

(OO) "Special needs child care" means child care provided to 45358
a child who is less than eighteen years of age and either has one 45359
or more chronic health conditions or does not meet age appropriate 45360
expectations in one or more areas of development, including 45361
social, emotional, cognitive, communicative, perceptual, motor, 45362
physical, and behavioral development and that may include on a 45363
regular basis such services, adaptations, modifications, or 45364
adjustments needed to assist in the child's function or 45365
development. 45366

~~(OO)(RR)~~ "Title IV-A" means Title IV-A of the "Social 45367
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 45368

~~(RR)(SS)~~ "Title XX" means Title XX of the "Social Security 45369

Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 45370

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 45371
months of age but less than three years of age. 45372

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 45373
a the permanent residence of the administrator in which child care 45374
or publicly funded child care is provided for seven to twelve 45375
children at one time or a permanent residence of the administrator 45376
in which child care is provided for four to twelve children at one 45377
time if four or more children at one time are under two years of 45378
age. In counting children for the purposes of this division, any 45379
children under six years of age who are related to a licensee, 45380
administrator, or employee and who are on the premises of the type 45381
A home shall be counted. "Type A family day-care home" and "type A 45382
home" do not include any child day camp. 45383

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 45384
a permanent residence of the provider in which ~~child~~ care is 45385
provided for one to six children at one time and in which no more 45386
than three children are under two years of age at one time. In 45387
counting children for the purposes of this division, any children 45388
under six years of age who are related to the provider and who are 45389
on the premises of the type B home shall be counted. "Type B 45390
family day-care home" and "type B home" do not include any child 45391
day camp. 45392

Sec. 5104.013. ~~(A)(1) At the times specified in division 45393
(A)(3) of this section, the director of job and family services, 45394
as part of the process of licensure of child day care centers, 45395
type A family day care homes, and type B family day care homes 45396
shall request the superintendent of the bureau of criminal 45397
identification and investigation to conduct a criminal records 45398
check with respect to the following persons:~~ 45399

~~(a) Any owner, licensee, or administrator of a center;~~ 45400

~~(b) Any owner, licensee, or administrator of a type A home or
type B home and any person eighteen years of age or older who
resides in a type A home or type B home.~~

~~(2) At the time specified in division (A)(3) of this section,
the director of a county department of job and family services, as
part of the process of certification of in-home aides, shall
request the superintendent of the bureau of criminal
identification and investigation to conduct a criminal records
check with respect to any in-home aide.~~

~~(3) The director of job and family services shall request a
criminal records check pursuant to division (A)(1) of this section
at the time of the initial application for licensure and every
five years thereafter. The director of a county department of job
and family services shall request a criminal records check
pursuant to division (A)(2) of this section at the time of the
initial application for certification and every five years
thereafter. When the director of job and family services or the
director of a county department of job and family services
requests pursuant to division (A)(1) or (2) of this section a
criminal records check for a person at the time of the person's
initial application for licensure or certification, the director
shall request that the superintendent of the bureau of criminal
identification and investigation obtain information from the
federal bureau of investigation as a part of the criminal records
check for the person, including fingerprint-based checks of
national crime information databases as described in 42 U.S.C. 671
for the person subject to the criminal records check. In all other
cases in which the director of job and family services or the
director of a county department of job and family services
requests a criminal records check for an applicant pursuant to
division (A)(1) or (2) of this section, the director may request
that the superintendent include information from the federal~~

~~bureau of investigation in the criminal records check, including 45433
fingerprint based checks of national crime information databases 45434
as described in 42 U.S.C. 671. 45435~~

~~(4) The director of job and family services shall review the 45436
results of a criminal records check subsequent to a request made 45437
pursuant to divisions (A)(1) and (3) of this section prior to 45438
approval of a license. The director of a county department of job 45439
and family services shall review the results of a criminal records 45440
check subsequent to a request made pursuant to divisions (A)(2) 45441
and (3) of this section prior to approval of certification. 45442~~

~~(B) The director of job and family services or the director 45443
of a county department of job and family services shall provide to 45444
each person for whom a criminal records check is required under 45445
this section a copy of the form prescribed pursuant to division 45446
(C)(1) of section 109.572 of the Revised Code and a standard 45447
impression sheet to obtain fingerprint impressions prescribed 45448
pursuant to division (C)(2) of that section, obtain the completed 45449
form and impression sheet from that person, and forward the 45450
completed form and impression sheet to the superintendent of the 45451
bureau of criminal identification and investigation. 45452~~

~~(C) A person who receives pursuant to division (B) of this 45453
section a copy of the form and standard impression sheet described 45454
in that division and who is requested to complete the form and 45455
provide a set of fingerprint impressions shall complete the form 45456
or provide all the information necessary to complete the form and 45457
shall provide the impression sheet with the impressions of the 45458
person's fingerprints. If the person, upon request, fails to 45459
provide the information necessary to complete the form or fails to 45460
provide impressions of the person's fingerprints, the director may 45461
consider the failure as a reason to deny licensure or 45462
certification. 45463~~

~~(D) Except as provided in rules adopted under division (N) of 45464~~

~~this section:~~ 45465

~~(1) The director of job and family services shall not grant a~~ 45466
~~license to a center, type A home, or type B home and a county~~ 45467
~~director of job and family services shall not certify an in-home~~ 45468
~~aide if a person for whom a criminal records check was required in~~ 45469
~~connection with the center or home previously has been convicted~~ 45470
~~of or pleaded guilty to any of the violations described in~~ 45471
~~division (A)(5) of section 109.572 of the Revised Code.~~ 45472

~~(2) The director of job and family services shall not grant a~~ 45473
~~license to a type A home or type B home if a resident of the type~~ 45474
~~A home or type B home is under eighteen years of age and has been~~ 45475
~~adjudicated a delinquent child for committing a violation of any~~ 45476
~~section listed in division (A)(5) of section 109.572 of the~~ 45477
~~Revised Code.~~ 45478

~~(E) Each center, type A home, and type B home shall pay to~~ 45479
~~the bureau of criminal identification and investigation the fee~~ 45480
~~prescribed pursuant to division (C)(3) of section 109.572 of the~~ 45481
~~Revised Code for each criminal records check conducted in~~ 45482
~~accordance with that section upon a request made pursuant to~~ 45483
~~division (A) of this section.~~ 45484

~~(F)(1) At the times specified in division (F)(2) of this~~ 45485
~~section, the administrator of a center, type A home or licensed~~ 45486
~~type B home shall request the superintendent of the bureau of~~ 45487
~~criminal identification and investigation to conduct a criminal~~ 45488
~~records check with respect to any applicant who has applied to the~~ 45489
~~center, type A home, or licensed type B home for employment.~~ 45490

~~(2) The administrator shall request a criminal records check~~ 45491
~~pursuant to division (F)(1) of this section at the time of the~~ 45492
~~applicant's initial application for employment and every five~~ 45493
~~years thereafter. When the administrator requests pursuant to~~ 45494
~~division (F)(1) of this section a criminal records check for an~~ 45495

~~applicant at the time of the applicant's initial application for 45496
employment, the administrator shall request that the 45497
superintendent obtain information from the federal bureau of 45498
investigation as a part of the criminal records check for the 45499
applicant, including fingerprint based checks of national crime 45500
information databases as described in 42 U.S.C. 671, for the 45501
person subject to the criminal records check. In all other cases 45502
in which the administrator requests a criminal records check for 45503
an applicant pursuant to division (F)(1) of this section, the 45504
administrator may request that the superintendent include 45505
information from the federal bureau of investigation in the 45506
criminal records check, including fingerprint based checks of 45507
national crime information databases as described in 42 U.S.C. 45508
671. 45509~~

~~(G) Any person required by division (F) of this section to 45510
request a criminal records check shall inform each person, at the 45511
time of the person's initial application for employment, that the 45512
person is required to provide a set of impressions of the person's 45513
fingerprints and that a criminal records check is required to be 45514
conducted and satisfactorily completed in accordance with section 45515
109.572 of the Revised Code if the person comes under final 45516
consideration for appointment or employment as a precondition to 45517
employment for that position. 45518~~

~~(H) A person required by division (F) of this section to 45519
request a criminal records check shall provide to each applicant a 45520
copy of the form prescribed pursuant to division (C)(1) of section 45521
109.572 of the Revised Code, provide to each applicant a standard 45522
impression sheet to obtain fingerprint impressions prescribed 45523
pursuant to division (C)(2) of section 109.572 of the Revised 45524
Code, obtain the completed form and impression sheet from each 45525
applicant, and forward the completed form and impression sheet to 45526
the superintendent of the bureau of criminal identification and 45527~~

investigation at the time the person requests a criminal records 45528
check pursuant to division (F) of this section. 45529

~~(I) An applicant who receives pursuant to division (H) of 45530
this section a copy of the form prescribed pursuant to division 45531
(C)(1) of section 109.572 of the Revised Code and a copy of an 45532
impression sheet prescribed pursuant to division (C)(2) of that 45533
section and who is requested to complete the form and provide a 45534
set of fingerprint impressions shall complete the form or provide 45535
all the information necessary to complete the form and shall 45536
provide the impression sheet with the impressions of the 45537
applicant's fingerprints. If an applicant, upon request, fails to 45538
provide the information necessary to complete the form or fails to 45539
provide impressions of the applicant's fingerprints, the center or 45540
type A home shall not employ that applicant for any position for 45541
which a criminal records check is required by division (F) of this 45542
section. 45543~~

~~(J)(1) Except as provided in rules adopted under division (N) 45544
of this section, no center, type A home, or licensed type B home 45545
shall employ or contract with another entity for the services of a 45546
person if the person previously has been convicted of or pleaded 45547
guilty to any of the violations described in division (A)(5) of 45548
section 109.572 of the Revised Code. 45549~~

~~(2) A center, type A home, or licensed type B home may employ 45550
an applicant conditionally until the criminal records check 45551
required by this section is completed and the center or home 45552
receives the results of the criminal records check. If the results 45553
of the criminal records check indicate that, pursuant to division 45554
(J)(1) of this section, the applicant does not qualify for 45555
employment, the center, type A home, or licensed type B home shall 45556
release the applicant from employment. 45557~~

~~(3) The administrator of a center, type A home, or licensed 45558
type B home shall review the results of the criminal records check 45559~~

~~before an applicant has sole responsibility for the care, custody, or control of any child.~~ 45560
45561

~~(K)(1) Each center, type A home, and licensed type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (F) of this section of the administrator of the center, type A home, or licensed type B home.~~ 45562
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~~(2) A center, type A home, or licensed type B home may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the center, type A home, or licensed type B home pays under division (K)(1) of this section. If a fee is charged under this division, the center, type A home, or licensed type B home shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, type A home, or licensed type B home will not consider the applicant for employment.~~ 45569
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~~(L) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) or (F) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the~~ 45580
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~~criminal records check.~~ 45592

~~(M)(1) Each of the following persons shall sign a statement~~ 45593
~~on forms prescribed by the director of job and family services~~ 45594
~~attesting to the fact that the person has not been convicted of or~~ 45595
~~pleaded guilty to any offense set forth in division (A)(5) of~~ 45596
~~section 109.572 of the Revised Code and that no child has been~~ 45597
~~removed from the person's home pursuant to section 2151.353 of the~~ 45598
~~Revised Code:~~ 45599

~~(a) An employee of a center, type A home, or licensed type B~~ 45600
~~home:~~ 45601

~~(b) A person eighteen years of age or older who resides in a~~ 45602
~~type A home or licensed type B home:~~ 45603

~~(c) An in home aide:~~ 45604

~~(d) An owner, licensee, or administrator of a center, type A~~ 45605
~~home, or licensed type B home.~~ 45606

~~(2) Each licensee of a type A home or type B home shall sign~~ 45607
~~a statement on a form prescribed by the director of job and family~~ 45608
~~services attesting to the fact that no person who resides at the~~ 45609
~~type A home or licensed type B home and is under eighteen years of~~ 45610
~~age has been adjudicated a delinquent child for committing a~~ 45611
~~violation of any section listed in division (A)(5) of section~~ 45612
~~109.572 of the Revised Code.~~ 45613

~~(3) The statements required under divisions (M)(1) and (2) of~~ 45614
~~this section shall be kept on file as follows:~~ 45615

~~(a) With respect to an owner, licensee, administrator, or~~ 45616
~~employee of a center, type A home, or licensed type B home, or a~~ 45617
~~person eighteen years of age or older residing in a type A home or~~ 45618
~~licensed type B home, at the center, type A home, or licensed type~~ 45619
~~B home:~~ 45620

~~(b) With respect to in home aides, at the county department~~ 45621

~~of job and family services.~~ 45622

~~(4) No owner, administrator, licensee, or employee of a 45623
center, type A home, or licensed type B home, and no person 45624
eighteen years of age or older residing in a type A home or 45625
licensed type B home, shall withhold information from, or falsify 45626
information on, any statement required pursuant to division (M)(1) 45627
or (2) of this section.~~ 45628

~~(N) The director of job and family services shall adopt rules 45629
in accordance with Chapter 119. of the Revised Code to implement 45630
this section, including rules specifying exceptions to the 45631
prohibitions in divisions (D) and (J) of this section for persons 45632
who have been convicted of an offense listed in division (A)(5) of 45633
section 109.572 of the Revised Code but who meet standards in 45634
regard to rehabilitation set by the director.~~ 45635

~~(O) As used in this section:~~ 45636

~~(1) "Applicant" means a person who is under final 45637
consideration for appointment to or employment in a position with 45638
a center, a type A home, or licensed type B home or any person who 45639
would serve in any position with a center, type A home, or 45640
licensed type B home pursuant to a contract with another entity.~~ 45641

~~(2) "Criminal records check" has the same meaning as in 45642
section 109.572 of the Revised Code.~~ 45643

(A) As used in this section: 45644

(1) "Applicant" means either of the following: 45645

(a) A person who is under final consideration for appointment 45646
to or employment in a position with a licensed preschool program 45647
or licensed school child program that provides publicly funded 45648
child care, child day-care center, type A family day-care home, 45649
licensed type B family day-care home, or child day camp; 45650

(b) A person who would serve in any position with a licensed 45651

preschool program or licensed school child program that provides 45652
publicly funded child care, child day-care center, type A family 45653
day-care home, licensed type B family day-care home, or child day 45654
camp pursuant to a contract with another entity. 45655

(2) "Criminal records check" has the same meaning as in 45656
section 109.572 of the Revised Code. 45657

(B)(1) At the times specified in division (B)(2)(a) of this 45658
section, the director of job and family services shall request the 45659
superintendent of the bureau of criminal identification and 45660
investigation to conduct a criminal records check for each of the 45661
following persons: 45662

(a) Any owner or licensee of a child day-care center; 45663

(b) Any owner or licensee of a type A family day-care home or 45664
licensed type B family day-care home and any person eighteen years 45665
of age or older who resides in the home; 45666

(c) Any owner of an approved child day camp; 45667

(d) Any director of a licensed preschool program or licensed 45668
school child program that provides publicly funded child care; 45669

(e) Any in-home aide; 45670

(f) Any applicant or employee, including an administrator, of 45671
a child day-care center, type A family day-care home, licensed 45672
type B family day-care home, approved child day camp, or licensed 45673
preschool program or licensed school child program that provides 45674
publicly funded child care. 45675

(2)(a) The director shall request a criminal records check at 45676
the following times: 45677

(i) In the case of an owner or licensee of child day-care 45678
center or an owner or licensee of a type A family day-care home or 45679
licensed type B family day-care home or a resident of such a home, 45680
at the time of initial application for licensure and every five 45681

years thereafter; 45682

(ii) In the case of an owner of an approved child day camp, 45683
at the time of initial application for approval and every five 45684
years thereafter; 45685

(iii) In the case of a director of a licensed child care 45686
program or licensed school child program, at the time of initial 45687
application to provide publicly funded child care and every five 45688
years thereafter; 45689

(iv) In the case of an in-home aide, at the time of initial 45690
application for certification and every five years thereafter; 45691

(v) Except as provided in division (B)(2)(a)(vi) of this 45692
section, in the case of an applicant or employee, at the time of 45693
initial application for employment and every five years 45694
thereafter; 45695

(vi) In the case of an applicant who has been determined 45696
eligible for employment after a review of a criminal records check 45697
within the past five years and who has been employed by a licensed 45698
preschool program or licensed school child program that provides 45699
publicly funded child care, child day-care center, type A family 45700
day-care home, licensed type B family day-care home, or approved 45701
child day camp within the past one hundred eighty consecutive 45702
days, every five years after the date of the initial 45703
determination. 45704

(b) A criminal records check requested at the time of initial 45705
application shall include a request that the superintendent of the 45706
bureau of criminal identification and investigation obtain 45707
information from the federal bureau of investigation as part of 45708
the criminal records check for the person, including 45709
fingerprint-based checks of national crime information databases 45710
as described in 42 U.S.C. 671 for the person subject to the 45711
criminal records check. 45712

(c) A criminal records check requested at any time other than 45713
the time of initial application may include a request that the 45714
superintendent of the bureau of criminal identification and 45715
investigation obtain information from the federal bureau of 45716
investigation as part of the criminal records check for the 45717
person, including fingerprint-based checks of national crime 45718
information databases as described in 42 U.S.C. 671 for the person 45719
subject to the criminal records check. 45720

(3) With respect to a criminal records check requested for a 45721
person described in division (B)(1) of this section, the director 45722
of job and family services shall do all of the following: 45723

(a) Provide to the person a copy of the form prescribed 45724
pursuant to division (C)(1) of section 109.572 of the Revised Code 45725
and a standard impression sheet to obtain fingerprint impressions 45726
prescribed pursuant to division (C)(2) of that section; 45727

(b) Obtain the completed form and impression sheet from the 45728
person; 45729

(c) Forward the completed form and impression sheet to the 45730
superintendent of the bureau of criminal identification and 45731
investigation; 45732

(d) Review the results of the criminal records check. 45733

(4) A person who receives from the director a copy of the 45734
form and standard impression sheet and who is requested to 45735
complete the form and provide a set of fingerprint impressions 45736
shall complete the form or provide all of the information 45737
necessary to complete the form and shall provide the impression 45738
sheet with the impressions of the person's fingerprints. If the 45739
person, upon request, fails to provide the information necessary 45740
to complete the form or fails to provide impressions of the 45741
person's fingerprints, the director or a county director of job 45742
and family services may consider the failure a reason to deny 45743

licensure, approval, or certification or to determine an employee 45744
ineligible for employment. 45745

(5) Except as provided in rules adopted under division (F) of 45746
this section: 45747

(a) The director of job and family services shall refuse to 45748
issue a license to or approve a center, type A home, type B home, 45749
child day camp, preschool program, or school child program, and 45750
shall revoke a license or approval, and a county director of job 45751
and family services shall not certify an in-home aide and shall 45752
revoke a certification, if a person for whom a criminal records 45753
check was required under division (B)(1)(a) to (B)(1)(e) of this 45754
section has been convicted of or pleaded guilty to any of the 45755
violations described in division (A)(5) of section 109.572 of the 45756
Revised Code. 45757

(b) The director of job and family services shall not issue a 45758
license to a type A home or type B home if a resident of the type 45759
A home or type B home is under eighteen years of age and has been 45760
adjudicated a delinquent child for committing either a violation 45761
of any section listed in division (A)(5) of section 109.572 of the 45762
Revised Code or an offense of another state or the United States 45763
that is substantially equivalent to an offense listed in division 45764
(A)(5) of section 109.572 of the Revised Code. 45765

(c) The director shall determine an applicant or employee 45766
ineligible for employment if the person has been convicted of or 45767
pleaded guilty to any of the violations described in division 45768
(A)(5) of section 109.572 of the Revised Code. 45769

(6) Each child day-care center, type A home, type B home, 45770
approved child day camp, licensed child care program, licensed 45771
school child program, and in-home aide shall pay to the bureau of 45772
criminal identification and investigation the fee prescribed 45773
pursuant to division (C)(3) of section 109.572 of the Revised Code 45774

for each criminal records check conducted in accordance with that 45775
section upon a request made pursuant to division (B) of this 45776
section. 45777

A center, home, camp, preschool program, or school child 45778
program may charge an applicant a fee for the costs it incurs in 45779
obtaining a criminal records check under this section. A fee 45780
charged under this division shall not exceed the amount the 45781
center, home, camp, or program pays under this section. If a fee 45782
is charged, the center, home, camp, or program shall notify the 45783
applicant at the time of the applicant's initial application for 45784
employment of the amount of the fee and that, unless the fee is 45785
paid, the center, home, camp, or program will not consider the 45786
applicant for employment. 45787

(7) The report of any criminal records check conducted by the 45788
bureau of criminal identification and investigation in accordance 45789
with section 109.572 of the Revised Code and pursuant to a request 45790
made under division (B) of this section is confidential and not a 45791
public record for the purposes of section 149.43 of the Revised 45792
Code. The report shall not be made available to any person other 45793
than the person who is the subject of the criminal records check 45794
or the person's representative, the director of job and family 45795
services, the director of a county department of job and family 45796
services, and any court, hearing officer, or other necessary 45797
individual involved in a case dealing with a denial or revocation 45798
of licensure, approval, or certification related to the criminal 45799
records check. 45800

(C)(1) At the times specified in division (C)(2) of this 45801
section, the director of job and family services shall search the 45802
uniform statewide automated child welfare information system for 45803
information concerning any abuse or neglect report made pursuant 45804
to section 2151.421 of the Revised Code of which any of the 45805
following persons is a subject: 45806

<u>(a) Any owner or licensee of a child day-care center;</u>	45807
<u>(b) Any owner or licensee of a type A family day-care home or</u>	45808
<u>licensed type B family day-care home and any person eighteen years</u>	45809
<u>of age or older who resides in the home;</u>	45810
<u>(c) Any owner of an approved child day camp;</u>	45811
<u>(d) Any director of a licensed preschool program or licensed</u>	45812
<u>school child program that provides publicly funded child care;</u>	45813
<u>(e) Any in-home aide;</u>	45814
<u>(f) Any applicant or employee, including an administrator, of</u>	45815
<u>a child day-care center, type A family day-care home, licensed</u>	45816
<u>type B family day-care home, approved child day camp, or licensed</u>	45817
<u>preschool program or licensed school child program that provides</u>	45818
<u>publicly funded child care.</u>	45819
<u>(2) The director shall search the information system at the</u>	45820
<u>following times:</u>	45821
<u>(i) In the case of an owner or licensee of child day-care</u>	45822
<u>center or an owner or licensee of a type A family day-care home or</u>	45823
<u>licensed type B family day-care home or a resident of such a home,</u>	45824
<u>at the time of initial application for licensure and every five</u>	45825
<u>years thereafter;</u>	45826
<u>(ii) In the case of an owner of an approved child day camp,</u>	45827
<u>at the time of initial application for approval and every five</u>	45828
<u>years thereafter;</u>	45829
<u>(iii) In the case of a director of a licensed child care</u>	45830
<u>program or licensed school child program, at the time of initial</u>	45831
<u>application to provide publicly funded child care and every five</u>	45832
<u>years thereafter;</u>	45833
<u>(iv) In the case of an in-home aide, at the time of initial</u>	45834
<u>application for certification and every five years thereafter;</u>	45835
<u>(v) Except as provided in division (C)(2)(a)(vi) of this</u>	45836

section, in the case of an applicant or employee, at the time of 45837
initial application for employment and every five years 45838
thereafter; 45839

(vi) In the case of an applicant who has been determined 45840
eligible for employment after a search of the uniform statewide 45841
automated child welfare information system within the past five 45842
years and who has been employed by a licensed preschool program or 45843
licensed school child program that provides publicly funded child 45844
care, child day-care center, type A family day-care home, licensed 45845
type B family day-care home, or approved child day camp within the 45846
past one hundred eighty consecutive days, every five years after 45847
the date of the initial determination. 45848

(3) The director shall consider any information discovered 45849
pursuant to division (C)(1) of this section or that is provided by 45850
a public children services agency pursuant to section 5153.175 of 45851
the Revised Code. If the director determines that the information, 45852
when viewed within the totality of the circumstances, reasonably 45853
leads to the conclusion that the person may directly or indirectly 45854
endanger the health, safety, or welfare of children, the director 45855
or county director of job and family services shall do any of the 45856
following: 45857

(a) Refuse to issue a license to or approve a center, type A 45858
home, type B home, child day camp, preschool program, or school 45859
child program; 45860

(b) Revoke a license or approval; 45861

(c) Refuse to certify an in-home aide or revoke a 45862
certification; 45863

(d) Determine an applicant or employee ineligible for 45864
employment with the center, type A home, licensed type B home, 45865
child day camp, preschool program, or school child program. 45866

(4) Any information obtained under division (C) of this 45867

section is confidential and not a public record for the purposes 45868
of section 149.43 of the Revised Code. The information shall not 45869
be made available to any person other than the person who is the 45870
subject of the search or the person's representative, the director 45871
of job and family services, the director of a county department of 45872
job and family services, and any court, hearing officer, or other 45873
necessary individual involved in a case dealing with a denial or 45874
revocation of licensure, approval, or certification related to the 45875
search. 45876

(D)(1) At the times specified in division (D)(2) of this 45877
section, the director of job and family services shall inspect the 45878
state registry of sex offenders and child-victim offenders 45879
established under section 2950.13 of the Revised Code and the 45880
national sex offender registry as described in 42 U.S.C. 16901 to 45881
determine if any of the following persons is registered or 45882
required to be registered as an offender: 45883

(a) Any owner or licensee of a child day-care center; 45884

(b) Any owner or licensee of a type A family day-care home or 45885
licensed type B family day-care home and any person eighteen years 45886
of age or older who resides in the home; 45887

(c) Any owner of an approved child day camp; 45888

(d) Any director of a licensed preschool program or licensed 45889
school child program that provides publicly funded child care; 45890

(e) Any in-home aide; 45891

(f) Any applicant or employee, including an administrator, of 45892
a child day-care center, type A family day-care home, licensed 45893
type B family day-care home, approved child day camp, or licensed 45894
preschool program or licensed school child program that provides 45895
publicly funded child care. 45896

(2) The director shall inspect each registry at the following 45897

times: 45898

(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 45899
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(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 45904
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care; 45907
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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 45910
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(v) Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 45912
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(vi) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 45916
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(3) If the director determines that the person is registered or required to be registered on either registry, the director or 45927
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county director of job and family services shall do any of the 45929
following: 45930

(a) Refuse to issue a license to or approve a center, type A 45931
home, type B home, child day camp, preschool program, or school 45932
child program; 45933

(b) Revoke a license or approval; 45934

(c) Refuse to certify an in-home aide or revoke a 45935
certification; 45936

(d) Determine an applicant or employee ineligible for 45937
employment with the center, type A home, licensed type B home, 45938
child day camp, preschool program, or school child program. 45939

(4) Any information obtained under division (D) of this 45940
section is confidential and not a public record for the purposes 45941
of section 149.43 of the Revised Code. The information shall not 45942
be made available to any person other than the person who is the 45943
subject of the inspection or the person's representative, the 45944
director of job and family services, the director of a county 45945
department of job and family services, and any court, hearing 45946
officer, or other necessary individual involved in a case dealing 45947
with a denial or revocation of licensure, approval, or 45948
certification related to the search. 45949

(E) Whenever the director of job and family services 45950
determines a person ineligible for employment under division (B), 45951
(C), or (D) of this section, the director shall as soon as 45952
practicable notify the following of that determination: the 45953
licensed preschool program or licensed school child program that 45954
provides publicly funded child care, child day-care center, type A 45955
family day-care home, licensed type B family day-care home, or 45956
approved child day camp that is considering the person for 45957
appointment or employment. A licensed preschool program or 45958
licensed school child program that provides publicly funded child 45959

care, child day-center, type A family day-care home, licensed type 45960
B family day-care home, or approved child day camp shall not 45961
employ a person who is determined under this section to be 45962
ineligible for employment. 45963

(F)(1) An administrator of a child day camp, other than an 45964
approved child day camp shall request the superintendent of the 45965
bureau of criminal identification and investigation to conduct a 45966
criminal records check for any applicant or employee, including an 45967
administrator, of the child day camp. The request shall be made at 45968
the time of initial application for employment and every five 45969
years thereafter. 45970

(2) A criminal records check requested at the time of initial 45971
application shall include a request that the superintendent of the 45972
bureau of criminal identification and investigation obtain 45973
information from the federal bureau of investigation as part of 45974
the criminal records check for the person, including 45975
fingerprint-based checks of national crime information databases 45976
as described in 42 U.S.C. 671 for the person subject to the 45977
criminal records check. 45978

(3) A criminal records check requested at any time other than 45979
the time of initial application may include a request that the 45980
superintendent of the bureau of criminal identification and 45981
investigation obtain information from the federal bureau of 45982
investigation as part of the criminal records check for the 45983
person, including fingerprint-based checks of national crime 45984
information databases as described in 42 U.S.C. 671 for the person 45985
subject to the criminal records check. 45986

(4) With respect to a criminal records check requested under 45987
division (F) of this section, the administrator shall do all of 45988
the following: 45989

(a) Provide to the applicant or employee a copy of the form 45990

prescribed pursuant to division (C)(1) of section 109.572 of the 45991
Revised Code and a standard impression sheet to obtain fingerprint 45992
impressions prescribed pursuant to division (C)(2) of that 45993
section; 45994

(b) Obtain the completed form and impression sheet from the 45995
applicant or employee; 45996

(c) Forward the completed form and impression sheet to the 45997
superintendent of the bureau of criminal identification and 45998
investigation; 45999

(d) Review the results of the criminal records check. 46000

(5) An applicant or employee who receives from the 46001
administrator a copy of the form and standard impression sheet and 46002
who is requested to complete the form and provide a set of 46003
fingerprint impressions shall complete the form or provide all of 46004
the information necessary to complete the form and shall provide 46005
the impression sheet with the impressions of the person's 46006
fingerprints. If the applicant or employee, upon request, fails to 46007
provide the information necessary to complete the form or fails to 46008
provide impressions of the person's fingerprints, the 46009
administrator may consider the failure a reason to determine an 46010
applicant or employee ineligible for employment. 46011

(6) A child day camp, other than an approved child day camp, 46012
may employ an applicant or continue to employ an employee until 46013
the criminal records check required by this section is completed 46014
and the camp receives the results of the check. Until the 46015
administrator has reviewed the results of the criminal records 46016
check and determines that the applicant or employee is eligible 46017
for employment, the camp shall not grant the applicant or employee 46018
sole responsibility for the care, custody, or control of a child. 46019
If the results indicate that the applicant or employee is 46020
ineligible for employment, the camp shall immediately release the 46021

applicant or employee from employment. 46022

(7) Except as provided in rules adopted under this section, 46023
the administrator shall determine an applicant or employee 46024
ineligible for employment if the person has been convicted of or 46025
pleaded guilty to any of the violations described in division 46026
(A)(5) of section 109.572 of the Revised Code. If the applicant or 46027
employee is determined ineligible, the child day camp shall not 46028
employ the applicant or employee or contract with another entity 46029
for the services of the applicant or employee. 46030

(8) Each child day camp shall pay to the bureau of criminal 46031
identification and investigation the fee prescribed pursuant to 46032
division (C)(3) of section 109.572 of the Revised Code for each 46033
criminal records check conducted in accordance with that section 46034
upon a request made pursuant to division (F) of this section. A 46035
camp may charge an applicant or employee a fee for the costs it 46036
incurs in obtaining a criminal records check under division (F) of 46037
this section. A fee charged under this division shall not exceed 46038
the fees the camp pays under this section. If a fee is charged, 46039
the camp shall notify the applicant at the time of the applicant's 46040
initial application for employment of the amount of the fee and 46041
that, unless the fee is paid, the camp will not consider the 46042
applicant for employment. 46043

(9) The report of any criminal records check conducted by the 46044
bureau of criminal identification and investigation in accordance 46045
with section 109.572 of the Revised Code and pursuant to a request 46046
made under division (F) of this section is confidential and not a 46047
public record for the purposes of section 149.43 of the Revised 46048
Code. The report shall not be made available to any person other 46049
than the person who is the subject of the criminal records check 46050
or the person's representative, the director of job and family 46051
services, the administrator, and any court, hearing officer, or 46052
other necessary individual involved in a case dealing with a 46053

denial or revocation of registration related to the criminal 46054
records check. 46055

(G) The director of job and family services shall adopt rules 46056
as necessary to implement this section. The rules shall be adopted 46057
in accordance with Chapter 119. of the Revised Code. The rules 46058
shall specify exceptions to the prohibitions in division (B), (E), 46059
and (F) of this section for a person who has been convicted of or 46060
pleaded guilty to a criminal offense listed in division (A)(5) of 46061
section 109.572 of the Revised Code but who meets standards in 46062
regard to rehabilitation set by the director. 46063

(H)(1) Whenever the director of job and family services 46064
requests a criminal records check, searches the uniform statewide 46065
automated child welfare information system, or inspects the state 46066
registry of sex offenders and child-victim offenders and national 46067
sex offender registry as required by this section and finds that a 46068
person who is subject to the requirements of division (B), (C), or 46069
(D) of this section resided in another state during the previous 46070
five years, the director shall request the following from the 46071
other state: a criminal records check and information from the 46072
uniform statewide automated child welfare information system or 46073
state registry of sex offenders. 46074

(2) Whenever the director receives from an agency of another 46075
state a request for a criminal records check or for information 46076
from the uniform statewide automated child welfare information 46077
system or state registry of sex offenders that is related to a 46078
child care license or the provision of publicly funded child care, 46079
the director shall provide to that other state's agency the 46080
results of the records check and information from the system and 46081
registry. 46082

Sec. 5104.015. The director of job and family services shall 46083
adopt rules in accordance with Chapter 119. of the Revised Code 46084

governing the operation of child day-care centers, including 46085
parent cooperative centers, part-time centers, and drop-in 46086
centers, ~~and school-age child care centers~~. The rules shall 46087
reflect the various forms of child care and the needs of children 46088
receiving child care or publicly funded child care and shall 46089
include specific rules for school-age child care centers that are 46090
developed in consultation with the department of education. ~~The~~ 46091
~~rules shall not require an existing school facility that is in~~ 46092
~~compliance with applicable building codes to undergo an additional~~ 46093
~~building code inspection or to have structural modifications.~~ The 46094
rules shall include the following: 46095

(A) Submission of a site plan and descriptive plan of 46096
operation to demonstrate how the center proposes to meet the 46097
requirements of this chapter and rules adopted pursuant to this 46098
chapter for the initial license application; 46099

(B) Standards for ensuring that the physical surroundings of 46100
the center are safe and sanitary including the physical 46101
environment, the physical plant, and the equipment of the center; 46102

(C) Standards for the supervision, care, and discipline of 46103
children receiving child care or publicly funded child care in the 46104
center; 46105

(D) Standards for a program of activities, and for play 46106
equipment, materials, and supplies, to enhance the development of 46107
each child; however, any educational curricula, philosophies, and 46108
methodologies that are developmentally appropriate and that 46109
enhance the social, emotional, intellectual, and physical 46110
development of each child shall be permissible. As used in this 46111
division, "program" does not include instruction in religious or 46112
moral doctrines, beliefs, or values that is conducted at child 46113
day-care centers owned and operated by churches and does include 46114
methods of disciplining children at child day-care centers. 46115

(E) Admissions policies and procedures;	46116
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	46117 46118
(G) First aid and emergency procedures;	46119
(H) Procedures for discipline and supervision of children;	46120
(I) Standards for the provision of nutritious meals and snacks;	46121 46122
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	46123 46124 46125
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	46126 46127
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	46128 46129 46130 46131
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	46132 46133 46134
(N) Procedures for record keeping, organization, and administration;	46135 46136
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	46137 46138 46139
(P) Inspection procedures;	46140
(Q) Procedures and standards for setting initial license application fees;	46141 46142
(R) Procedures for receiving, recording, and responding to complaints about centers;	46143 46144

(S) Procedures for enforcing section 5104.04 of the Revised Code; 46145
46146

(T) ~~A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter~~ Minimum qualifications for employment as an administrator or child-care staff member; 46147
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(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention; 46153
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(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center; 46157
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46160

(W) A procedure for reporting of injuries of children that occur at the center; 46161
46162

(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions; 46163
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46165

(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code; 46166
46167
46168

(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers. 46169
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Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the 46171
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requirements set forth in sections 5104.032 to ~~5104.036~~ 5104.034 46175
of the Revised Code. Except as provided in section 5104.07 of the 46176
Revised Code, the rules shall not change the square footage 46177
requirements of section 5104.032 of the Revised Code; or the 46178
maximum number of children per child-care staff member and maximum 46179
group size requirements of section 5104.033 of the Revised Code; ~~the educational and experience requirements of section 5104.035 of~~ 46180
~~the Revised Code; the age, educational, and experience~~ 46181
~~requirements of section 5104.036 of the Revised Code; however,~~ 46182
However, the rules shall provide procedures for determining 46183
compliance with those requirements. 46184
46185

Sec. 5104.02. (A) The director of job and family services is 46186
responsible for ~~the~~ licensing ~~of~~ child day-care centers ~~and~~, type 46187
A family day-care homes, and type B family day-care homes. Each 46188
entity operating a head start program shall meet the criteria for, 46189
and be licensed as, a child day-care center. The director is 46190
responsible for the enforcement of this chapter and of rules 46191
promulgated pursuant to this chapter. 46192

No person, firm, organization, institution, or agency shall 46193
operate, establish, manage, conduct, or maintain a child day-care 46194
center or type A family day-care home without a license issued 46195
under section 5104.03 of the Revised Code. The current license 46196
shall be posted ~~in a conspicuous place~~ in the center or ~~type A~~ 46197
home in a conspicuous place that is accessible to parents, 46198
custodians, or guardians and employees of the center or ~~type A~~ 46199
home at all times when the center or ~~type A~~ home is in operation. 46200

(B) A person, firm, institution, organization, or agency 46201
operating any of the following programs is exempt from the 46202
requirements of this chapter: 46203

(1) A program ~~of child care~~ caring for children that operates 46204

for two ~~or less~~ consecutive weeks or less and not more than six 46205
weeks total in each calendar year; 46206

(2) ~~Child care~~ Caring for children in places of worship 46207
during religious activities ~~during which children are cared for~~ 46208
while at least one parent, guardian, or custodian of each child is 46209
participating in such activities and is readily available; 46210

(3) ~~Religious activities which do not provide child care;~~ 46211

~~(4)~~ Supervised training, instruction, or activities of 46212
children in specific areas, including, but not limited to: art; 46213
drama; dance; music; ~~gymnastics, swimming, or another~~ athletic 46214
~~skill or sport~~ skills or sports; computers; or an educational 46215
subject conducted on an organized or periodic basis ~~no more than~~ 46216
~~one day a week and for no more than six hours duration~~ that a 46217
child does not attend for more than eight total hours per week; 46218

~~(5)~~(4) Programs in which the director determines that at 46219
least one parent, custodian, or guardian of each child who is not 46220
an employee of the facility engaged in employment duties is on the 46221
premises of the facility ~~offering child~~ that offers care and is 46222
readily accessible at all times, ~~except that child care provided~~ 46223
~~on the premises at which a parent, custodian, or guardian is~~ 46224
~~employed more than two and one half hours a day shall be licensed~~ 46225
~~in accordance with division (A) of this section;~~ 46226

~~(6)(a)~~(5) Programs that provide child care ~~funded and~~ 46227
~~regulated or operated~~ and are regulated by state departments other 46228
than the department of job and family services or the state board 46229
of education ~~when the director of job and family services has~~ 46230
~~determined that the rules governing the program are equivalent to~~ 46231
~~or exceed the rules promulgated pursuant to this chapter.~~ 46232

~~Notwithstanding any exemption from regulation under this~~ 46233
~~chapter, each state department shall submit to the director of job~~ 46234
~~and family services a copy of the rules that govern programs that~~ 46235

~~provide child care and are regulated or operated and regulated by~~ 46236
~~the department. Annually, each state department shall submit to~~ 46237
~~the director a report for each such program it regulates or~~ 46238
~~operates and regulates that includes the following information:~~ 46239

~~(i) The site location of the program;~~ 46240

~~(ii) The maximum number of infants, toddlers, preschool age~~ 46241
~~children, or school age children served by the program at one~~ 46242
~~time;~~ 46243

~~(iii) The number of adults providing child care for the~~ 46244
~~number of infants, toddlers, preschool age children, or school age~~ 46245
~~children;~~ 46246

~~(iv) Any changes in the rules made subsequent to the time~~ 46247
~~when the rules were initially submitted to the director.~~ 46248

~~The director shall maintain a record of the child care~~ 46249
~~information submitted by other state departments and shall provide~~ 46250
~~this information upon request to the general assembly or the~~ 46251
~~public.~~ 46252

~~(b) Child care programs conducted by boards of education or~~ 46253
~~by chartered nonpublic schools that are conducted in school~~ 46254
~~buildings and that provide child care to school age children only~~ 46255
~~shall be exempt from meeting or exceeding rules promulgated~~ 46256
~~pursuant to this chapter.~~ 46257

~~(7)(6)~~ Any preschool program or school child program, except 46258
a head start program, that is subject to licensure by the 46259
department of education under sections 3301.52 to 3301.59 of the 46260
Revised Code. 46261

~~(8)(7)~~ Any program providing child care that meets all of the 46262
following requirements and, on October 20, 1987, was being 46263
operated by a nonpublic school that holds a charter issued by the 46264
state board of education for kindergarten only: 46265

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under ~~sections 3301.52 to 3301.57~~ section 3301.53 of the Revised Code.

~~(9)~~ (8) A youth development program operated outside of school hours ~~by a community-based center~~ to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal ~~child~~ care, which is ~~child~~ care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

~~(d) The program is eligible for participation in the child and adult care food program as an outside school hours care center pursuant to standards established under section 3313.813 of the Revised Code.~~

~~(e)~~ The ~~community-based center~~ entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C.

501(a) and (c)(3). 46296

~~(10)(9)~~ A preschool program operated by a nonchartered, 46297
nontax-supported school if the preschool program meets all of the 46298
following conditions: 46299

(a) The program complies with state and local health, fire, 46300
and safety laws. 46301

(b) The program annually certifies in a report to the parents 46302
of its pupils that the school is in compliance with division 46303
(B)~~(10)(9)~~(a) of this section and files a copy of the report with 46304
the department of job and family services on or before the 46305
thirtieth day of September of each year. 46306

(c) The program complies with all applicable reporting 46307
requirements in the same manner as required by the state board of 46308
education for nonchartered, nonpublic primary and secondary 46309
schools. 46310

(d) The program is associated with a nonchartered, 46311
nontax-supported primary or secondary school. 46312

(10) A program that provides activities for children who are 46313
five years of age or older and is operated by a county, township, 46314
municipal corporation, township park district created under 46315
section 511.18 of the Revised Code, park district created under 46316
section 1545.04 of the Revised Code, or joint recreation district 46317
established under section 755.14 of the Revised Code. 46318

Sec. 5104.021. The director of job and family services may 46319
issue a child day-care center or type A family day-care home 46320
license to a youth development program that is exempted by 46321
division (B)~~(9)(8)~~ of section 5104.02 of the Revised Code from the 46322
requirements of this chapter if the youth development program 46323
applies for and meets all of the requirements for the license. 46324

Sec. 5104.03. (A) As used in this section, "owner" has the 46325
same meaning as in section 5104.01 of the Revised Code, except 46326
that "owner" also includes a firm, organization, institution, or 46327
agency, as well as any individual governing board members, 46328
partners, or authorized representatives of the owner. 46329

(B) Any person, firm, organization, institution, or agency 46330
seeking to establish a child day-care center, type A family 46331
day-care home, or licensed type B family day-care home shall apply 46332
for a license to the director of job and family services on such 46333
form as the director prescribes. The director shall provide at no 46334
charge to each applicant for licensure a copy of the child care 46335
license requirements in this chapter and a copy of the rules 46336
adopted pursuant to this chapter. The copies may be provided in 46337
paper or electronic form. 46338

Fees shall be set by the director pursuant to sections 46339
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 46340
paid at the time of application for a license to operate a center, 46341
type A home, or type B home. Fees collected under this section 46342
shall be paid into the state treasury to the credit of the general 46343
revenue fund. 46344

(C)(1) Upon filing of the application for a license, the 46345
director shall investigate and inspect the center, type A home, or 46346
type B home to determine the license capacity for each age 46347
category of children of the center, type A home, or type B home 46348
and to determine whether the center, type A home, or type B home 46349
complies with this chapter and rules adopted pursuant to this 46350
chapter. When, after investigation and inspection, the director is 46351
satisfied that this chapter and rules adopted pursuant to it are 46352
complied with, subject to division ~~(F)~~(G) of this section, a 46353
license shall be issued as soon as practicable in such form and 46354
manner as prescribed by the director. The license shall be 46355

designated as provisional and shall be valid for at least twelve 46356
months from the date of issuance ~~unless and until the continuous~~ 46357
~~license is issued or until the provisional license is revoked or~~ 46358
~~suspended pursuant to section 5104.042 of the Revised Code.~~ 46359

(2) The director may contract with a government entity or a 46360
private nonprofit entity for the entity to inspect type A or type 46361
B family day-care homes pursuant to this section. If the director 46362
contracts with a government entity or private nonprofit entity for 46363
that purpose, the entity may contract with another government 46364
entity or private nonprofit entity for the other entity to inspect 46365
type A or type B homes pursuant to this section. The director, 46366
government entity, or private nonprofit entity shall conduct an 46367
inspection prior to the issuance of a license for a type A or type 46368
B home and, as part of that inspection, ensure that the home is 46369
safe and sanitary. 46370

~~(D)(1) On receipt of an application for licensure as a type B 46371
family day-care home to provide publicly funded child care, the 46372
director shall search the uniform statewide automated child 46373
welfare information system for information concerning any abuse or 46374
neglect report made pursuant to section 2151.421 of the Revised 46375
Code of which the applicant, any other adult residing in the 46376
applicant's home, or a person designated by the applicant to be an 46377
emergency or substitute caregiver for the applicant is the 46378
subject.~~ 46379

~~(2) The director shall consider any information discovered 46380
pursuant to division (D)(1) of this section or that is provided by 46381
a public children services agency pursuant to section 5153.175 of 46382
the Revised Code. If the director determines that the information, 46383
when viewed within the totality of the circumstances, reasonably 46384
leads to the conclusion that the applicant may directly or 46385
indirectly endanger the health, safety, or welfare of children, 46386
the director shall deny the application for licensure or revoke 46387~~

~~the license of a type B family day care home.~~ 46388

~~(E)~~ The director shall investigate and inspect the center, 46389
type A home, or type B home at least once during operation under a 46390
license designated as provisional. If after the investigation and 46391
inspection the director determines that the requirements of this 46392
chapter and rules adopted pursuant to this chapter are met, 46393
subject to division ~~(I)~~(G) of this section, the director shall 46394
issue a ~~new~~ continuous license to the center or home. 46395

~~(F)~~(E) Each license shall state the name of the licensee, the 46396
name of the administrator, the address of the center, type A home, 46397
or licensed type B home, and the license capacity for each age 46398
category of children. The license shall include thereon, in 46399
accordance with sections 5104.015, 5104.017, and 5104.018 of the 46400
Revised Code, the toll-free telephone number to be used by persons 46401
suspecting that the center, type A home, or licensed type B home 46402
has violated a provision of this chapter or rules adopted pursuant 46403
to this chapter. A license is valid only for the licensee, 46404
administrator, address, and license capacity for each age category 46405
of children designated on the license. The license capacity 46406
specified on the license is the maximum number of children in each 46407
age category that may be cared for in the center, type A home, or 46408
licensed type B home at one time. 46409

~~The A~~ center or ~~type A~~ home licensee shall notify the 46410
director in writing when the administrator, address, or license 46411
capacity of the center or home changes. The director shall amend 46412
the current license to reflect a change in ~~an~~ any of the 46413
following: 46414

(1) An administrator, if the administrator meets the 46415
requirements of this chapter and rules adopted pursuant to this 46416
chapter, ~~or a change in license;~~ 46417

(2) Address, if the new address meets the requirements of 46418

this chapter and rules adopted pursuant to this chapter; 46419

(3) License capacity for any age category of children as 46420
determined by the director of job and family services. 46421

~~(G)~~(F) If the director revokes the license of a center, a 46422
type A home, or a type B home, the director shall not issue 46423
another license to the owner of the center, type A home, or type B 46424
home until five years have elapsed from the date the license is 46425
revoked. 46426

If the director denies an application for a license, the 46427
director shall not consider another application from the applicant 46428
until five years have elapsed from the date the application is 46429
denied. 46430

~~(H) If during the application for licensure process the 46431
director determines that the license of the owner has been 46432
revoked, the investigation of the center, type A home, or type B 46433
home shall cease. This action does not constitute denial of the 46434
application and may not be appealed under division (I) of this 46435
section. 46436~~

~~(I)~~(G)(1) Except as provided in division ~~(I)~~(G)(2) of this 46437
section, all actions of the director with respect to licensing 46438
centers, type A homes, or type B homes, refusal to license, and 46439
revocation of a license shall be in accordance with Chapter 119. 46440
of the Revised Code. Except as provided in division ~~(I)~~(G)(2) of 46441
this section, any applicant who is denied a license or any owner 46442
whose license is revoked may appeal in accordance with section 46443
119.12 of the Revised Code. 46444

(2) The following actions by the director are not subject to 46445
Chapter 119. of the Revised Code: 46446

(a) The director ~~does not issue a license to~~ ceases its 46447
review of an application because the owner of a center, type A 46448
home, or type B home ~~because the owner~~ sought a license before 46449

five years had elapsed from the date the previous license was 46450
revoked and the director does not issue the license. 46451

(b) The director ~~does not issue a license~~ ceases its review 46452
of an application because the applicant applied for licensure 46453
before five years had elapsed from the date the previous 46454
application was denied and the director does not issue the 46455
license. 46456

(c) The director closes a license because the director has 46457
determined that the center, type A home, or type B home is no 46458
longer operating at the address stated on the license and did not 46459
notify the director of the address change as described in division 46460
(E) of this section. 46461

~~(J)~~(H) In no case shall the director issue a license under 46462
this section for a center, type A home, or type B home if the 46463
director, based on documentation provided by the appropriate 46464
county department of job and family services, determines that the 46465
applicant had been certified as ~~a type B family day-care home when~~ 46466
~~such certifications were issued by county departments prior to~~ 46467
~~January 1, 2014~~ an in-home aide, that the county department 46468
revoked that certification within the immediately preceding five 46469
years, that the revocation was based on the applicant's refusal or 46470
inability to comply with the criteria for certification, and that 46471
the refusal or inability resulted in a risk to the health or 46472
safety of children. 46473

~~(K)(1) Except as provided in division (K)(2) of this section,~~ 46474
~~an administrator~~ (I) An owner of a type B family day-care home 46475
that receives a license pursuant to this section ~~to provide~~ 46476
~~publicly funded child care~~ is an independent contractor and is not 46477
an employee of the department of job and family services. 46478

~~(2) For purposes of Chapter 4141. of the Revised Code,~~ 46479
~~determinations concerning the employment of an administrator of a~~ 46480

~~type B family day care home that receives a license pursuant to~~ 46481
~~this section shall be determined under Chapter 4141. of the~~ 46482
~~Revised Code.~~ 46483

Sec. 5104.04. (A) The department of job and family services 46484
shall establish procedures to be followed in investigating, 46485
inspecting, and licensing child day-care centers, type A family 46486
day-care homes, and licensed type B family day-care homes. 46487

(B)(1)(a) The department shall, at least once during every 46488
twelve-month period of operation of a center, type A home, or 46489
licensed type B home, inspect the center, type A home, or licensed 46490
type B home. The department shall inspect a part-time center or 46491
part-time type A home at least once during every twelve-month 46492
period of operation. The department shall provide a written 46493
inspection report to the licensee within a reasonable time after 46494
each inspection. ~~The licensee shall display its most recent~~ 46495
~~inspection report in a conspicuous place in the center, type A~~ 46496
~~home, or licensed type B home.~~ 46497

Inspections may be unannounced. No person, firm, 46498
organization, institution, or agency shall interfere with the 46499
inspection of a center, type A home, or licensed type B home by 46500
any state or local official engaged in performing duties required 46501
of the state or local official by this chapter or rules adopted 46502
pursuant to this chapter, including inspecting the center, type A 46503
home, or licensed type B home, reviewing records, or interviewing 46504
licensees, employees, children, or parents. 46505

(b) Upon receipt of any complaint that a center, type A home 46506
or licensed type B home is out of compliance with the requirements 46507
of this chapter or rules adopted pursuant to this chapter, the 46508
department shall investigate the center or home, and both of the 46509
following apply: 46510

(i) If the complaint alleges that a child suffered physical 46511

harm while receiving child care at the center or home or that the 46512
noncompliance alleged in the complaint involved, resulted in, or 46513
poses a substantial risk of physical harm to a child receiving 46514
child care at the center or home, the department shall inspect the 46515
center or home. 46516

(ii) If division (B)(1)(b)(i) of this section does not apply 46517
regarding the complaint, the department may inspect the center or 46518
home. 46519

(c) Division (B)(1)(b) of this section does not limit, 46520
restrict, or negate any duty of the department to inspect a 46521
center, type A home, or licensed type B home that otherwise is 46522
imposed under this section, or any authority of the department to 46523
inspect a center, type A home, or licensed type B home that 46524
otherwise is granted under this section ~~when the department~~ 46525
~~believes the inspection is necessary and it is permitted under the~~ 46526
~~grant.~~ 46527

(2) If the department implements an instrument-based program 46528
monitoring information system, it may use an indicator checklist 46529
to comply with division (B)(1) of this section. 46530

~~(3) The department shall contract with a third party by the 46531
first day of October in each even-numbered year to collect 46532
information concerning the amounts charged by the center or home 46533
for providing child care services for use in establishing 46534
reimbursement ceilings and payment pursuant to section 5104.30 of 46535
the Revised Code. The third party shall compile the information 46536
and report the results of the survey to the department not later 46537
than the first day of December in each even-numbered year. 46538~~

(C) The department may deny an application or revoke a 46539
license of a center, type A home, or licensed type B home, if the 46540
applicant knowingly ~~makes a false statement on the application,~~ 46541
submits falsified information to the department or if the center 46542

or home does not comply with the requirements of this chapter or 46543
rules adopted pursuant to this chapter, ~~or the applicant or owner~~ 46544
~~has pleaded guilty to or been convicted of an offense described in~~ 46545
~~division (A)(5) of section 109.572 of the Revised Code.~~ 46546

(D) If the department finds, after notice and hearing 46547
pursuant to Chapter 119. of the Revised Code, that any applicant, 46548
person, firm, organization, institution, or agency applying for 46549
licensure or licensed under section 5104.03 of the Revised Code is 46550
in violation of any provision of this chapter or rules adopted 46551
pursuant to this chapter, the department may issue an order of 46552
denial to the applicant or an order of revocation to the center, 46553
type A home, or licensed type B home revoking the license 46554
previously issued by the department. Upon the issuance of such an 46555
order, the person whose application is denied or whose license is 46556
revoked may appeal in accordance with section 119.12 of the 46557
Revised Code. 46558

(E) The surrender of a center, type A home, or licensed type 46559
B home license to the department or the withdrawal of an 46560
application for licensure by the owner or administrator of the 46561
center, type A home, or licensed type B home shall not prohibit 46562
the department from instituting any of the actions set forth in 46563
this section. 46564

(F) Whenever the department receives a complaint, is advised, 46565
or otherwise has any reason to believe that a center or type A 46566
home is providing child care without a license issued pursuant to 46567
section 5104.03 and is not exempt from licensing pursuant to 46568
section 5104.02 of the Revised Code, the department shall 46569
investigate the center or type A home and may inspect the areas 46570
children have access to or areas necessary for the care of 46571
children in the center or type A home during suspected hours of 46572
operation to determine whether the center or type A home is 46573
subject to the requirements of this chapter or rules adopted 46574

pursuant to this chapter. 46575

(G) The department, upon determining that the center or type 46576
A home is operating without a license, shall notify the attorney 46577
general, the prosecuting attorney of the county in which the 46578
center or type A home is located, or the city attorney, village 46579
solicitor, or other chief legal officer of the municipal 46580
corporation in which the center or type A home is located, that 46581
the center or type A home is operating without a license. Upon 46582
receipt of the notification, the attorney general, prosecuting 46583
attorney, city attorney, village solicitor, or other chief legal 46584
officer of a municipal corporation shall file a complaint in the 46585
court of common pleas of the county in which the center or type A 46586
home is located requesting that the court grant an order enjoining 46587
the owner from operating the center or type A home in violation of 46588
section 5104.02 of the Revised Code. The court shall grant such 46589
injunctive relief upon a showing that the respondent named in the 46590
complaint is operating a center or type A home and is doing so 46591
without a license. 46592

(H) The department shall prepare an annual report on 46593
inspections conducted under this section. The report shall include 46594
the number of inspections conducted, the number and types of 46595
violations found, and the steps taken to address the violations. 46596
The department shall file the report with the governor, the 46597
president and minority leader of the senate, and the speaker and 46598
minority leader of the house of representatives on or before the 46599
first day of January of each year, beginning in 1999. 46600

Sec. 5104.042. (A) The department of job and family services 46601
may suspend, without a prior hearing, the license of a child 46602
day-care center, type A family day-care home, or licensed type B 46603
family day-care home if any of the following occur: 46604

(1) A child dies or suffers a serious injury while receiving 46605

child care in the center, type A home, or licensed type B home. 46606

(2) A public children services agency receives a report 46607
pursuant to section 2151.421 of the Revised Code, and the person 46608
alleged to have inflicted abuse or neglect on the child who is the 46609
subject of the report is any of the following: 46610

(a) The owner, licensee, or administrator of the center, type 46611
A home, or licensed type B home; 46612

(b) An employee of the center, type A home, or licensed type 46613
B home who has not immediately been placed on administrative leave 46614
or released from employment; 46615

(c) Any person who resides in the type A home or licensed 46616
type B home. 46617

(3) An owner, licensee, administrator, or employee of the 46618
center, type A home, or licensed type B home, or a resident of the 46619
type A home or licensed type B home is charged by an indictment, 46620
information, or complaint with an offense relating to the abuse or 46621
neglect of a child. 46622

(4) The department or a county department of job and family 46623
services determines that the center, type A home, or licensed type 46624
B home created a serious risk to the health or safety of a child 46625
receiving child care in the center, type A home, or licensed type 46626
B home that resulted in or could have resulted in a child's death 46627
or injury. 46628

(5) The department determines that the owner, or licensee, ~~or~~ 46629
~~administrator~~ of the center, type A home, or licensed type B home 46630
~~is charged by indictment, information, or complaint with fraud~~ 46631
does not meet the requirements of section 5104.013 of the Revised 46632
Code. 46633

(B) The department shall issue a written order of suspension 46634
and furnish a copy to the licensee either by certified mail or in 46635

person as described in section 119.07 of the Revised Code. The 46636
licensee may ~~appeal the suspension in accordance with section~~ 46637
~~request an adjudicatory hearing before the department pursuant to~~ 46638
~~sections 119.06 to 119.12 of the Revised Code.~~ 46639

(C) ~~Except as provided in division (D) of this section, any~~ 46640
~~Any~~ summary suspension imposed under this section shall remain in 46641
effect, ~~unless reversed on appeal,~~ until any of the following 46642
occurs: 46643

(1) The public children services agency completes its 46644
investigation of the report pursuant to section 2151.421 of the 46645
Revised Code and determines that all of the allegations are 46646
unsubstantiated. 46647

(2) All criminal charges are disposed of through dismissal, 46648
or a finding of not guilty, ~~conviction, or a plea of guilty.~~ 46649

(3) ~~A final order is issued by the~~ The department issues 46650
pursuant to Chapter 119. of the Revised Code ~~becomes effective a~~ 46651
final order terminating the suspension. 46652

(D) ~~If the department initiates the revocation of a license~~ 46653
~~that has been suspended pursuant to this section, the suspension~~ 46654
~~shall continue until the revocation process is completed.~~ 46655

~~(E)~~ The center, type A home, or licensed type B home shall 46656
not provide child care while the summary suspension remains in 46657
effect. Upon issuance of the order of suspension, the licensee 46658
shall inform the caretaker parent of each child receiving child 46659
care in the center, type A home, or licensed type B home of the 46660
suspension. 46661

~~(F)~~(E) The director of job and family services may adopt 46662
rules in accordance with Chapter 119. of the Revised Code 46663
establishing standards and procedures for the summary suspension 46664
of licenses. 46665

(F) This section does not limit the authority of the 46666
department to revoke a license pursuant to section 5104.04 of the 46667
Revised Code. 46668

Sec. 5104.09. No administrator, employee, licensee, or 46669
child-care staff member shall discriminate in the enrollment of 46670
children in a child day-care center, type A home, licensed type B 46671
home, or approved child day camp upon the basis of race, color, 46672
religion, sex, disability, or national origin. 46673

Sec. 5104.12. (A) ~~The~~ (1) A county director of job and family 46674
services may certify in-home aides to provide publicly funded 46675
child care pursuant to this chapter and any rules adopted under 46676
it. Any in-home aide who receives a certificate pursuant to this 46677
section to provide publicly funded child care is an independent 46678
contractor and is not an employee of the county department of job 46679
and family services that issues the certificate. 46680

~~(B)~~ (2) Every person desiring to receive certification as an 46681
in-home aide shall apply for certification to ~~the~~ a county 46682
director of job and family services on such forms as the director 46683
of job and family services prescribes. ~~The~~ A county director shall 46684
provide at no charge to each applicant a copy of rules for 46685
certifying in-home aides adopted pursuant to this chapter. 46686

(B) To be eligible for certification as an in-home aide, a 46687
person shall not be either of the following: 46688

(1) The owner of a center or home whose license was revoked 46689
pursuant to section 5104.04 of the Revised Code within the 46690
previous five years; 46691

(2) An in-home aide whose certificate was revoked under 46692
division (C)(2) of this section within the previous five years. 46693

(C)(1) If the county director of job and family services 46694
determines that ~~public funds are available and that the person~~ 46695

applicant complies with this chapter and any rules adopted under 46696
it, the county director shall certify the person as an in-home 46697
aide and issue the person a certificate to provide publicly funded 46698
child care for ~~twelve~~ twenty-four months. The county director 46699
shall furnish a copy of the certificate to the parent, custodian, 46700
or guardian. The certificate shall state the name and address of 46701
the in-home aide, the expiration date of the certification, and 46702
the name and telephone number of the county director who issued 46703
the certificate. 46704

(2) The county director may revoke the certificate in either 46705
of the following circumstances: 46706

(a) The county director determines, pursuant to rules adopted 46707
under Chapter 119. of the Revised Code, that revocation is 46708
necessary; 46709

(b) The in-home aide does not comply with division ~~(D)~~(C)(2) 46710
of section 5104.32 of the Revised Code. 46711

(D)(1) The county director of job and family services shall 46712
inspect every home of a child who is receiving publicly funded 46713
child care in the child's own home while the in-home aide is 46714
providing the services. Inspections may be unannounced. Upon 46715
receipt of a complaint, the county director shall investigate the 46716
in-home aide, shall investigate the home of a child who is 46717
receiving publicly funded child care in the child's own home, and 46718
division (D)(2) of this section applies regarding the complaint. 46719
The caretaker parent shall permit the county director to inspect 46720
any part of the child's home. The county director shall prepare a 46721
written inspection report and furnish one copy each to the in-home 46722
aide and the caretaker parent within a reasonable time after the 46723
inspection. 46724

(2) Upon receipt of a complaint as described in division 46725
(D)(1) of this section, in addition to the investigations that are 46726

required under that division, both of the following apply: 46727

(a) If the complaint alleges that a child suffered physical 46728
harm while receiving publicly funded child care in the child's own 46729
home from an in-home aide or that the noncompliance with law or 46730
act alleged in the complaint involved, resulted in, or poses a 46731
substantial risk of physical harm to a child receiving publicly 46732
funded child care in the child's own home from an in-home aide, 46733
the county director shall inspect the home of the child. 46734

(b) If division (D)(2)(a) of this section does not apply 46735
regarding the complaint, the county director may inspect the home 46736
of the child. 46737

(3) Division (D)(2) of this section does not limit, restrict, 46738
or negate any duty of the county director to inspect a home of a 46739
child who is receiving publicly funded child care from an in-home 46740
aide that otherwise is imposed under this section, or any 46741
authority of the county director to inspect such a home that 46742
otherwise is granted under this section when the county director 46743
believes the inspection is necessary and it is permitted under the 46744
grant. 46745

Sec. 5104.21. (A) The department of job and family services 46746
shall register child day camps and enforce this section and 46747
~~section~~ sections 5104.211 and 5104.22 of the Revised Code and the 46748
rules adopted pursuant to those sections. No person, firm, 46749
organization, institution, or agency shall operate a child day 46750
camp without annually registering with the department. 46751

(B) A person, firm, institution, organization, or agency 46752
operating any of the following programs is exempt from the 46753
provisions of this section and ~~section~~ sections 5104.211 and 46754
5104.22 of the Revised Code: 46755

(1) A child day camp that operates for two ~~or less~~ 46756

consecutive weeks or less and for no more than a total of two 46757
weeks during each calendar year; 46758

(2) Supervised training, instruction, or activities of 46759
children that is conducted on an organized or periodic basis ~~no~~ 46760
~~more than one day a week and for no more than six hours' duration~~ 46761
~~and that is conducted~~ in specific areas or in a combination of 46762
areas for a maximum of eight hours each week, including, ~~but not~~ 46763
~~limited to,~~ art~~;~~, drama~~;~~, dance~~;~~, music~~;~~ gymnastics, swimming, or 46764
~~another,~~ athletic skill or sport~~;~~, computers~~;~~ or an educational 46765
subject; 46766

(3) Programs in which the department determines that at least 46767
one parent, custodian, or guardian of each child attending or 46768
participating in the child day camp is on the child day camp 46769
activity site and is readily accessible at all times, except that 46770
a child day camp on the premises of a parent's, custodian's, or 46771
guardian's place of employment shall be registered in accordance 46772
with division (A) of this section; 46773

(4) Child day camps ~~funded and regulated or operated and~~ 46774
~~regulated by any state department,~~ other than the department of 46775
~~job and family services,~~ when the department of job and family 46776
~~services has determined that the rules governing the child day~~ 46777
~~camp are equivalent to or exceed the rules adopted pursuant to~~ 46778
~~this section and section 5104.22;~~ 46779

(5) A program that provides activities for children who are 46780
five years of age or older and is operated by any county, 46781
township, municipal corporation, township park district created 46782
under section 511.18 of the Revised Code, park district created 46783
under section 1545.04 of the Revised Code, or joint recreation 46784
district established under section 755.04 of the Revised Code. 46785

(C) A person, firm, organization, institution, or agency 46786
operating a child day camp that is exempt under division (B) of 46787

this section from registering under division (A) of this section 46788
may elect to register itself under division (A) of this section. 46789
All requirements of this section and the rules adopted pursuant to 46790
this section shall apply to any exempt child day camp that so 46791
elects to register. 46792

(D) The director of job and family services shall adopt 46793
pursuant to Chapter 119. of the Revised Code rules prescribing the 46794
registration form and establishing the procedure for the child day 46795
camps to register. The form shall ~~not be longer than one~~ 46796
~~typewritten page and shall~~ state both of the following: 46797

(1) That the child day camp administrator or the 46798
administrator's representative agrees to provide the parents of 46799
each school-age child who attends or participates in that child 46800
day camp with the telephone number of the county department of 46801
health and the public children services agency of the county in 46802
which the child day camp is located; 46803

(2) That the child day camp administrator or the 46804
administrator's representative agrees to permit a public children 46805
services agency or the county department of health to review or 46806
inspect the child day camp if a complaint is made to that 46807
department or any other state department or public children 46808
services agency against that child day camp. 46809

(E) The department may charge a fee to register a child day 46810
camp. The fee for each child day camp shall be twenty-five 46811
dollars. No organization that operates, or owner of, child day 46812
camps shall pay a fee that exceeds two hundred fifty dollars for 46813
all of its child day camps. 46814

(F) If a child day camp that is required to register under 46815
this section fails to register with the department in accordance 46816
with this section or the rules adopted pursuant to it or if a 46817
child day camp that files a registration form under this section 46818

knowingly provides false or misleading information on the 46819
registration form, the department shall require the child day camp 46820
to register or register correctly and to pay a registration fee 46821
that equals three times the registration fee as set forth in 46822
division (E) of this section. 46823

(G) A child day camp administrator or the administrator's 46824
representative shall provide the parents of each school-age child 46825
who attends or participates in that child day camp with both of 46826
the ~~telephone~~ following: 46827

(1) Telephone numbers of the county department of health and 46828
the county public children services agency of the county in which 46829
the child day camp is located ~~and a~~; 46830

(2) A statement that the parents may ~~use these telephone~~ 46831
~~numbers to contact or otherwise contact the departments~~ county 46832
department or agency to make a complaint regarding the child day 46833
camp. 46834

Sec. 5104.211. (A) The director of job and family services 46835
may periodically conduct a random sampling of child day camps to 46836
determine compliance with section 5104.013 of the Revised Code. 46837

(B)(1) No child day camp shall fail to comply with section 46838
5104.013 of the Revised Code in regards to a person it appoints or 46839
employs. 46840

(2) If the director determines that a camp has violated 46841
division (B)(1) of this section, the director shall do both of the 46842
following: 46843

(a) Consider imposing a civil penalty on the camp in an 46844
amount that shall not exceed ten per cent of the camp's gross 46845
revenues for the full month immediately preceding the month in 46846
which the violation occurred. If the camp was not operating for 46847
the entire calendar month preceding the month in which the 46848

violation occurred, the penalty shall be five hundred dollars. 46849

(b) Order the camp to initiate a criminal records check of 46850
the person who is the subject of the violation within a specified 46851
period of time. 46852

(3) If, within the specified period of time, the camp fails 46853
to comply with an order to initiate a criminal records check of 46854
the person who is the subject of the violation or to release the 46855
person from the appointment or employment, the director shall do 46856
both of the following: 46857

(a) Impose a civil penalty in an amount that is not less than 46858
the amount previously imposed and that does not exceed twice the 46859
amount permitted by division (B)(2)(a) of this section; 46860

(b) Order the camp to initiate a criminal records check of 46861
the person who is the subject of the violation within a specified 46862
period of time. 46863

(C) If the director determines that a child day camp has 46864
violated division (B)(1) of this section, the director may post a 46865
notice at a prominent place at the camp that states that the camp 46866
has failed to conduct criminal records checks of its appointees or 46867
employees as required by section 5104.013 of the Revised Code. 46868
Once the camp demonstrates to the department that the camp is in 46869
compliance with that section, the director shall permit the camp 46870
to remove the notice. 46871

(D) The director may include on the web site of the 46872
department of job and family services a list of child day camps 46873
that the director has determined to not be in compliance with the 46874
criminal records check requirements of section 5104.013 of the 46875
Revised Code. The director shall remove a camp's name from the 46876
list when the camp demonstrates to the director that the camp is 46877
in compliance with that section. 46878

(E) For the purposes of divisions (C) and (D) of this 46879

section, a child day camp will be considered to be in compliance 46880
with section 5104.013 of the Revised Code by doing any of the 46881
following: 46882

(1) Requesting that the bureau of criminal identification and 46883
investigation conduct a criminal records check regarding the 46884
person who is the subject of the violation of division (B)(1) of 46885
this section and, if the person does not qualify for the 46886
appointment or employment, releasing the person from the 46887
appointment or employment; 46888

(2) Releasing the person who is the subject of the violation 46889
from the appointment or employment. 46890

(F) The attorney general shall commence and prosecute to 46891
judgment a civil action in a court of competent jurisdiction to 46892
collect any civil penalty imposed under this section that remains 46893
unpaid. 46894

(G) This section does not apply to a child day camp that is 46895
an approved child day camp. 46896

Sec. 5104.22. (A) The director of job and family services, no 46897
later than September 1, 1993, and pursuant to Chapter 119. of the 46898
Revised Code, shall adopt rules establishing a procedure and 46899
standards for the approval of child day camps that will enable an 46900
approved child day camp to receive public moneys pursuant to 46901
sections 5104.30 to 5104.39 of the Revised Code. ~~The procedure and~~ 46902
~~standards shall be similar and comparable to the procedure and~~ 46903
~~standards for accrediting child day camps used by the American~~ 46904
~~camping association.~~ The department of job and family services may 46905
charge a reasonable fee to inspect a child day camp to determine 46906
whether that child day camp meets the standards set forth in this 46907
section or in the rules adopted under this section. The department 46908
shall approve any child day camp that ~~the~~ meets both of the 46909
following: 46910

(1) ~~The department inspects and approves, that the camp and~~ 46911
~~determines that it meets the standards established in rules~~ 46912
~~adopted under this section;~~ 46913

(2) ~~The camp is accredited by the American camping camp~~ 46914
~~association inspects and accredits, or that is inspected and~~ 46915
~~accredited by any a nationally recognized organization that~~ 46916
accredits child day camps by using standards that the department 46917
has determined are substantially similar and comparable to those 46918
of the American ~~camping camp~~ association. The department shall 46919
approve a child day camp for ~~no longer than two years~~ a period of 46920
one year and shall inspect an approved child day camp ~~no less than~~ 46921
biennially on an annual basis. 46922

(B) An approved child day camp shall comply with this section 46923
and section 5104.21 of the Revised Code and the rules adopted 46924
pursuant to those sections. If an approved child day camp is not 46925
in substantial compliance with those sections or rules at any 46926
time, the department shall terminate the child day camp's approval 46927
until the child day camp complies with those sections and rules or 46928
for a period of two years, whichever period is longer. 46929

Sec. 5104.29. (A) As used in this section, "early learning 46930
and development program" has the same meaning as "licensed child 46931
care program" as defined in section 5104.01 of the Revised Code. 46932

(B) There is hereby created in the department of job and 46933
family services the step up to quality program, under which the 46934
department of job and family services, in cooperation with the 46935
department of education, shall develop a tiered quality rating and 46936
improvement system for all early learning and development programs 46937
in this state. The step up to quality program shall include all of 46938
the following components: 46939

(1) Quality program standards for early learning and 46940
development programs; 46941

(2) Accountability measures that include tiered ratings 46942
representing each program's level of quality; 46943

(3) Program and provider outreach and support to help 46944
programs meet higher standards and promote participation in the 46945
step up to quality program; 46946

(4) Financial incentives for early learning and development 46947
programs that provide publicly funded child care and are linked to 46948
achieving and maintaining quality standards; 46949

(5) Parent and consumer education to help parents learn about 46950
program quality and ratings so they can make informed choices on 46951
behalf of their children. 46952

(C) The step up to quality program shall have the following 46953
goals: 46954

(1) Increasing the number of low-income children, special 46955
needs children, and children with limited English proficiency 46956
participating in quality early learning and development programs; 46957

(2) Providing families with an easy-to-use tool for 46958
evaluating the quality of early learning and development programs; 46959

(3) Recognizing and supporting early learning and development 46960
programs that achieve higher levels of quality; 46961

(4) Providing incentives and supports to help early learning 46962
and development programs implement continuous quality improvement 46963
systems. 46964

(D) Under the step up to quality program, participating early 46965
learning and development programs may be eligible for grants, 46966
technical assistance, training, and other assistance. Programs 46967
that maintain a quality rating may be eligible for unrestricted 46968
monetary awards. 46969

(E) The tiered ratings developed pursuant to this section 46970
shall be based on an early learning and development program's 46971

performance in meeting program standards in the following four 46972
domains: 46973

(1) Learning and development; 46974

(2) Administration and leadership practices; 46975

(3) Staff quality and professional development; 46976

(4) Family and community partnerships. 46977

(F) The director of job and family services, in collaboration 46978
with the superintendent of public instruction, shall adopt rules 46979
in accordance with Chapter 119. of the Revised Code to implement 46980
the step up to quality program described in this section. 46981

(G)(1) The department of job and family services shall ensure 46982
that the following percentages of early learning and development 46983
~~programs that are not type B family day care homes and that~~ 46984
provide publicly funded child care are rated in the third highest 46985
tier or above in the step up to quality program: 46986

(a) By June 30, 2017, twenty-five per cent; 46987

(b) By June 30, 2019, forty per cent; 46988

(c) By June 30, 2021, sixty per cent; 46989

(d) By June 30, 2023, eighty per cent; 46990

(e) By June 30, 2025, one hundred per cent. 46991

~~(2) The department of job and family services and the 46992
department of education shall identify ways to accelerate early 46993
learning and development programs moving to higher tiers in the 46994
step up to quality program and identify strategies for appropriate 46995
ratings of type B homes. The departments may consult with the 46996
early childhood advisory council established pursuant to section 46997
3301.90 of the Revised Code to facilitate their efforts and shall 46998
include owners and administrators of early learning and 46999
development programs in the identification process. The 47000~~

~~departments shall report their recommendations to the general~~ 47001
~~assembly not later than October 31, 2016~~ This division does not 47002
apply to early learning and development programs that are either 47003
of the following: 47004

(a) Licensed type B family day-care homes; 47005

(b) Providers described in division (C)(2) of section 5104.31 47006
of the Revised Code. 47007

Sec. 5104.30. (A) The department of job and family services 47008
is hereby designated as the state agency responsible for 47009
administration and coordination of federal and state funding for 47010
publicly funded child care in this state. Publicly funded child 47011
care shall be provided to the following: 47012

(1) Recipients of transitional child care as provided under 47013
section 5104.34 of the Revised Code; 47014

(2) Participants in the Ohio works first program established 47015
under Chapter 5107. of the Revised Code; 47016

(3) Individuals who would be participating in the Ohio works 47017
first program if not for a sanction under section 5107.16 of the 47018
Revised Code and who continue to participate in a work activity, 47019
developmental activity, or alternative work activity pursuant to 47020
an assignment under section 5107.42 of the Revised Code; 47021

(4) A family receiving publicly funded child care on October 47022
1, 1997, until the family's income reaches one hundred fifty per 47023
cent of the federal poverty line; 47024

(5) Subject to available funds, other individuals determined 47025
eligible in accordance with rules adopted under section 5104.38 of 47026
the Revised Code. 47027

The department shall apply to the United States department of 47028
health and human services for authority to operate a coordinated 47029
program for publicly funded child care, if the director of job and 47030

family services determines that the application is necessary. For 47031
purposes of this section, the department of job and family 47032
services may enter into agreements with other state agencies that 47033
are involved in regulation or funding of child care. The 47034
department shall consider the special needs of migrant workers 47035
when it administers and coordinates publicly funded child care and 47036
shall develop appropriate procedures for accommodating the needs 47037
of migrant workers for publicly funded child care. 47038

(B) The department of job and family services shall 47039
distribute state and federal funds for publicly funded child care, 47040
including appropriations of state funds for publicly funded child 47041
care and appropriations of federal funds available under the child 47042
care block grant act, Title IV-A, and Title XX. The department may 47043
use any state funds appropriated for publicly funded child care as 47044
the state share required to match any federal funds appropriated 47045
for publicly funded child care. 47046

(C) In the use of federal funds available under the child 47047
care block grant act, all of the following apply: 47048

(1) The department may use the federal funds to hire staff to 47049
prepare any rules required under this chapter and to administer 47050
and coordinate federal and state funding for publicly funded child 47051
care. 47052

(2) Not more than five per cent of the aggregate amount of 47053
the federal funds received for a fiscal year may be expended for 47054
administrative costs. 47055

(3) The department shall allocate and use at least four per 47056
cent of the federal funds for the following: 47057

(a) Activities designed to provide comprehensive consumer 47058
education to parents and the public; 47059

(b) Activities that increase parental choice; 47060

(c) Activities, including child care resource and referral 47061
services, designed to improve the quality, and increase the 47062
supply, of child care; 47063

(d) Establishing the step up to quality program pursuant to 47064
section 5104.29 of the Revised Code. 47065

(4) The department shall ensure that the federal funds will 47066
be used only to supplement, and will not be used to supplant, 47067
federal, state, and local funds available on the effective date of 47068
the child care block grant act for publicly funded child care and 47069
related programs. If authorized by rules adopted by the department 47070
pursuant to section 5104.42 of the Revised Code, county 47071
departments of job and family services may purchase child care 47072
from funds obtained through any other means. 47073

(D) The department shall encourage the development of 47074
suitable child care throughout the state, especially in areas with 47075
high concentrations of recipients of public assistance and 47076
families with low incomes. The department shall encourage the 47077
development of suitable child care designed to accommodate the 47078
special needs of migrant workers. On request, the department, 47079
through its employees or contracts with state or community child 47080
care resource and referral service organizations, shall provide 47081
consultation to groups and individuals interested in developing 47082
child care. The department of job and family services may enter 47083
into interagency agreements with the department of education, the 47084
chancellor of higher education, the department of development, and 47085
other state agencies and entities whenever the cooperative efforts 47086
of the other state agencies and entities are necessary for the 47087
department of job and family services to fulfill its duties and 47088
responsibilities under this chapter. 47089

The department shall develop and maintain a registry of 47090
persons providing child care. The director shall adopt rules in 47091
accordance with Chapter 119. of the Revised Code establishing 47092

procedures and requirements for the registry's administration. 47093

(E)(1) The director shall adopt rules in accordance with 47094
Chapter 119. of the Revised Code establishing both of the 47095
following: 47096

(a) Reimbursement ceilings for providers of publicly funded 47097
child care not later than the first day of July in each 47098
odd-numbered year; 47099

(b) A procedure for reimbursing and paying providers of 47100
publicly funded child care. 47101

(2) In establishing reimbursement ceilings under division 47102
(E)(1)(a) of this section, the director shall do all of the 47103
following: 47104

(a) Use the information obtained ~~under division (B)(3) of~~ 47105
~~section 5104.04 of the Revised Code~~ in accordance with 45 C.F.R. 47106
98.45; 47107

(b) Establish an enhanced reimbursement ceiling for providers 47108
who provide child care for caretaker parents who work 47109
nontraditional hours; 47110

~~(c) For an in-home aide, establish an hourly reimbursement~~ 47111
~~ceiling;~~ 47112

~~(d)~~ (c) With regard to the step up to quality program 47113
established pursuant to section 5104.29 of the Revised Code, do 47114
both of the following: 47115

(i) Establish enhanced reimbursement ceilings for child 47116
day-care providers that participate in the program and maintain 47117
quality ratings; 47118

(ii) Weigh any reduction in reimbursement ceilings more 47119
heavily against providers that do not participate in the program 47120
or do not maintain quality ratings. 47121

(3) In establishing reimbursement ceilings under division 47122

(E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:

- (a) Geographic location of the provider;
- (b) Type of care provided;
- (c) Age of the child served;
- (d) Special needs of the child served;
- (e) Whether the expanded hours of service are provided;
- (f) Whether weekend service is provided;
- (g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;
- (h) Any other factors the director considers appropriate.

Sec. 5104.31. (A) Publicly funded child care may be provided only by the following:

- (1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:
 - (a) A child day-care center, including a parent cooperative child day-care center;
 - (b) A type A family day-care home, including a parent cooperative type A family day-care home;
 - (c) A licensed type B family day-care home.
- (2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;
- (3) A child day camp approved pursuant to section 5104.22 of the Revised Code;

(4) A licensed preschool program;	47150
(5) A licensed school child program;	47151
(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.	47152 47153 47154 47155
(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.	47156 47157
(C)(1) Beginning July 1, 2020, <u>and except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care</u> may be provided only by a provider that <u>if the program</u> is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.	47158 47159 47160 47161 47162 47163
<u>(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:</u>	47164 47165 47166
<u>(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;</u>	47167 47168
<u>(b) A program that operates only during school breaks;</u>	47169
<u>(c) A program that operates only on weekday evenings, weekends, or both;</u>	47170 47171
<u>(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;</u>	47172 47173
<u>(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;</u>	47174 47175 47176
<u>(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked.</u>	47177 47178 47179

Sec. 5104.32. (A) ~~Except as provided in division (C) of this~~ 47180
~~section, all~~ All purchases of publicly funded child care shall be 47181
made under a contract entered into by a licensed child day-care 47182
center, licensed type A family day-care home, licensed type B 47183
family day-care home, certified in-home aide, approved child day 47184
camp, licensed preschool program, licensed school child program, 47185
or border state child care provider and the department of job and 47186
family services. All contracts for publicly funded child care 47187
shall be contingent upon the availability of state and federal 47188
funds. The department shall prescribe a standard form to be used 47189
for all contracts for the purchase of publicly funded child care, 47190
regardless of the source of public funds used to purchase the 47191
child care. To the extent permitted by federal law and 47192
notwithstanding any other provision of the Revised Code that 47193
regulates state contracts or contracts involving the expenditure 47194
of state or federal funds, all contracts for publicly funded child 47195
care shall be entered into in accordance with the provisions of 47196
this chapter and are exempt from any other provision of the 47197
Revised Code that regulates state contracts or contracts involving 47198
the expenditure of state or federal funds. 47199

(B) Each contract for publicly funded child care shall 47200
specify at least the following: 47201

(1) That the provider of publicly funded child care agrees to 47202
be paid for rendering services at the lower of the rate 47203
customarily charged by the provider for children enrolled for 47204
child care or the reimbursement ceiling or rate of payment 47205
established pursuant to section 5104.30 of the Revised Code; 47206

(2) That, if a provider provides child care to an individual 47207
potentially eligible for publicly funded child care who is 47208
subsequently determined to be eligible, the department agrees to 47209
pay for all child care provided between the date the county 47210

department of job and family services receives the individual's 47211
completed application and the date the individual's eligibility is 47212
determined; 47213

(3) Whether the county department of job and family services, 47214
the provider, or a child care resource and referral service 47215
organization will make eligibility determinations, whether the 47216
provider or a child care resource and referral service 47217
organization will be required to collect information to be used by 47218
the county department to make eligibility determinations, and the 47219
time period within which the provider or child care resource and 47220
referral service organization is required to complete required 47221
eligibility determinations or to transmit to the county department 47222
any information collected for the purpose of making eligibility 47223
determinations; 47224

(4) That the provider, other than a border state child care 47225
provider, shall continue to be licensed, approved, or certified 47226
pursuant to this chapter and shall comply with all standards and 47227
other requirements in this chapter and in rules adopted pursuant 47228
to this chapter for maintaining the provider's license, approval, 47229
or certification; 47230

(5) That, in the case of a border state child care provider, 47231
the provider shall continue to be licensed, certified, or 47232
otherwise approved by the state in which the provider is located 47233
and shall comply with all standards and other requirements 47234
established by that state for maintaining the provider's license, 47235
certificate, or other approval; 47236

(6) Whether the provider will be paid by the state department 47237
of job and family services or in some other manner as prescribed 47238
by rules adopted under section 5104.42 of the Revised Code; 47239

(7) That the contract is subject to the availability of state 47240
and federal funds. 47241

(C) ~~Unless specifically prohibited by federal law or by rules~~ 47242
~~adopted under section 5104.42 of the Revised Code, the county~~ 47243
~~department of job and family services shall give individuals~~ 47244
~~eligible for publicly funded child care the option of obtaining~~ 47245
~~certificates that the individual may use to purchase services from~~ 47246
~~any provider qualified to provide publicly funded child care under~~ 47247
~~section 5104.31 of the Revised Code. Providers of publicly funded~~ 47248
~~child care may present these certificates for payment in~~ 47249
~~accordance with rules that the director of job and family services~~ 47250
~~shall adopt. Only providers may receive payment for certificates.~~ 47251
~~The value of the certificate shall be based on the lower of the~~ 47252
~~rate customarily charged by the provider or the rate of payment~~ 47253
~~established pursuant to section 5104.30 of the Revised Code. The~~ 47254
~~county department may provide the certificates to the individuals~~ 47255
~~or may contract with child care providers or child care resource~~ 47256
~~and referral service organizations that make determinations of~~ 47257
~~eligibility for publicly funded child care pursuant to contracts~~ 47258
~~entered into under section 5104.34 of the Revised Code for the~~ 47259
~~providers or resource and referral service organizations to~~ 47260
~~provide the certificates to individuals whom they determine are~~ 47261
~~eligible for publicly funded child care.~~ 47262

~~For each six month period a provider of publicly funded child~~ 47263
~~care provides publicly funded child care to the child of an~~ 47264
~~individual given certificates, the individual shall provide the~~ 47265
~~provider certificates for days the provider would have provided~~ 47266
~~publicly funded child care to the child had the child been~~ 47267
~~present. The maximum number of days providers shall be provided~~ 47268
~~certificates shall not exceed ten days in a six month period~~ 47269
~~during which publicly funded child care is provided to the child~~ 47270
~~regardless of the number of providers that provide publicly funded~~ 47271
~~child care to the child during that period.~~ 47272

~~(D)~~(1) The department shall establish the Ohio electronic an 47273

automated child care system to track attendance and calculate 47274
payments for publicly funded child care. ~~The system shall include~~ 47275
~~issuing an electronic child care card to each caretaker parent to~~ 47276
~~swipe through a point of service device issued to an eligible~~ 47277
~~provider, as described in section 5104.31 of the Revised Code.~~ 47278

(2) Each eligible provider that provides publicly funded 47279
child care shall participate in the ~~Ohio electronic~~ automated 47280
child care system. A provider participating in the system shall 47281
not do any of the following: 47282

(a) Use or have possession of ~~an electronic child care card a~~ 47283
personal identification number or password issued to a caretaker 47284
parent under the automated child care system; 47285

(b) Falsify attendance records; 47286

(c) Knowingly seek or accept payment for publicly funded 47287
child care that was not provided or for which the provider was not 47288
eligible; 47289

(d) Knowingly ~~accept reimbursement for publicly funded child~~ 47290
~~care that was not provided~~ seek or accept payment for child care 47291
provided to a child who resides in the provider's own home. 47292

(D) The department may withhold any money due under this 47293
chapter and may recover through any appropriate method any money 47294
erroneously paid under this chapter if evidence demonstrates that 47295
a provider of publicly funded child care failed to comply with 47296
either of the following: 47297

(1) The terms of the contract entered into under this 47298
section; 47299

(2) This chapter or any rules adopted under it. 47300

(E) If the department has evidence that a provider has 47301
employed an individual who is ineligible for employment under 47302
section 5104.013 of the Revised Code and the provider has not 47303

released the individual from employment upon notice that the 47304
individual is ineligible, the department may terminate immediately 47305
the contract entered into under this section to provide publicly 47306
funded child care. 47307

(F) Any decision by the department concerning publicly funded 47308
child care, including the recovery of funds, overpayment 47309
determinations, and contract terminations is final and is not 47310
subject to appeal, hearing, or further review under Chapter 119. 47311
of the Revised Code. 47312

Sec. 5104.34. (A)(1) Each county department of job and family 47313
services shall implement procedures for making determinations of 47314
eligibility for publicly funded child care. Under those 47315
procedures, the eligibility determination for each applicant shall 47316
be made no later than thirty calendar days from the date the 47317
county department receives a completed application for publicly 47318
funded child care. Each applicant shall be notified promptly of 47319
the results of the eligibility determination. An applicant 47320
aggrieved by a decision or delay in making an eligibility 47321
determination may appeal the decision or delay to the department 47322
of job and family services in accordance with section 5101.35 of 47323
the Revised Code. The due process rights of applicants shall be 47324
protected. 47325

To the extent permitted by federal law, the county department 47326
may make all determinations of eligibility for publicly funded 47327
child care, may contract with child care providers or child care 47328
resource and referral service organizations for the providers or 47329
resource and referral service organizations to make all or any 47330
part of the determinations, and may contract with child care 47331
providers or child care resource and referral service 47332
organizations for the providers or resource and referral service 47333
organizations to collect specified information for use by the 47334

county department in making determinations. If a county department 47335
contracts with a child care provider or a child care resource and 47336
referral service organization for eligibility determinations or 47337
for the collection of information, the contract shall require the 47338
provider or resource and referral service organization to make 47339
each eligibility determination no later than thirty calendar days 47340
from the date the provider or resource and referral organization 47341
receives a completed application that is the basis of the 47342
determination and to collect and transmit all necessary 47343
information to the county department within a period of time that 47344
enables the county department to make each eligibility 47345
determination no later than thirty days after the filing of the 47346
application that is the basis of the determination. 47347

The county department may station employees of the department 47348
in various locations throughout the county to collect information 47349
relevant to applications for publicly funded child care and to 47350
make eligibility determinations. The county department, child care 47351
provider, and child care resource and referral service 47352
organization shall make each determination of eligibility for 47353
publicly funded child care no later than thirty days after the 47354
filing of the application that is the basis of the determination, 47355
shall make each determination in accordance with any relevant 47356
rules adopted pursuant to section 5104.38 of the Revised Code, and 47357
shall notify promptly each applicant for publicly funded child 47358
care of the results of the determination of the applicant's 47359
eligibility. 47360

The director of job and family services shall adopt rules in 47361
accordance with Chapter 119. of the Revised Code for monitoring 47362
the eligibility determination process. In accordance with those 47363
rules, the state department shall monitor eligibility 47364
determinations made by county departments of job and family 47365
services and shall direct any entity that is not in compliance 47366

with this division or any rule adopted under this division to 47367
implement corrective action specified by the department. 47368

(2)(a) All eligibility determinations for publicly funded 47369
child care shall be made in accordance with rules adopted pursuant 47370
to division (A) of section 5104.38 of the Revised Code. Except as 47371
otherwise provided in this section, both of the following apply: 47372

(i) Publicly funded child care may be provided only to 47373
eligible infants, toddlers, preschool-age children, ~~and~~ school-age 47374
children under age thirteen, or children receiving special needs 47375
child care. 47376

(ii) For an applicant to be eligible for publicly funded 47377
child care, the caretaker parent must be employed or participating 47378
in a program of education or training for an amount of time 47379
reasonably related to the time that the parent's children are 47380
receiving publicly funded child care. This restriction does not 47381
apply to families whose children are eligible for protective child 47382
care. 47383

(b) In accordance with rules adopted under division (B) of 47384
section 5104.38 of the Revised Code, an applicant may receive 47385
publicly funded child care while the county department determines 47386
eligibility. An applicant may receive publicly funded child care 47387
while a county department determines eligibility only once during 47388
a twelve-month period. If the county department determines that an 47389
applicant is not eligible for publicly funded child care, the 47390
~~licensed~~ child care ~~program~~ provider shall be paid for providing 47391
publicly funded child care for up to five days after that 47392
determination if the county department received a completed 47393
application with all required documentation. A program may appeal 47394
a denial of payment under this division. 47395

(c) If a caretaker parent who has been determined eligible to 47396
receive publicly funded child care no longer meets the 47397

requirements of division (A)(2)(a)(ii) of this section, the 47398
caretaker parent may continue to receive publicly funded child 47399
care for a period of up to thirteen weeks not to extend beyond the 47400
caretaker parent's twelve-month eligibility period. ~~Such~~ 47401
~~authorization may be given only once during a twelve month period.~~ 47402

(d) If a child turns thirteen, or if a child receiving 47403
special needs child care turns eighteen, during the twelve-month 47404
eligibility period, the caretaker parent may continue to receive 47405
publicly funded child care until the end of that twelve-month 47406
period. 47407

Subject to available funds, the department of job and family 47408
services shall allow a family to receive publicly funded child 47409
care unless the family's income exceeds the maximum income 47410
eligibility limit. Initial and continued eligibility for publicly 47411
funded child care is subject to available funds unless the family 47412
is receiving child care pursuant to division (A)(1), (2), (3), or 47413
(4) of section 5104.30 of the Revised Code. If the department must 47414
limit eligibility due to lack of available funds, it shall give 47415
first priority for publicly funded child care to an assistance 47416
group whose income is not more than the maximum income eligibility 47417
limit that received transitional child care in the previous month 47418
but is no longer eligible because the twelve-month period has 47419
expired. Such an assistance group shall continue to receive 47420
priority for publicly funded child care until its income exceeds 47421
the maximum income eligibility limit. 47422

(3) An assistance group that ceases to participate in the 47423
Ohio works first program established under Chapter 5107. of the 47424
Revised Code is eligible for transitional child care at any time 47425
during the immediately following twelve-month period that both of 47426
the following apply: 47427

(a) The assistance group requires child care due to 47428
employment; 47429

(b) The assistance group's income is not more than one 47430
hundred fifty per cent of the federal poverty line. 47431

An assistance group ineligible to participate in the Ohio 47432
works first program pursuant to section 5101.83 or section 5107.16 47433
of the Revised Code is not eligible for transitional child care. 47434

(B) To the extent permitted by federal law, the department of 47435
job and family services may require a caretaker parent determined 47436
to be eligible for publicly funded child care to pay a fee 47437
according to the schedule of fees established in rules adopted 47438
under section 5104.38 of the Revised Code. The department shall 47439
make protective child care services and homeless child care 47440
services available to children without regard to the income or 47441
assets of the caretaker parent of the child. 47442

(C) A caretaker parent receiving publicly funded child care 47443
shall report to the entity that determined eligibility any changes 47444
in status with respect to employment or participation in a program 47445
of education or training not later than ten calendar days after 47446
the change occurs. 47447

(D) If the department of job and family services determines 47448
that available resources are not sufficient to provide publicly 47449
funded child care to all eligible families who request it, the 47450
department may establish a waiting list. The department may 47451
establish separate waiting lists within the waiting list based on 47452
income. 47453

(E) A caretaker parent shall not receive ~~full-time~~ publicly 47454
funded child care from more than one child care provider per child 47455
during a week, unless a county department grants the family an 47456
exemption for one of the following reasons: 47457

~~(a)~~ (1) The child needs additional care during non-traditional 47458
hours; 47459

~~(b)~~ (2) The child needs to change providers in the middle of 47460

the week and the hours of care provided by the providers do not 47461
overlap; 47462

~~(e)~~(3) The child's provider is closed on scheduled school 47463
days off or on calamity days; 47464

~~(d)~~(4) The child is enrolled in a part-time program 47465
participating in the tiered quality rating and improvement system 47466
established under section ~~5104.30~~ 5104.29 of the Revised Code and 47467
needs care from an additional part-time provider. 47468

(F) As used in this section, "maximum income eligibility 47469
limit" means the amount of income specified in rules adopted under 47470
division (A) of section 5104.38 of the Revised Code. 47471

Sec. 5104.38. In addition to any other rules adopted under 47472
this chapter, the director of job and family services shall adopt 47473
rules in accordance with Chapter 119. of the Revised Code 47474
governing financial and administrative requirements for publicly 47475
funded child care and establishing all of the following: 47476

(A) Procedures and criteria to be used in making 47477
determinations of eligibility for publicly funded child care that 47478
give priority to children of families with lower incomes and 47479
procedures and criteria for eligibility for publicly funded 47480
protective child care or homeless child care. The rules shall 47481
specify the maximum amount of income a family may have for initial 47482
and continued eligibility. The maximum amount shall not exceed 47483
three hundred per cent of the federal poverty line. The rules may 47484
specify exceptions to the eligibility requirements in the case of 47485
a family that previously received publicly funded child care and 47486
is seeking to have the child care reinstated after the family's 47487
eligibility was terminated. 47488

(B) Procedures under which an applicant for publicly funded 47489
child care may receive publicly funded child care while the county 47490

department of job and family services determines eligibility and 47491
under which a ~~licensed~~ child care ~~program~~ provider may appeal a 47492
denial of payment under division (A)(2)(b) of section 5104.34 of 47493
the Revised Code; 47494

(C) A schedule of fees requiring all eligible caretaker 47495
parents to pay a fee for publicly funded child care according to 47496
income and family size, which shall be uniform for all types of 47497
publicly funded child care, except as authorized by rule, and, to 47498
the extent permitted by federal law, shall permit the use of state 47499
and federal funds to pay the customary deposits and other advance 47500
payments that a provider charges all children who receive child 47501
care from that provider. 47502

(D) A formula for determining the amount of state and federal 47503
funds appropriated for publicly funded child care that may be 47504
allocated to a county department to use for administrative 47505
purposes; 47506

(E) Procedures to be followed by the department and county 47507
departments in recruiting individuals and groups to become 47508
providers of child care; 47509

(F) Procedures to be followed in establishing state or local 47510
programs designed to assist individuals who are eligible for 47511
publicly funded child care in identifying the resources available 47512
to them and to refer the individuals to appropriate sources to 47513
obtain child care; 47514

(G) Procedures to deal with fraud and abuse committed by 47515
either recipients or providers of publicly funded child care; 47516

(H) Procedures for establishing a child care grant or loan 47517
program in accordance with the child care block grant act; 47518

(I) Standards and procedures for applicants to apply for 47519
grants and loans, and for the department to make grants and loans; 47520

(J) A definition of "person who stands in loco parentis" for 47521
the purposes of division ~~(JJ)(1)~~(LL)(3) of section 5104.01 of the 47522
Revised Code; 47523

(K) Procedures for a county department of job and family 47524
services to follow in making eligibility determinations and 47525
redeterminations for publicly funded child care available through 47526
telephone, computer, and other means at locations other than the 47527
county department; 47528

(L) If the director establishes a different reimbursement 47529
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 47530
Code, standards and procedures for determining the amount of the 47531
higher payment that is to be issued to a child care provider based 47532
on the special needs of the child being served; 47533

(M) To the extent permitted by federal law, procedures for 47534
paying for up to thirty days of child care for a child whose 47535
caretaker parent is seeking employment, taking part in employment 47536
orientation activities, or taking part in activities in 47537
anticipation of enrolling in or attending an education or training 47538
program or activity, if the employment or the education or 47539
training program or activity is expected to begin within the 47540
thirty-day period; 47541

(N) Any other rules necessary to carry out sections 5104.30 47542
to 5104.43 of the Revised Code. 47543

Sec. 5104.41. A child and the child's caretaker ~~who either~~ 47544
~~temporarily reside in a facility providing emergency shelter for~~ 47545
~~homeless families or are determined by the county department of~~ 47546
~~job and family services to be homeless, and~~ who are otherwise 47547
ineligible for publicly funded child care, are eligible for 47548
~~protective~~ homeless child care for the lesser of the following: 47549

(A) ~~Ninety~~ Not more than ninety days; 47550

(B) The period of time they reside in ~~the~~ a facility 47551
providing emergency shelter, ~~if they qualified for protective~~ 47552
~~child care because they reside in the shelter,~~ for homeless 47553
families or the period of time in which the county department 47554
determines they are homeless. 47555

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 47556
Revised Code shall be punished as follows: 47557

(1) For each offense, the offender shall be fined not less 47558
than one hundred dollars nor more than five hundred dollars 47559
multiplied by the number of children receiving child care at the 47560
child day-care center or type A family day-care home that either 47561
exceeds the number of children to which a type B family day-care 47562
home may provide child care or, if the offender is a licensed type 47563
A family day-care home that is operating as a child day-care 47564
center without being licensed as a center, exceeds the license 47565
capacity of the type A home. 47566

(2) In addition to the fine specified in division (A)(1) of 47567
this section, all of the following apply: 47568

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 47569
of this section, the court shall order the offender to reduce the 47570
number of children to which it provides child care to a number 47571
that does not exceed either the number of children to which a type 47572
B family day-care home may provide child care or, if the offender 47573
is a licensed type A family day-care home that is operating as a 47574
child day-care center without being licensed as a center, the 47575
license capacity of the type A home. 47576

(b) If the offender previously has been convicted of or 47577
pleaded guilty to one violation of section 5104.02 of the Revised 47578
Code, the court shall order the offender to cease the provision of 47579
child care to any person until it obtains a child day-care center 47580
license or a type A family day-care home license, as appropriate, 47581

under section 5104.03 of the Revised Code. 47582

(c) If the offender previously has been convicted of or 47583
pleaded guilty to two violations of section 5104.02 of the Revised 47584
Code, the offender is guilty of a misdemeanor of the first degree, 47585
and the court shall order the offender to cease the provision of 47586
child care to any person until it obtains a child day-care center 47587
license or a type A family day-care home license, as appropriate, 47588
under section 5104.03 of the Revised Code. The court shall impose 47589
the fine specified in division (A)(1) of this section and may 47590
impose an additional fine provided that the total amount of the 47591
fines so imposed does not exceed the maximum fine authorized for a 47592
misdemeanor of the first degree under section 2929.28 of the 47593
Revised Code. 47594

(d) If the offender previously has been convicted of or 47595
pleaded guilty to three or more violations of section 5104.02 of 47596
the Revised Code, the offender is guilty of a felony of the fifth 47597
degree, and the court shall order the offender to cease the 47598
provision of child care to any person until it obtains a child 47599
day-care center license or a type A family day-care home license, 47600
as appropriate, under section 5104.03 of the Revised Code. The 47601
court shall impose the fine specified in division (A)(1) of this 47602
section and may impose an additional fine provided that the total 47603
amount of the fines so imposed does not exceed the maximum fine 47604
authorized for a felony of the fifth degree under section 2929.18 47605
of the Revised Code. 47606

~~(B) Whoever violates division (M)(4) of section 5104.013 of~~ 47607
~~the Revised Code is guilty of a misdemeanor of the first degree.~~ 47608
~~If the offender is a licensee of a center, type A home, or~~ 47609
~~licensed type B home, the conviction shall constitute grounds for~~ 47610
~~denial or revocation of an application for licensure pursuant to~~ 47611
~~section 5104.04 of the Revised Code. Except as otherwise provided~~ 47612
~~in this division, the offense established under division (M)(4) of~~ 47613

~~section 5104.013 of the Revised Code is a strict liability offense, and section 2901.20 of the Revised Code does not apply. If the offender is a person eighteen years of age or older residing in a type A home or licensed type B home or is an employee of a center, type A home, or licensed type B home and if the licensee had knowledge of, and acquiesced in, the commission of the offense, the conviction shall constitute grounds for denial or revocation of an application for licensure pursuant to section 5104.04 of the Revised Code.~~

~~(C) Whoever violates section 5104.09 of the Revised Code is guilty of a misdemeanor of the third degree.~~

Sec. 5119.185. (A) As used in this section, "physician":

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Clinician" means any of the following:

(a) An advanced practice registered nurse;

(b) A physician;

(c) A physician assistant.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(B) The department of mental health and addiction services may establish a ~~physician~~ clinician recruitment program under which the department agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a ~~physician~~ clinician who agrees to provide services to inpatients

and outpatients of institutions under the department's 47643
administration. To be eligible to participate in the program, a 47644
~~physician~~ clinician must have attended the following: 47645

(1) In the case of a physician, a school that was, at the 47646
time of attendance, a medical school or osteopathic medical school 47647
in this country accredited by the liason committee on medical 47648
education or the American osteopathic association, or a medical 47649
school or osteopathic medical school located outside this country 47650
that was acknowledged by the world health organization and 47651
verified by a member state of that organization as operating 47652
within that state's jurisdiction; 47653

(2) In the case of a physician assistant, a school that was, 47654
at the time of attendance, accredited by the accreditation review 47655
commission on education for the physician assistant or a regional 47656
or specialized and professional accrediting agency recognized by 47657
the council for higher education accreditation; 47658

(3) In the case of an advanced practice registered nurse, a 47659
school that was, at the time of attendance, accredited by a 47660
national or regional accrediting organization. 47661

(C) The department shall enter into a contract with each 47662
~~physician~~ clinician it recruits under this section. Each contract 47663
shall include at least the following terms: 47664

(1) The ~~physician~~ clinician agrees to provide a specified 47665
scope of ~~medical or osteopathic medical~~ health care services for a 47666
specified number of hours per week and a specified number of years 47667
to patients of one or more specified institutions administered by 47668
the department. 47669

(2) The department agrees to repay all or a specified portion 47670
of the principal and interest of a government or other educational 47671
loan taken by the ~~physician~~ clinician for the following expenses 47672
if the ~~physician~~ clinician meets the service obligation agreed to 47673

and the expenses were incurred while the ~~physician~~ clinician was 47674
enrolled in, for up to a maximum of four years, a school that 47675
qualifies the ~~physician~~ clinician to participate in the program: 47676

(a) Tuition; 47677

(b) Other educational expenses for specific purposes, 47678
including fees, books, and laboratory expenses, in amounts 47679
determined to be reasonable in accordance with rules adopted under 47680
division (D) of this section; 47681

(c) Room and board, in an amount determined to be reasonable 47682
in accordance with rules adopted under division (D) of this 47683
section. 47684

(3) The ~~physician~~ clinician agrees to pay the department a 47685
specified amount, which shall be not less than the amount already 47686
paid by the department pursuant to its agreement, as damages if 47687
the ~~physician~~ clinician fails to complete the service obligation 47688
agreed to or fails to comply with other specified terms of the 47689
contract. The contract may vary the amount of damages based on the 47690
portion of the ~~physician's~~ clinician's service obligation that 47691
remains uncompleted as determined by the department. 47692

(4) Other terms agreed upon by the parties. 47693

(D) If the department elects to implement the ~~physician~~ 47694
clinician recruitment program, it shall adopt rules in accordance 47695
with Chapter 119. of the Revised Code that establish all of the 47696
following: 47697

(1) Criteria for designating institutions for which 47698
~~physicians~~ clinicians will be recruited; 47699

(2) Criteria for selecting ~~physicians~~ clinicians for 47700
participation in the program; 47701

(3) Criteria for determining the portion of a ~~physician's~~ 47702
clinician's loan that the department will agree to repay; 47703

(4) Criteria for determining reasonable amounts of the 47704
expenses described in divisions (C)(2)(b) and (c) of this section; 47705

(5) Procedures for monitoring compliance by ~~physicians~~ 47706
clinicians with the terms of their contracts; 47707

(6) Any other criteria or procedures necessary to implement 47708
the program. 47709

Sec. 5119.19. (A)(1) As used in this section, ~~"psychotropic:~~ 47710

(a) "Prescribed drug" has the same meaning as in section 47711
5164.01 of the Revised Code. 47712

(b) "Psychotropic drug" means, except as provided in division 47713
(A)(2) of this section, a drug that has the capability of changing 47714
or controlling mental functioning or behavior through direct 47715
pharmacological action. "Psychotropic drug" includes all of the 47716
following: 47717

~~(a)(i)~~ (i) Antipsychotic medications, including those 47718
administered or dispensed in a long-acting injectable form; 47719

~~(b)(ii)~~ (ii) Antidepressant medications; 47720

~~(c)(iii)~~ (iii) Anti-anxiety medications; 47721

~~(d)(iv)~~ (iv) Mood stabilizing medications. 47722

(2) "Psychotropic drug" excludes a stimulant prescribed for 47723
the treatment of attention deficit hyperactivity disorder. 47724

(B) There is hereby created the psychotropic drug 47725
reimbursement program. The program shall be administered by the 47726
department of mental health and addiction services. 47727

The purpose of the program is to provide state reimbursement 47728
to counties for the cost of psychotropic drugs that are dispensed 47729
to inmates of county jails in this state. The Each county shall 47730
ensure that inmates have access to all psychotropic drugs that are 47731
prescribed drugs covered by the fee-for-service component of the 47732

medicaid program. 47733

The department, based on factors it considers appropriate, 47734
shall allocate an amount to each county for reimbursement of such 47735
psychotropic drug costs incurred by the county. 47736

(C) The director of mental health and addiction services may 47737
adopt rules as necessary to implement this section. The rules, if 47738
adopted, shall be adopted in accordance with Chapter 119. of the 47739
Revised Code. 47740

Sec. 5119.44. As used in this section, "free clinic" has the 47741
same meaning as in section 2305.2341 of the Revised Code. 47742

(A) The department of mental health and addiction services 47743
may provide certain goods and services for the department of 47744
mental health and addiction services, the department of 47745
developmental disabilities, the department of rehabilitation and 47746
correction, the department of youth services, and other state, 47747
county, or municipal agencies requesting such goods and services 47748
when the department of mental health and addiction services 47749
determines that it is in the public interest, and considers it 47750
advisable, to provide these goods and services. The department of 47751
mental health and addiction services also may provide goods and 47752
services to agencies operated by the United States government and 47753
to public or private nonprofit agencies, other than free clinics, 47754
that are funded in whole or in part by the state if the public or 47755
private nonprofit agencies are designated for participation in 47756
this program by the director of mental health and addiction 47757
services for community addiction services providers and community 47758
mental health services providers, the director of developmental 47759
disabilities for community developmental disabilities agencies, 47760
the director of rehabilitation and correction for community 47761
rehabilitation and correction agencies, or the director of youth 47762
services for community youth services agencies. 47763

Designated community agencies or services providers shall 47764
receive goods and services through the department of mental health 47765
and addiction services only in those cases where the designating 47766
state agency certifies that providing such goods and services to 47767
the agency or services provider will conserve public resources to 47768
the benefit of the public and where the provision of such goods 47769
and services is considered feasible by the department of mental 47770
health and addiction services. 47771

(B) The department of mental health and addiction services 47772
may permit free clinics to purchase certain goods and services to 47773
the extent the purchases fall within the exemption to the 47774
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 47775
institutions, in 15 U.S.C. 13c, as amended. 47776

(C) The goods and services that may be provided by the 47777
department of mental health and addiction services under divisions 47778
(A) and (B) of this section may include: 47779

(1) Procurement, storage, processing, and distribution of 47780
food and professional consultation on food operations; 47781

(2) Procurement, storage, and distribution of medical and 47782
laboratory supplies, dental supplies, medical records, forms, 47783
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 47784
~~Revised Code;~~ 47785

(3) Procurement, storage, repackaging, distribution, and 47786
dispensing of drugs, the provision of professional pharmacy 47787
consultation, and drug information services; 47788

(4) Other goods and services. 47789

(D) The department of mental health and addiction services 47790
may provide the goods and services designated in division (C) of 47791
this section to its institutions and to state-operated 47792
community-based mental health or addiction services providers. 47793

(E) After consultation with and advice from the director of 47794
developmental disabilities, the director of rehabilitation and 47795
correction, and the director of youth services, the department of 47796
mental health and addiction services may provide the goods and 47797
services designated in division (C) of this section to the 47798
department of developmental disabilities, the department of 47799
rehabilitation and correction, and the department of youth 47800
services. 47801

(F) The cost of administration of this section shall be 47802
determined by the department of mental health and addiction 47803
services and paid by the agencies, services providers, or free 47804
clinics receiving the goods and services to the department for 47805
deposit in the state treasury to the credit of the Ohio pharmacy 47806
services fund, which is hereby created. The fund shall be used to 47807
pay the cost of administration of this section to the department. 47808

(G) Whenever a state agency fails to make a payment for goods 47809
and services provided under this section within thirty-one days 47810
after the date the payment was due, the office of budget and 47811
management may transfer moneys from the state agency to the 47812
department of mental health and addiction services. The amount 47813
transferred shall not exceed the amount of overdue payments. Prior 47814
to making a transfer under this division, the office of budget and 47815
management shall apply any credits the state agency has 47816
accumulated in payments for goods and services provided under this 47817
section. 47818

(H) Purchases of goods and services under this section are 47819
not subject to section 307.86 of the Revised Code. 47820

Sec. 5120.10. (A)(1) The director of rehabilitation and 47821
correction, by rule, shall promulgate minimum standards for jails 47822
in Ohio, including minimum security jails dedicated under section 47823
341.34 or 753.21 of the Revised Code. Whenever the director files 47824

a rule or an amendment to a rule in final form with both the 47825
secretary of state and the director of the legislative service 47826
commission pursuant to section 111.15 of the Revised Code, the 47827
director of rehabilitation and correction promptly shall send a 47828
copy of the rule or amendment, if the rule or amendment pertains 47829
to minimum jail standards, by ordinary mail to the political 47830
subdivisions or affiliations of political subdivisions that 47831
operate jails to which the standards apply. 47832

(2) The rules promulgated in accordance with division (A)(1) 47833
of this section shall serve as criteria for the investigative and 47834
supervisory powers and duties vested by division (D) of this 47835
section in the division of parole and community services of the 47836
department of rehabilitation and correction or in another division 47837
of the department to which those powers and duties are assigned. 47838

(B) The director may initiate an action in the court of 47839
common pleas of the county in which a facility that is subject to 47840
the rules promulgated under division (A)(1) of this section is 47841
situated to enjoin compliance with the minimum standards for jails 47842
or with the minimum standards and minimum renovation, 47843
modification, and construction criteria for ~~minimum security~~ 47844
jails. 47845

(C) Upon the request of an administrator of a jail facility, 47846
the chief executive of a municipal corporation, or a board of 47847
county commissioners, the director of rehabilitation and 47848
correction or the director's designee shall grant a variance from 47849
the minimum standards for jails in Ohio for a facility that is 47850
subject to one of those minimum standards when the director 47851
determines that strict compliance with the minimum standards would 47852
cause unusual, practical difficulties or financial hardship, that 47853
existing or alternative practices meet the intent of the minimum 47854
standards, and that granting a variance would not seriously affect 47855
the security of the facility, the supervision of the inmates, or 47856

the safe, healthful operation of the facility. If the director or 47857
the director's designee denies a variance, the applicant may 47858
appeal the denial pursuant to section 119.12 of the Revised Code. 47859

(D) The following powers and duties shall be exercised by the 47860
division of parole and community services unless assigned to 47861
another division by the director: 47862

(1) The investigation and supervision of county and municipal 47863
jails, workhouses, minimum security jails, and other correctional 47864
institutions and agencies; 47865

(2) The review and approval of plans submitted to the 47866
department of rehabilitation and correction pursuant to division 47867
(E) of this section; 47868

(3) The management and supervision of the adult parole 47869
authority created by section 5149.02 of the Revised Code; 47870

(4) The review and approval of proposals for community-based 47871
correctional facilities and programs and district community-based 47872
correctional facilities and programs that are submitted pursuant 47873
to division (B) of section 2301.51 of the Revised Code; 47874

(5) The distribution of funds made available to the division 47875
for purposes of assisting in the renovation, maintenance, and 47876
operation of community-based correctional facilities and programs 47877
and district community-based correctional facilities and programs 47878
in accordance with section 5120.112 of the Revised Code; 47879

(6) The performance of the duty imposed upon the department 47880
of rehabilitation and correction in section 5149.31 of the Revised 47881
Code to establish and administer a program of subsidies to 47882
eligible municipal corporations, counties, and groups of 47883
contiguous counties for the development, implementation, and 47884
operation of community-based corrections programs; 47885

(7) Licensing halfway houses and community residential 47886

centers for the care and treatment of adult offenders in 47887
accordance with section 2967.14 of the Revised Code; 47888

(8) Contracting with a public or private agency or a 47889
department or political subdivision of the state that operates a 47890
licensed halfway house or community residential center for the 47891
provision of housing, supervision, and other services to parolees, 47892
releasees, persons placed under a residential sanction, persons 47893
under transitional control, and other eligible offenders in 47894
accordance with section 2967.14 of the Revised Code. 47895

Other powers and duties may be assigned by the director of 47896
rehabilitation and correction to the division of parole and 47897
community services. This section does not apply to the department 47898
of youth services or its institutions or employees. 47899

(E) No plan for any new jail, workhouse, or lockup, and no 47900
plan for a substantial addition or alteration to an existing jail, 47901
workhouse, or lockup, shall be adopted unless the officials 47902
responsible for adopting the plan have submitted the plan to the 47903
department of rehabilitation and correction for approval, and the 47904
department has approved the plan as provided in division (D)(2) of 47905
this section. 47906

Sec. 5120.112. (A) The division of parole and community 47907
services shall accept applications for state financial assistance 47908
for the renovation, maintenance, and operation of proposed and 47909
approved community-based correctional facilities and programs and 47910
district community-based correctional facilities and programs that 47911
are filed in accordance with section 2301.56 of the Revised Code. 47912
The division, upon receipt of an application for a particular 47913
facility and program, shall determine whether the application is 47914
in proper form, whether the applicant satisfies the standards of 47915
operation that are prescribed by the department of rehabilitation 47916
and correction under section 5120.111 of the Revised Code, whether 47917

the applicant has established the facility and program, and, if 47918
the applicant has not at that time established the facility and 47919
program, whether the proposal of the applicant sufficiently 47920
indicates that the standards will be satisfied upon the 47921
establishment of the facility and program. If the division 47922
determines that the application is in proper form and that the 47923
applicant has satisfied or will satisfy the standards of the 47924
department, the division shall notify the applicant that it is 47925
qualified to receive state financial assistance for the facility 47926
and program under this section from moneys made available to the 47927
division for purposes of providing assistance to community-based 47928
correctional facilities and programs and district community-based 47929
correctional facilities and programs. 47930

(B) The amount of state financial assistance that is awarded 47931
to a qualified applicant under this section shall be determined by 47932
the division of parole and community services in accordance with 47933
this division. In determining the amount of state financial 47934
assistance to be awarded to a qualified applicant under this 47935
section, the division shall not calculate the cost of an offender 47936
incarcerated in a community-based correctional facility and 47937
program or district community-based correctional facility program 47938
to be greater than the average yearly cost of incarceration per 47939
inmate in all state correctional institutions, as defined in 47940
section 2967.01 of the Revised Code, as determined by the 47941
department of rehabilitation and correction. 47942

The times and manner of distribution of state financial 47943
assistance to be awarded to a qualified applicant under this 47944
section shall be determined by the division of parole and 47945
community services. 47946

(C) Upon approval of a proposal for a community-based 47947
correctional facility and program or a district community-based 47948
correctional facility and program by the division of parole and 47949

community services, the facility governing board, upon the advice 47950
of the judicial advisory board, shall enter into an award 47951
agreement with the department of rehabilitation and correction 47952
that outlines terms and conditions of the agreement ~~on an annual~~ 47953
~~basis. The agreement shall not be effective for longer than the~~ 47954
state fiscal biennium in which the financial assistance is to be 47955
awarded. In the award agreement, the facility governing board 47956
shall identify a fiscal agent responsible for the deposit of funds 47957
and compliance with sections 2301.55 and 2301.56 of the Revised 47958
Code. 47959

(D) No state financial assistance shall be distributed to a 47960
qualified applicant until an agreement concerning the assistance 47961
has been entered into by the director of rehabilitation and 47962
correction and the deputy director of the division of parole and 47963
community services on the part of the state, and by the 47964
chairperson of the facility governing board of the community-based 47965
correctional facility and program or district community-based 47966
correctional facility and program to receive the financial 47967
assistance, whichever is applicable. The agreement shall not be 47968
~~effective for a period of one year from the date of the agreement~~ 47969
longer than the state fiscal biennium in which the financial 47970
assistance is to be awarded, and shall specify all terms and 47971
conditions that are applicable to the awarding of the assistance, 47972
including, but not limited to: 47973

(1) The total amount of assistance to be awarded for each 47974
community-based correctional facility and program or district 47975
community-based correctional facility and program, and the times 47976
and manner of the payment of the assistance; 47977

(2) How persons who will staff and operate the facility and 47978
program are to be utilized during the period for which the 47979
assistance is to be granted, including descriptions of their 47980
positions and duties, and their salaries and fringe benefits; 47981

(3) A statement that none of the persons who will staff and
operate the facility and program, including those who are
receiving some or all of their salaries out of funds received by
the facility and program as state financial assistance, are
employees or are to be considered as being employees of the
department of rehabilitation and correction, and a statement that
the employees who will staff and operate that facility and program
are employees of the facility and program;

(4) A list of the type of expenses, other than salaries of
persons who will staff and operate the facility and program, for
which the state financial assistance can be used, and a
requirement that purchases made with funds received as state
financial assistance follow established fiscal guidelines as
determined by the division of parole and community services and
any applicable sections of the Revised Code, including, but not
limited to, sections 125.01 to 125.11 and Chapter 153. of the
Revised Code;

(5) The accounting procedures that are to be used by the
facility and program in relation to the state financial
assistance;

(6) A requirement that the facility and program file reports,
during the period that it receives state financial assistance,
with the division of parole and community services, which reports
shall be statistical in nature and shall contain that information
required under a research design agreed upon by all parties to the
agreement, for purposes of evaluating the facility and program;

(7) A requirement that the facility and program comply with
standards of operation as prescribed by the department under
section 5120.111 of the Revised Code, and with all information
submitted on its application;

(8) A statement that the facility and program will make a

reasonable effort to augment the funding received from the state. 48013

(E)(1) No state financial assistance shall be distributed to 48014
a qualified applicant until its proposal for a community-based 48015
correctional facility and program or district community-based 48016
correctional facility and program has been approved by the 48017
division of parole and community services. 48018

(2) State financial assistance may be denied to any applicant 48019
if it fails to comply with the terms of any agreement entered into 48020
pursuant to division (D) of this section. 48021

(F) The division of parole and community services may expend 48022
up to one-half per cent of the annual appropriation made for 48023
community-based correctional facility programs, for goods or 48024
services that benefit those programs. 48025

Sec. 5122.43. (A) Costs, fees, and expenses of all 48026
proceedings held under this chapter shall be paid as follows: 48027

(1) To police and health officers, other than sheriffs or 48028
their deputies, the same fees allowed to constables, to be paid 48029
upon the approval of the probate judge; 48030

(2) To sheriffs or their deputies, the same fees allowed for 48031
similar services in the court of common pleas; 48032

(3) To physicians or licensed clinical psychologists acting 48033
as expert witnesses and to other expert witnesses designated by 48034
the court, an amount determined by the court; 48035

(4) To other witnesses, the same fees and mileage as for 48036
attendance at the court of common pleas, to be paid upon the 48037
approval of the probate judge; 48038

(5) To a person, other than the sheriff or the sheriff's 48039
deputies, for taking a mentally ill person to a hospital or 48040
removing a mentally ill person from a hospital, the actual 48041
necessary expenses incurred, specifically itemized, and approved 48042

by the probate judge; 48043

(6) To assistants who convey mentally ill persons to the 48044
hospital when authorized by the probate judge, a fee set by the 48045
probate court, provided the assistants are not drawing a salary 48046
from the state or any political subdivision of the state, and 48047
their actual necessary expenses incurred, provided that the 48048
expenses are specifically itemized and approved by the probate 48049
judge; 48050

(7) To an attorney appointed by the probate division for an 48051
indigent who allegedly is a mentally ill person pursuant to any 48052
section of this chapter or a person suffering from alcohol and 48053
other drug abuse and who may be ordered under sections 5119.91 to 48054
5119.98 of the Revised Code to undergo treatment, the fees that 48055
are determined by the probate division. When those indigent 48056
persons are before the court, all filing and recording fees shall 48057
be waived. 48058

(8) To a referee who is appointed to conduct proceedings 48059
under this chapter that involve a respondent whose domicile is or, 48060
before the respondent's hospitalization, was not the county in 48061
which the proceedings are held, compensation as fixed by the 48062
probate division, but not more than the compensation paid for 48063
similar proceedings for respondents whose domicile is in the 48064
county in which the proceedings are held; 48065

(9) To a court reporter appointed to make a transcript of 48066
proceedings under this chapter, the compensation and fees allowed 48067
in other cases under section 2101.08 of the Revised Code. 48068

(B) A county shall pay for the costs, fees, and expenses 48069
described in division (A) of this section with money appropriated 48070
pursuant to section 2101.11 of the Revised Code. A county may seek 48071
reimbursement from the department of mental health and addiction 48072
services by submitting a request and certification by the county 48073

auditor of the costs, fees, and expenses to the department within 48074
two months of the date the costs, fees, and expenses are incurred 48075
by the county. 48076

Each fiscal year, based on past allocations, historical 48077
utilization, and other factors the department considers 48078
appropriate, the department shall allocate for each county an 48079
amount for reimbursements under this section. A county's 48080
allocation may be zero. The department shall set aside an amount 48081
in addition to the allocations to cover court costs associated 48082
with proceedings held under this chapter for counties that 48083
received an allocation of zero but that incurred expenditures 48084
authorized by the department. The total of all the allocations 48085
plus the additional amount set aside shall equal the amount 48086
appropriated for the fiscal year to the department specifically 48087
for the purposes of this section. 48088

On receipt, the department shall review each request for 48089
reimbursement and prepare a voucher for the amount of the costs, 48090
fees, and expenses incurred by the county, provided that the total 48091
amount of money paid to all counties in each fiscal year shall not 48092
exceed the total amount of moneys specifically appropriated to the 48093
department for these purposes. 48094

The department's total reimbursement to each county shall be 48095
the lesser of the full amount requested or either the amount 48096
allocated for the county under this division, or, for counties 48097
that received an allocation of zero, the amount approved by the 48098
department. In addition, the department shall distribute any 48099
surplus remaining from the money appropriated for the fiscal year 48100
to the department for the purposes of this section as follows to 48101
counties whose full requests exceed their allocations: 48102

(1) If the surplus is sufficient to reimburse such counties 48103
the full amount of their requests, each such county shall receive 48104
the full amount of its request; 48105

(2) If the surplus is insufficient, each such county shall 48106
receive a percentage of the surplus determined by dividing the 48107
difference between the county's full request and its allocation by 48108
the difference between the total of the full requests of all such 48109
counties and the total of the amounts allocated for all such 48110
counties. 48111

The department may adopt rules in accordance with Chapter 48112
119. of the Revised Code to implement the payment of costs, fees, 48113
and expenses under this section. 48114

Sec. 5123.01. As used in this chapter: 48115

(A) "Chief medical officer" means the licensed physician 48116
appointed by the managing officer of an institution for persons 48117
with intellectual disabilities with the approval of the director 48118
of developmental disabilities to provide medical treatment for 48119
residents of the institution. 48120

(B) "Chief program director" means a person with special 48121
training and experience in the diagnosis and management of persons 48122
with developmental disabilities, certified according to division 48123
(C) of this section in at least one of the designated fields, and 48124
appointed by the managing officer of an institution for persons 48125
with intellectual disabilities with the approval of the director 48126
to provide habilitation and care for residents of the institution. 48127

(C) "Comprehensive evaluation" means a study, including a 48128
sequence of observations and examinations, of a person leading to 48129
conclusions and recommendations formulated jointly, with 48130
dissenting opinions if any, by a group of persons with special 48131
training and experience in the diagnosis and management of persons 48132
with developmental disabilities, which group shall include 48133
individuals who are professionally qualified in the fields of 48134
medicine, psychology, and social work, together with such other 48135
specialists as the individual case may require. 48136

(D) "Education" means the process of formal training and 48137
instruction to facilitate the intellectual and emotional 48138
development of residents. 48139

(E) "Habilitation" means the process by which the staff of 48140
the institution assists the resident in acquiring and maintaining 48141
those life skills that enable the resident to cope more 48142
effectively with the demands of the resident's own person and of 48143
the resident's environment and in raising the level of the 48144
resident's physical, mental, social, and vocational efficiency. 48145
Habilitation includes but is not limited to programs of formal, 48146
structured education and training. 48147

(F) "Health officer" means any public health physician, 48148
public health nurse, or other person authorized or designated by a 48149
city or general health district. 48150

(G) "Home and community-based services" means medicaid-funded 48151
home and community-based services specified in division (A)(1) of 48152
section 5166.20 of the Revised Code provided under the medicaid 48153
waiver components the department of developmental disabilities 48154
administers pursuant to section 5166.21 of the Revised Code. 48155
Except as provided in section 5123.0412 of the Revised Code, home 48156
and community-based services provided under the medicaid waiver 48157
component known as the transitions developmental disabilities 48158
waiver are to be considered to be home and community-based 48159
services for the purposes of this chapter, and Chapters 5124. and 48160
5126. of the Revised Code, only to the extent, if any, provided by 48161
the contract required by section 5166.21 of the Revised Code 48162
regarding the waiver. 48163

(H) "ICF/IID" has the same meaning as in section 5124.01 of 48164
the Revised Code. 48165

(I) "Indigent person" means a person who is unable, without 48166
substantial financial hardship, to provide for the payment of an 48167

attorney and for other necessary expenses of legal representation, 48168
including expert testimony. 48169

(J) "Institution" means a public or private facility, or a 48170
part of a public or private facility, that is licensed by the 48171
appropriate state department and is equipped to provide 48172
residential habilitation, care, and treatment for persons with 48173
intellectual disabilities. 48174

(K) "Licensed physician" means a person who holds a valid 48175
~~certificate~~ license issued under Chapter 4731. of the Revised Code 48176
authorizing the person to practice medicine and surgery or 48177
osteopathic medicine and surgery, or a medical officer of the 48178
government of the United States while in the performance of the 48179
officer's official duties. 48180

(L) "Managing officer" means a person who is appointed by the 48181
director of developmental disabilities to be in executive control 48182
of an institution under the jurisdiction of the department of 48183
developmental disabilities. 48184

(M) "Medicaid case management services" means case management 48185
services provided to an individual with a developmental disability 48186
that the state medicaid plan requires. 48187

(N) "Intellectual disability" means a disability 48188
characterized by having significantly subaverage general 48189
intellectual functioning existing concurrently with deficiencies 48190
in adaptive behavior, manifested during the developmental period. 48191

(O) "Person with an intellectual disability subject to 48192
institutionalization by court order" means a person eighteen years 48193
of age or older with at least a moderate level of intellectual 48194
disability and in relation to whom, because of the person's 48195
disability, either of the following conditions exists: 48196

(1) The person represents a very substantial risk of physical 48197
impairment or injury to self as manifested by evidence that the 48198

person is unable to provide for and is not providing for the 48199
person's most basic physical needs and that provision for those 48200
needs is not available in the community; 48201

(2) The person needs and is susceptible to significant 48202
habilitation in an institution. 48203

(P) "Moderate level of intellectual disability" means the 48204
condition in which a person, following a comprehensive evaluation, 48205
is found to have at least moderate deficits in overall 48206
intellectual functioning, as indicated by a full-scale 48207
intelligence quotient test score of fifty-five or below, and at 48208
least moderate deficits in adaptive behavior, as determined in 48209
accordance with the criteria established in the fifth edition of 48210
the diagnostic and statistical manual of mental disorders 48211
published by the American psychiatric association. 48212

(Q) "Developmental disability" means a severe, chronic 48213
disability that is characterized by all of the following: 48214

(1) It is attributable to a mental or physical impairment or 48215
a combination of mental and physical impairments, other than a 48216
mental or physical impairment solely caused by mental illness, as 48217
defined in division (A) of section 5122.01 of the Revised Code. 48218

(2) It is manifested before age twenty-two. 48219

(3) It is likely to continue indefinitely. 48220

(4) It results in one of the following: 48221

(a) In the case of a person under three years of age, at 48222
least one developmental delay, as defined in rules adopted under 48223
section 5123.011 of the Revised Code, or a diagnosed physical or 48224
mental condition that has a high probability of resulting in a 48225
developmental delay, as defined in those rules; 48226

(b) In the case of a person at least three years of age but 48227
under six years of age, at least two developmental delays, as 48228

defined in rules adopted under section 5123.011 of the Revised 48229
Code; 48230

(c) In the case of a person six years of age or older, a 48231
substantial functional limitation in at least three of the 48232
following areas of major life activity, as appropriate for the 48233
person's age: self-care, receptive and expressive language, 48234
learning, mobility, self-direction, capacity for independent 48235
living, and, if the person is at least sixteen years of age, 48236
capacity for economic self-sufficiency. 48237

(5) It causes the person to need a combination and sequence 48238
of special, interdisciplinary, or other type of care, treatment, 48239
or provision of services for an extended period of time that is 48240
individually planned and coordinated for the person. 48241

"Developmental disability" includes intellectual disability. 48242

(R) "State institution" means an institution that is 48243
tax-supported and under the jurisdiction of the department of 48244
developmental disabilities. 48245

(S) "Residence" and "legal residence" have the same meaning 48246
as "legal settlement," which is acquired by residing in Ohio for a 48247
period of one year without receiving general assistance prior to 48248
July 17, 1995, under former Chapter 5113. of the Revised Code, 48249
without receiving financial assistance prior to December 31, 2017, 48250
under former Chapter 5115. of the Revised Code, or assistance from 48251
a private agency that maintains records of assistance given. A 48252
person having a legal settlement in the state shall be considered 48253
as having legal settlement in the assistance area in which the 48254
person resides. No adult person coming into this state and having 48255
a spouse or minor children residing in another state shall obtain 48256
a legal settlement in this state as long as the spouse or minor 48257
children are receiving public assistance, care, or support at the 48258
expense of the other state or its subdivisions. For the purpose of 48259

determining the legal settlement of a person who is living in a 48260
public or private institution or in a home subject to licensing by 48261
the department of job and family services, the department of 48262
mental health and addiction services, or the department of 48263
developmental disabilities, the residence of the person shall be 48264
considered as though the person were residing in the county in 48265
which the person was living prior to the person's entrance into 48266
the institution or home. Settlement once acquired shall continue 48267
until a person has been continuously absent from Ohio for a period 48268
of one year or has acquired a legal residence in another state. A 48269
woman who marries a man with legal settlement in any county 48270
immediately acquires the settlement of her husband. The legal 48271
settlement of a minor is that of the parents, surviving parent, 48272
sole parent, parent who is designated the residential parent and 48273
legal custodian by a court, other adult having permanent custody 48274
awarded by a court, or guardian of the person of the minor, 48275
provided that: 48276

(1) A minor female who marries shall be considered to have 48277
the legal settlement of her husband and, in the case of death of 48278
her husband or divorce, she shall not thereby lose her legal 48279
settlement obtained by the marriage. 48280

(2) A minor male who marries, establishes a home, and who has 48281
resided in this state for one year without receiving general 48282
assistance prior to July 17, 1995, under former Chapter 5113. of 48283
the Revised Code or assistance from a private agency that 48284
maintains records of assistance given shall be considered to have 48285
obtained a legal settlement in this state. 48286

(3) The legal settlement of a child under eighteen years of 48287
age who is in the care or custody of a public or private child 48288
caring agency shall not change if the legal settlement of the 48289
parent changes until after the child has been in the home of the 48290
parent for a period of one year. 48291

No person, adult or minor, may establish a legal settlement 48292
in this state for the purpose of gaining admission to any state 48293
institution. 48294

(T)(1) "Resident" means, subject to division (T)(2) of this 48295
section, a person who is admitted either voluntarily or 48296
involuntarily to an institution or other facility pursuant to 48297
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 48298
Code subsequent to a finding of not guilty by reason of insanity 48299
or incompetence to stand trial or under this chapter who is under 48300
observation or receiving habilitation and care in an institution. 48301

(2) "Resident" does not include a person admitted to an 48302
institution or other facility under section 2945.39, 2945.40, 48303
2945.401, or 2945.402 of the Revised Code to the extent that the 48304
reference in this chapter to resident, or the context in which the 48305
reference occurs, is in conflict with any provision of sections 48306
2945.37 to 2945.402 of the Revised Code. 48307

(U) "Respondent" means the person whose detention, 48308
commitment, or continued commitment is being sought in any 48309
proceeding under this chapter. 48310

(V) "Working day" and "court day" mean Monday, Tuesday, 48311
Wednesday, Thursday, and Friday, except when such day is a legal 48312
holiday. 48313

(W) "Prosecutor" means the prosecuting attorney, village 48314
solicitor, city director of law, or similar chief legal officer 48315
who prosecuted a criminal case in which a person was found not 48316
guilty by reason of insanity, who would have had the authority to 48317
prosecute a criminal case against a person if the person had not 48318
been found incompetent to stand trial, or who prosecuted a case in 48319
which a person was found guilty. 48320

(X) "Court" means the probate division of the court of common 48321
pleas. 48322

(Y) "Supported living" and "residential services" have the 48323
same meanings as in section 5126.01 of the Revised Code. 48324

Sec. 5123.023. (A) The director of developmental disabilities 48325
~~may~~ shall establish an employment first task force consisting of 48326
the departments of developmental disabilities, education, 48327
medicaid, job and family services, and mental health and addiction 48328
services; and the opportunities for Ohioans with disabilities 48329
agency. The purpose of the task force shall be to improve the 48330
coordination of the state's efforts to address the needs of 48331
individuals with developmental disabilities who seek community 48332
employment as defined in section 5123.022 of the Revised Code. 48333
48334

(B) The department of developmental disabilities may enter 48335
into interagency agreements with any of the government entities on 48336
the task force. The interagency agreements may specify either or 48337
both of the following: 48338

(1) The roles and responsibilities of the government entities 48339
that are members of the task force, including any money to be 48340
contributed by those entities; 48341

(2) The projects and activities of the task force. 48342

(C) There is hereby created in the state treasury the 48343
employment first taskforce fund. Any money received by the task 48344
force from its members shall be credited to the fund. The 48345
department of developmental disabilities shall use the fund to 48346
support the work of the task force. 48347

~~(D) The task force shall cease to exist on January 1, 2020.~~ 48348
~~Any money, assets, or employees of the department of developmental~~ 48349
~~disabilities that on that date are dedicated to the work of the~~ 48350
~~task force shall be reallocated by the department for employment~~ 48351
~~services for individuals with developmental disabilities.~~ 48352

Sec. 5123.046. The department of developmental disabilities 48353
shall review each ~~component of the three calendar year~~ annual plan 48354
it receives from a county board of developmental disabilities 48355
under section 5126.054 of the Revised Code and, in consultation 48356
with the department of job and family services and office of 48357
budget and management, approve each ~~component~~ plan that includes 48358
all the information and conditions specified in that section. ~~The~~ 48359
~~third component of the plan shall be approved or disapproved not~~ 48360
~~later than forty five days after the third component is submitted~~ 48361
~~to the department. If the department approves all three components~~ 48362
~~of the plan, the plan is approved. Otherwise, the plan is~~ 48363
~~disapproved.~~ If the plan is disapproved, the department shall take 48364
action against the county board under division (B) of section 48365
5126.056 of the Revised Code. 48366

In approving plans under this section, the department shall 48367
ensure that the aggregate of all plans provide for the increased 48368
enrollment into home and community-based services during each 48369
state fiscal year of at least five hundred individuals who did not 48370
receive residential services, supported living, or home and 48371
community-based services the prior state fiscal year if the 48372
department has enough additional enrollment available for this 48373
purpose. 48374

The department shall establish protocols that the department 48375
shall use to determine whether a county board is complying with 48376
the programmatic and financial accountability mechanisms and 48377
achieving outcomes specified in its approved plan. If the 48378
department determines that a county board is not in compliance 48379
with the mechanisms or achieving the outcomes specified in its 48380
approved plan, the department may take action under division (F) 48381
of section 5126.055 of the Revised Code. 48382

Sec. 5123.0414. (A) When the director of developmental 48383

disabilities, ~~under section 119.07 of the Revised Code,~~ sends a 48384
party a notice by registered or certified mail, return receipt 48385
requested, that the director intends to take action against the 48386
party authorized by section 5123.166, 5123.168, 5123.19, 5123.45, 48387
5123.51, or 5126.25 of the Revised Code and the notice is returned 48388
to the director with an endorsement indicating that the notice was 48389
refused or unclaimed, the director shall resend the notice by 48390
ordinary mail to the party. 48391

(B) If the original notice was refused, the notice shall be 48392
deemed received as of the date the director resends the notice. 48393

(C) If the original notice was unclaimed, the notice shall be 48394
deemed received as of the date the director resends the notice 48395
unless, not later than thirty days after the date the director 48396
sent the original notice, the resent notice is returned to the 48397
director for failure of delivery. 48398

If the notice concerns taking action under section 5123.51 of 48399
the Revised Code and the resent notice is returned to the director 48400
for failure of delivery not later than thirty days after the date 48401
the director sent the original notice, the director shall cause 48402
the notice to be published in a newspaper of general circulation 48403
in the county of the party's last known residence or business and 48404
shall mail a dated copy of the published notice to the party at 48405
the last known address. The notice shall be deemed received as of 48406
the date of the publication. 48407

If the notice concerns taking action under section 5123.166, 48408
5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the 48409
resent notice is returned to the director for failure of delivery 48410
not later than thirty days after the date the director sent the 48411
original notice, the director shall resend the notice to the party 48412
a second time. The notice shall be deemed received as of the date 48413
the director resends the notice the second time. 48414

Sec. 5123.0419. (A) The director of developmental disabilities ~~may~~ shall establish an interagency workgroup on autism. The purpose of the workgroup shall be to improve the coordination of the state's efforts to address the service needs of individuals with autism spectrum disorders and the families of those individuals. In fulfilling this purpose, the director may enter into interagency agreements with the government entities represented by the members of the workgroup. The agreements may specify any or all of the following:

(1) The roles and responsibilities of government entities that enter into the agreements;

(2) Procedures regarding the receipt, transfer, and expenditure of funds necessary to achieve the goals of the workgroup;

(3) The projects to be undertaken and activities to be performed by the government entities that enter into the agreements.

(B) Money received from government entities represented by the members of the workgroup shall be deposited into the state treasury to the credit of the interagency workgroup on autism fund, which is hereby created in the state treasury. Money credited to the fund shall be used by the department of developmental disabilities solely to support the activities of the workgroup.

Sec. 5123.0424. (A) As used in this section:

(1) "Official member" means a member of an official workgroup who was appointed by the director of developmental disabilities.

(2) "Official workgroup" means a workgroup, task force, council, committee, or similar entity that has been established by the director of developmental disabilities under the director's

express or implied statutory authority. 48445

(B) Subject to division (C) of this section, the director of 48446
developmental disabilities may, at the director's discretion, 48447
provide for an official member of an official workgroup to be 48448
reimbursed for actual and necessary travel expenses the member 48449
incurs in the performance of the member's duties on the workgroup, 48450
including attending the workgroup's meetings, if all of the 48451
following apply: 48452

(1) The official member serves on the official workgroup as a 48453
representative of the families of, or advocates for, individuals 48454
with developmental disabilities; 48455

(2) The official member does not receive reimbursement for 48456
the travel expenses from any other source; 48457

(3) The official member does not receive wages or other 48458
compensation from any other source for performing the member's 48459
duties on the official workgroup; and 48460

(4) No statute prohibits official members of the official 48461
workgroup from being reimbursed for travel expenses. 48462

(C) The amount the director provides for an official member 48463
of an official workgroup to be reimbursed under division (B) of 48464
this section shall not exceed the rates the director of budget and 48465
management establishes in rules adopted under division (B) of 48466
section 126.31 of the Revised Code. 48467

Sec. 5123.081. (A) As used in this section: 48468

(1)(a) "Applicant" means any of the following: 48469

(i) A person who is under final consideration for appointment 48470
to or employment with the department of developmental disabilities 48471
or a county board of developmental disabilities; 48472

(ii) A person who is being transferred to the department or a 48473

county board; 48474

(iii) An employee who is being recalled to or reemployed by 48475
the department or a county board after a layoff; 48476

(iv) A person under final consideration for a direct services 48477
position with a provider or subcontractor. 48478

(b) Neither of the following is an applicant: 48479

(i) A person who is employed by a responsible entity in a 48480
position for which a criminal records check is required by this 48481
section and either is being considered for a different position 48482
with the responsible entity or is returning after a leave of 48483
absence or seasonal break in employment, unless the responsible 48484
entity has reason to believe that the person has committed a 48485
disqualifying offense; 48486

(ii) A person who is to provide only respite care under a 48487
family support services program established under section 5126.11 48488
of the Revised Code if a family member of the individual with a 48489
developmental disability who is to receive the respite care 48490
selects the person. 48491

(2) "Criminal records check" has the same meaning as in 48492
section 109.572 of the Revised Code. 48493

(3) "Direct services position" means an employment position 48494
in which the employee has the opportunity to be alone with or 48495
exercises supervision or control over one or more individuals with 48496
developmental disabilities. 48497

(4) "Disqualifying offense" means any of the offenses listed 48498
or described in divisions (A)(3)(a) to (e) of section 109.572 of 48499
the Revised Code. 48500

(5)(a) "Employee" means either of the following: 48501

(i) A person appointed to or employed by the department of 48502
developmental disabilities or a county board of developmental 48503

disabilities; 48504

(ii) A person employed in a direct services position by a 48505
provider or subcontractor. 48506

(b) "Employee" does not mean a person who provides only 48507
respite care under a family support services program established 48508
under section 5126.11 of the Revised Code if a family member of 48509
the individual with a developmental disability who receives the 48510
respite care selected the person. 48511

(6) "Minor drug possession offense" has the same meaning as 48512
in section 2925.01 of the Revised Code. 48513

(7) "Provider" means a person that provides specialized 48514
services to individuals with developmental disabilities and 48515
employs one or more persons in direct services positions. 48516

(8) "Responsible entity" means the following: 48517

(a) The department of developmental disabilities in the case 48518
of either of the following: 48519

(i) A person who is an applicant because the person is under 48520
final consideration for appointment to or employment with the 48521
department, being transferred to the department, or being recalled 48522
to or reemployed by the department after a layoff; 48523

(ii) A person who is an employee because the person is 48524
appointed to or employed by the department. 48525

(b) A county board of developmental disabilities in the case 48526
of either of the following: 48527

(i) A person who is an applicant because the person is under 48528
final consideration for appointment to or employment with the 48529
county board, being transferred to the county board, or being 48530
recalled to or reemployed by the county board after a layoff; 48531

(ii) A person who is an employee because the person is 48532
appointed to or employed by the county board. 48533

(c) A provider in the case of either of the following: 48534

(i) A person who is an applicant because the person is under 48535
final consideration for a direct services position with the 48536
provider; 48537

(ii) A person who is an employee because the person is 48538
employed in a direct services position by the provider. 48539

(d) A subcontractor in the case of either of the following: 48540

(i) A person who is an applicant because the person is under 48541
final consideration for a direct services position with the 48542
subcontractor; 48543

(ii) A person who is an employee because the person is 48544
employed in a direct services position by the subcontractor. 48545

(9) "Specialized services" means any program or service 48546
designed and operated to serve primarily individuals with 48547
developmental disabilities, including a program or service 48548
provided by an entity licensed or certified by the department of 48549
developmental disabilities. If there is a question as to whether a 48550
provider or subcontractor is providing specialized services, the 48551
provider or subcontractor may request that the director of 48552
developmental disabilities make a determination. The director's 48553
determination is final. 48554

(10) "Subcontractor" means a person to which both of the 48555
following apply: 48556

(a) The person has either of the following: 48557

(i) A subcontract with a provider to provide specialized 48558
services included in the contract between the provider and the 48559
department of developmental disabilities or a county board of 48560
developmental disabilities; 48561

(ii) A subcontract with another subcontractor to provide 48562
specialized services included in a subcontract between the other 48563

subcontractor and a provider or other subcontractor. 48564

(b) The person employs one or more persons in direct services 48565
positions. 48566

(B) A responsible entity shall not employ an applicant or 48567
continue to employ an employee if either of the following applies: 48568

(1) The applicant or employee fails to comply with division 48569
(D)(3) of this section. 48570

(2) Except as provided in rules adopted under this section, 48571
the applicant or employee is found by a criminal records check 48572
required by this section to have been convicted of, pleaded guilty 48573
to, or been found eligible for intervention in lieu of conviction 48574
for a disqualifying offense. 48575

(C) Before employing an applicant in a position for which a 48576
criminal records check is required by this section, a responsible 48577
entity shall require the applicant to submit a statement with the 48578
applicant's signature attesting that the applicant has not been 48579
convicted of, pleaded guilty to, or been found eligible for 48580
intervention in lieu of conviction for a disqualifying offense. 48581
The responsible entity also shall require the applicant to sign an 48582
agreement under which the applicant agrees to notify the 48583
responsible entity within fourteen calendar days if, while 48584
employed by the responsible entity, the applicant is formally 48585
charged with, is convicted of, pleads guilty to, or is found 48586
eligible for intervention in lieu of conviction for a 48587
disqualifying offense. The agreement shall provide that the 48588
applicant's failure to provide the notification may result in 48589
termination of the applicant's employment. 48590

(D)(1) As a condition of employing any applicant in a 48591
position for which a criminal records check is required by this 48592
section, a responsible entity shall request the superintendent of 48593
the bureau of criminal identification and investigation to conduct 48594

a criminal records check of the applicant. If rules adopted under 48595
this section require an employee to undergo a criminal records 48596
check, a responsible entity shall request the superintendent to 48597
conduct a criminal records check of the employee at times 48598
specified in the rules as a condition of the responsible entity's 48599
continuing to employ the employee in a position for which a 48600
criminal records check is required by this section. If an 48601
applicant or employee does not present proof that the applicant or 48602
employee has been a resident of this state for the five-year 48603
period immediately prior to the date upon which the criminal 48604
records check is requested, the responsible entity shall request 48605
that the superintendent obtain information from the federal bureau 48606
of investigation as a part of the criminal records check. If the 48607
applicant or employee presents proof that the applicant or 48608
employee has been a resident of this state for that five-year 48609
period, the responsible entity may request that the superintendent 48610
include information from the federal bureau of investigation in 48611
the criminal records check. For purposes of this division, an 48612
applicant or employee may provide proof of residency in this state 48613
by presenting, with a notarized statement asserting that the 48614
applicant or employee has been a resident of this state for that 48615
five-year period, a valid driver's license, notification of 48616
registration as an elector, a copy of an officially filed federal 48617
or state tax form identifying the applicant's or employee's 48618
permanent residence, or any other document the responsible entity 48619
considers acceptable. 48620

(2) A responsible entity shall do all of the following: 48621

(a) Provide to each applicant and employee for whom a 48622
criminal records check is required by this section a copy of the 48623
form prescribed pursuant to division (C)(1) of section 109.572 of 48624
the Revised Code and a standard impression sheet to obtain 48625
fingerprint impressions prescribed pursuant to division (C)(2) of 48626

section 109.572 of the Revised Code; 48627

(b) Obtain the completed form and standard impression sheet 48628
from the applicant or employee; 48629

(c) Forward the completed form and standard impression sheet 48630
to the superintendent at the time the criminal records check is 48631
requested. 48632

(3) Any applicant or employee who receives pursuant to this 48633
division a copy of the form prescribed pursuant to division (C)(1) 48634
of section 109.572 of the Revised Code and a copy of the standard 48635
impression sheet prescribed pursuant to division (C)(2) of that 48636
section and who is requested to complete the form and provide a 48637
set of the applicant's or employee's fingerprint impressions shall 48638
complete the form or provide all the information necessary to 48639
complete the form and shall provide the standard impression sheet 48640
with the impressions of the applicant's or employee's 48641
fingerprints. 48642

(4) A responsible entity shall pay to the bureau of criminal 48643
identification and investigation the fee prescribed pursuant to 48644
division (C)(3) of section 109.572 of the Revised Code for each 48645
criminal records check requested and conducted pursuant to this 48646
section. 48647

(E) A responsible entity may request any other state or 48648
federal agency to supply the responsible entity with a written 48649
report regarding the criminal record of an applicant or employee. 48650
If an employee holds an occupational or professional license or 48651
other credentials, the responsible entity may request that the 48652
state or federal agency that regulates the employee's occupation 48653
or profession supply the responsible entity with a written report 48654
of any information pertaining to the employee's criminal record 48655
that the agency obtains in the course of conducting an 48656
investigation or in the process of renewing the employee's license 48657

or other credentials. The responsible entity may consider the 48658
reports when determining whether to employ the applicant or to 48659
continue to employ the employee. 48660

(F) As a condition of employing an applicant in a position 48661
for which a criminal records check is required by this section and 48662
that involves transporting individuals with developmental 48663
disabilities or operating a responsible entity's vehicles for any 48664
purpose, the responsible entity shall obtain the applicant's 48665
driving record from the bureau of motor vehicles. If rules adopted 48666
under this section require a responsible entity to obtain an 48667
employee's driving record, the responsible entity shall obtain the 48668
employee's driving record from the bureau at times specified in 48669
the rules as a condition of continuing to employ the employee. The 48670
responsible entity may consider the applicant's or employee's 48671
driving record when determining whether to employ the applicant or 48672
to continue to employ the employee. 48673

(G) A responsible entity may employ an applicant 48674
conditionally pending receipt of a report regarding the applicant 48675
requested under this section. The responsible entity shall request 48676
the report before employing the applicant conditionally. The 48677
responsible entity shall terminate the applicant's employment if 48678
it is determined from a report that the applicant failed to inform 48679
the responsible entity that the applicant had been convicted of, 48680
pleaded guilty to, or been found eligible for intervention in lieu 48681
of conviction for a disqualifying offense. 48682

(H) A responsible entity may charge an applicant a fee for 48683
costs the responsible entity incurs in obtaining a report 48684
regarding the applicant under this section if the responsible 48685
entity notifies the applicant of the amount of the fee at the time 48686
of the applicant's initial application for employment and that, 48687
unless the fee is paid, the responsible entity will not consider 48688
the applicant for employment. The fee shall not exceed the amount 48689

of the fee, if any, the responsible entity pays for the report. 48690

(I)(1) Any report obtained pursuant to this section is not a 48691
public record for purposes of section 149.43 of the Revised Code 48692
and shall not be made available to any person, other than the 48693
following: 48694

(a) The applicant or employee who is the subject of the 48695
report or the applicant's or employee's representative; 48696

(b) The responsible entity that requested the report or its 48697
representative; 48698

(c) The department if a county board, provider, or 48699
subcontractor is the responsible entity that requested the report 48700
and the department requests the responsible entity to provide a 48701
copy of the report to the department; 48702

(d) A county board if a provider or subcontractor is the 48703
responsible entity that requested the report and the county board 48704
requests the responsible entity to provide a copy of the report to 48705
the county board; 48706

(e) Any court, hearing officer, or other necessary individual 48707
involved in a case dealing with any of the following: 48708

(i) The denial of employment to the applicant or employee; 48709

(ii) The denial, suspension, or revocation of a certificate 48710
under section 5123.166 or 5123.45 of the Revised Code; 48711

(iii) A civil or criminal action regarding the medicaid 48712
program or a program the department administers. 48713

(2) An applicant or employee for whom the responsible entity 48714
has obtained reports under this section may submit a written 48715
request to the responsible entity to have copies of the reports 48716
sent to any state agency, entity of local government, or private 48717
entity. The applicant or employee shall specify in the request the 48718
agencies or entities to which the copies are to be sent. On 48719

receiving the request, the responsible entity shall send copies of 48720
the reports to the agencies or entities specified. 48721

(3) A responsible entity may request that a state agency, 48722
entity of local government, or private entity send copies to the 48723
responsible entity of any report regarding a records check or 48724
criminal records check that the agency or entity possesses, if the 48725
responsible entity obtains the written consent of the individual 48726
who is the subject of the report. 48727

(4) A responsible entity shall provide each applicant and 48728
employee with a copy of any report obtained about the applicant or 48729
employee under this section. 48730

(J) The director of developmental disabilities shall adopt 48731
rules in accordance with Chapter 119. of the Revised Code to 48732
implement this section. 48733

(1) The rules may do the following: 48734

(a) Require employees to undergo criminal records checks 48735
under this section; 48736

(b) Require responsible entities to obtain the driving 48737
records of employees under this section; 48738

(c) If the rules require employees to undergo criminal 48739
records checks, require responsible entities to obtain the driving 48740
records of employees, or both, exempt one or more classes of 48741
employees from the requirements. 48742

(2) The rules shall do ~~both~~ all of the following: 48743

(a) If the rules require employees to undergo criminal 48744
records checks, require responsible entities to obtain the driving 48745
records of employees, or both, specify the times at which the 48746
criminal records checks are to be conducted and the driving 48747
records are to be obtained; 48748

(b) Specify circumstances under which a responsible entity 48749

may employ an applicant or employee who is found by a criminal 48750
records check required by this section to have been convicted of, 48751
pleaded guilty to, or been found eligible for intervention in lieu 48752
of conviction for a disqualifying offense but meets standards in 48753
regard to rehabilitation set by the director; 48754

(c) Require a responsible entity to request a criminal 48755
records check under this section before employing an applicant 48756
conditionally as permitted under division (G) of this section. 48757

Sec. 5123.092. (A) There is hereby established at each 48758
institution and branch institution under the control of the 48759
department of developmental disabilities a citizen's advisory 48760
council ~~consisting~~. Each council shall consist of thirteen seven 48761
~~members. At least seven of the members shall be persons who are 48762~~
~~not providers of services for persons with developmental 48763~~
~~disabilities. Each council shall include, including parents or 48764~~
other relatives of residents of institutions under the control of 48765
the department, community leaders, professional persons in 48766
relevant fields, and persons who have an interest in or knowledge 48767
of developmental disabilities. The managing officer of the 48768
institution shall be a nonvoting member of the council. 48769

(B) The director of developmental disabilities shall be the 48770
appointing authority for the voting members of each citizen's 48771
advisory council. Each time the term of a voting member expires, 48772
the ~~remaining members of the council~~ managing officer of the 48773
institution with which the council is associated shall recommend 48774
to the director one or more persons to serve on the council. The 48775
director may accept a nominee of the ~~council~~ managing officer or 48776
reject the nominee or nominees. If the director rejects the 48777
nominee or nominees, the ~~remaining members of the advisory council~~ 48778
managing officer shall further recommend to the director one or 48779
more other persons to serve on the ~~advisory~~ council. This 48780

procedure shall continue until a member is appointed to the 48781
advisory council. 48782

~~Each advisory council shall elect from its appointed members 48783
a chairperson, vice chairperson, and a secretary to serve for 48784
terms of one year. Advisory council officers shall not serve for 48785
more than two consecutive terms in the same office. A majority of 48786
the advisory council members constitutes a quorum. 48787~~

~~(C) Terms of office shall be for three years, each term 48788
ending on the same day of the same month of the year as did the 48789
term which it succeeds. No member shall serve more than two 48790
consecutive terms, except that any former member may be appointed 48791
if one year or longer has elapsed since the member served two 48792
consecutive terms. Each member shall hold office from the date of 48793
appointment until the end of the term for which the member was 48794
appointed. Any vacancy shall be filled in the same manner in which 48795
the original appointment was made, and the appointee to a vacancy 48796
in an unexpired term shall serve the balance of the term of the 48797
original appointee. Any member shall continue in office subsequent 48798
to the expiration date of the member's term until the member's 48799
successor takes office, or until a period of sixty days has 48800
elapsed, whichever occurs first. 48801~~

~~(C) Each citizen's advisory council shall elect from its 48802
appointed members a chairperson, vice-chairperson, and secretary. 48803
A person elected to an office may serve in that position until the 48804
person is no longer a member of the council. 48805~~

~~(D) Members of a citizen's advisory council shall be expected 48806
to attend all meetings of the advisory council. Unexcused absence 48807
from two successive regularly scheduled meetings shall be 48808
considered prima facie evidence of intent not to continue as a 48809
member. The chairperson of the board shall, after a member has 48810
been absent for two successive regularly scheduled meetings, 48811
direct a letter to the member asking if the member wishes to 48812~~

~~remain in membership. If an affirmative reply is received, the~~ 48813
~~member shall be retained as a member except that, if, after having~~ 48814
~~expressed a desire to remain a member, the member then misses a~~ 48815
~~third successive regularly scheduled meeting without being~~ 48816
~~excused, the chairperson shall terminate the member's membership.~~ 48817
A majority of the members constitutes a quorum. 48818

~~(E)~~ A citizen's advisory council shall meet six times 48819
annually, or more frequently if three ~~council~~ members request the 48820
chairperson to call a meeting. The council shall keep minutes of 48821
each meeting and shall submit them to the managing officer of the 48822
institution with which the council is associated ~~and the~~ 48823
~~department of developmental disabilities.~~ 48824

~~(F)~~(E) Members of citizen's advisory councils shall receive 48825
no compensation for their services, except that they shall be 48826
reimbursed for their actual and necessary expenses incurred in the 48827
performance of their official duties by the institution with which 48828
they are associated from funds allocated to it, provided that 48829
reimbursement for those expenses shall not exceed limits imposed 48830
upon the department of developmental disabilities by 48831
administrative rules regulating travel within this state. 48832

~~(G)~~(F) The councils shall have reasonable access to all 48833
patient treatment and living areas and records of the institution, 48834
except those records of a strictly personal or confidential 48835
nature. The councils shall have access to a patient's personal 48836
records with the consent of the patient or the patient's legal 48837
guardian or, if the patient is a minor, with the consent of the 48838
parent or legal guardian of the patient. 48839

~~(H)~~(G) As used in this section, "branch institution" means a 48840
facility that is located apart from an institution and is under 48841
the control of the managing officer of the institution. 48842

Sec. 5123.166. (A) If good cause exists as specified in 48843

division (B) of this section and determined in accordance with 48844
procedures established in rules adopted under section 5123.1611 of 48845
the Revised Code, the director of developmental disabilities may 48846
issue an adjudication order requiring that one or more of the 48847
following actions be taken against a person or government entity 48848
seeking or holding a supported living certificate: 48849

(1) Refusal to issue or renew a supported living certificate; 48850

(2) Revocation of a supported living certificate; 48851

(3) Suspension of a supported living certificate holder's 48852
authority to do ~~either or both~~ any of the following: 48853

(a) Continue to provide supported living to one or more 48854
individuals ~~from one or more counties~~ who receive supported living 48855
from the certificate holder at the time the director takes the 48856
action; 48857

(b) Begin to provide supported living to one or more 48858
individuals ~~from one or more counties~~ who do not receive supported 48859
living from the certificate holder at the time the director takes 48860
the action; 48861

(c) Expand or add supported living services to one or more 48862
individuals who receive supported living from the certificate 48863
holder at the time the director takes action. 48864

(B) The following constitute good cause for taking action 48865
under division (A) of this section against a person or government 48866
entity seeking or holding a supported living certificate: 48867

(1) The person or government entity's failure to meet or 48868
continue to meet the applicable certification standards 48869
established in rules adopted under section 5123.1611 of the 48870
Revised Code; 48871

(2) The person or government entity violates section 5123.165 48872
of the Revised Code; 48873

(3) The person or government entity's failure to satisfy the requirements of section 5123.081 or 5123.52 of the Revised Code; (4) Misfeasance; (5) Malfeasance; (6) Nonfeasance; (7) Confirmed abuse or neglect; (8) Financial irresponsibility; (9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.

(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.

(D)(1) The director may issue an order requiring that action specified in division (A)(3)(b) or (c) of this section be taken before a provider is provided notice and an opportunity for a hearing if ~~all~~ both of the following are the case:

(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;

(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider;

~~(c) If the order will suspend the provider's authority to continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both.~~

(2) The director may issue an order requiring that the action

specified in division (A)(3)(a) of this section be taken before a 48903
provider is provided notice and an opportunity for a hearing if 48904
either of the following are is the case: 48905

(a) The conditions identified in division (D)(1) of this 48906
section are met and all of the following apply: 48907

(i) The director makes the individual, or the individual's 48908
guardian, aware of the director's determination under division 48909
(D)(1)(b) of this section ~~and the~~. 48910

(ii) The individual or guardian does not select another 48911
provider. 48912

~~(ii)~~(iii) A county board of developmental disabilities has 48913
filed a complaint with a probate court under section 5126.33 of 48914
the Revised Code that includes facts describing the nature of 48915
abuse or neglect that the individual has suffered due to the 48916
provider's actions that are the basis for the director making the 48917
determination under division (D)(1)(b) of this section and the 48918
probate court does not issue an order authorizing the county board 48919
to arrange services for the individual pursuant to an 48920
individualized service plan developed for the individual under 48921
section 5126.31 of the Revised Code. 48922

~~(2)~~(b) Both of the following apply: 48923

(i) There is clear and convincing evidence that the provider 48924
has violated division (B) of this section. 48925

(ii) Allowing the provider to continue to provide supported 48926
living would present a danger of immediate and serious harm. 48927

(E) If the director issues an order under division (D)(1) or 48928
(2) of this section, sections 119.091 to 119.13 of the Revised 48929
Code and all of the following apply: 48930

~~(a)~~(1) The director shall send the provider notice of the 48931
order by ~~registered~~ certified mail, return receipt requested, not 48932

later than twenty-four hours after issuing the order and shall 48933
include in the notice the reasons for the order, the citation to 48934
the law or rule directly involved, and a statement that the 48935
provider will be afforded a hearing if the provider requests it in 48936
writing within ten days of the time of receiving the notice. 48937

~~(b)~~(2) If the provider requests a hearing within the required 48938
time and the provider has provided the director the provider's 48939
current address, the date for the hearing shall be as follows: 48940

(a) In the case of an order issued under division (D)(1) of 48941
this section, the director shall immediately set, and notify the 48942
provider of, the date, time, and place for the hearing. If the 48943
provider's written request for a hearing includes a request that 48944
the hearing be held not later than thirty days after the director 48945
receives the provider's timely request for the hearing, the date 48946
set for the hearing by the director shall be within thirty days. 48947

(b) In the case of an order issued under division (D)(2) of 48948
this section, the date set for the hearing by the director shall 48949
be within fifteen days, but not earlier than seven days, after the 48950
director receives the provider's timely request for the hearing, 48951
unless otherwise agreed to by the director and the provider. 48952

~~(c) The date of the hearing shall be not later than thirty~~ 48953
~~days after the director receives the provider's timely request for~~ 48954
~~the hearing.~~ 48955

~~(d)~~(3) The hearing shall be conducted in accordance with 48956
section 119.09 of the Revised Code, except for all of the 48957
following: 48958

(i) The hearing shall continue uninterrupted until its close, 48959
except for weekends, legal holidays, and other interruptions the 48960
provider and director agree to. 48961

(ii) If the director appoints a referee or examiner to 48962
conduct the hearing, the referee or examiner, not later than ten 48963

days after the date the referee or examiner receives a transcript 48964
of the testimony and evidence presented at the hearing or, if the 48965
referee or examiner does not receive the transcript or no such 48966
transcript is made, the date that the referee or examiner closes 48967
the record of the hearing, shall submit to the director a written 48968
report setting forth the referee or examiner's findings of fact 48969
and conclusions of law and a recommendation of the action the 48970
director should take. 48971

(iii) The provider may, not later than five days after the 48972
date the director, in accordance with section 119.09 of the 48973
Revised Code, sends the provider or the provider's attorney or 48974
other representative of record a copy of the referee or examiner's 48975
report and recommendation, file with the director written 48976
objections to the report and recommendation. 48977

(iv) The director shall approve, modify, or disapprove the 48978
referee or examiner's report and recommendation not earlier than 48979
six days, and not later than ~~fifteen~~ ten days, after the date the 48980
director, in accordance with section 119.09 of the Revised Code, 48981
sends a copy of the report and recommendation to the provider or 48982
the provider's attorney or other representative of record. 48983

~~(3)~~ (F)(1) The director may lift an order issued under 48984
division (D)(1) of this section even though a hearing regarding 48985
the order is occurring or pending if the director determines that 48986
the provider has taken action eliminating the good cause for 48987
issuing the order. The hearing shall proceed unless the provider 48988
withdraws the request for the hearing in a written letter to the 48989
director. 48990

~~(4)~~ (2) The director shall lift an order issued under division 48991
(D)(1) of this section if both of the following are the case: 48992

(a) The provider provides the director a plan of compliance 48993
the director determines is acceptable. 48994

(b) The director determines that the provider has implemented 48995
the plan of compliance correctly. 48996

(G) Any order issued under division (D)(2) of this section 48997
shall remain in effect, unless reversed on appeal, until a final 48998
adjudication order issued by the director pursuant to Chapter 119. 48999
of the Revised Code becomes effective. The director shall issue 49000
the final adjudication order within ten days after completion of 49001
the hearing. A failure to issue the order within ten days shall 49002
result in dissolution of the order issued under division (D)(2) of 49003
this section but shall not invalidate any subsequent final 49004
adjudication order. A final adjudication order shall not be 49005
subject to suspension by the court during pendency of any appeal 49006
filed under section 119.12 of the Revised Code. 49007

Sec. 5123.193. The director of developmental disabilities 49008
shall include on the internet web site maintained by the 49009
department of developmental disabilities a searchable database of 49010
vacancies in licensed residential facilities. Each person or 49011
government entity operating a licensed residential facility shall 49012
provide current and accurate vacancy information to the department 49013
in accordance with procedures that the director shall establish. 49014

Sec. 5123.603. Every two years, the president of the senate 49015
and speaker of the house of representative shall establish a joint 49016
committee to examine whether a new entity should be designated to 49017
serve as the state's protection and advocacy system and client 49018
assistance program. The joint committee shall consist of a number 49019
of members of the senate appointed by the president and an equal 49020
number of members of the house of representatives appointed by the 49021
speaker. The president and speaker shall determine the total 49022
number of members of the joint committee. The president and 49023
speaker also shall determine the dates on which members' terms on 49024
the joint committee are to begin and end. Vacancies shall be 49025

filled in the manner of the original appointments. 49026

Every two years, the president and speaker shall specify a 49027
deadline for the joint committee to complete a new report 49028
containing the joint committee's recommendations. The joint 49029
committee shall submit the report to the president, speaker, and 49030
governor by the deadline. 49031

Sec. 5123.691. (A) As used in this section, "mental illness" 49032
has the same meaning as in section 5122.01 of the Revised Code. 49033

(B) The managing officer of an institution, with the 49034
concurrence of the chief program director, may admit into a 49035
specialized treatment unit for minors a minor ages ten to 49036
seventeen who is in behavior crisis and has serious behavioral 49037
challenges if one of the following applies: 49038

(1) The minor has an intellectual disability. 49039

(2) The minor has autism spectrum disorder. 49040

(3) The minor has a dual diagnosis of an intellectual 49041
disability and mental illness. 49042

(4) The minor has a dual diagnosis of autism spectrum 49043
disorder and mental illness. 49044

(C)(1) The admission of a minor into a specialized treatment 49045
unit shall be based upon the availability of beds at the 49046
institution and the clinical treatment needs of the minor. 49047

(2) The department of developmental disabilities may 49048
establish other criteria for admitting a minor into a specialized 49049
treatment unit. 49050

(D) Before a minor may be admitted into a specialized 49051
treatment unit, the minor's parent or legal guardian, the county 49052
board of developmental disabilities, and the department shall 49053
enter into a memorandum of understanding setting forth the roles 49054

and responsibilities of each of the parties regarding the care and 49055
treatment of the minor and specifying the duration of admission in 49056
the specialized treatment unit. 49057

(E)(1) The initial duration of admission for a minor in a 49058
specialized treatment unit shall not exceed one hundred eighty 49059
days. 49060

(2) The parent or legal guardian of a minor may petition the 49061
department to extend the duration of a minor's admission in a 49062
specialized treatment unit at least thirty days before the 49063
expiration of the minor's term of admission in the specialized 49064
treatment unit. The department, in its discretion, may grant or 49065
deny a petition for extended admission, but may not extend a 49066
minor's duration of admission in a specialized treatment unit 49067
beyond one year. 49068

(3) Upon the expiration of a minor's term of admission in a 49069
specialized treatment unit, the minor shall be returned to the 49070
care of the minor's parent or legal guardian. 49071

(F) The managing officer of an institution may discharge a 49072
minor from a specialized treatment unit in accordance with 49073
division (C) of section 5123.69 of the Revised Code. The uniform 49074
procedures of discharge established by rules adopted under 49075
division (G)(7) of section 5123.19 of the Revised Code shall not 49076
apply to the discharge of a minor from a specialized treatment 49077
unit. 49078

Sec. 5126.053. (A) Beginning April 1, 2020, and then annually 49079
thereafter on or before the first day of April each year, each 49080
county board of developmental disabilities shall submit to the 49081
department of developmental disabilities, in the format 49082
established pursuant to division (B) of this section, a five-year 49083
projection of revenues and expenditures. Each five-year projection 49084
shall be approved by the superintendent of the county board. 49085

The department shall review each five-year projection and may 49086
require a county board to do any of the following within the time 49087
frame specified by the department: 49088

(1) Submit additional information; 49089

(2) Permit employees or agents of the department to visit the 49090
county board to review documents and other records that are 49091
relevant to the department's review of the five-year projection; 49092

(3) Submit a revised five-year projection; 49093

(4) Complete any other action the director of developmental 49094
disabilities considers necessary in order to obtain an accurate 49095
five-year projection. 49096

(B) The department, in consultation with the Ohio association 49097
of county boards of developmental disabilities, shall establish 49098
guidelines for completing and formatting the five-year projection 49099
required by division (A) of this section. 49100

(C) In addition to reviewing a five-year projection submitted 49101
pursuant to division (A) of this section, the department, or an 49102
entity designated by or working under contract with the 49103
department, may conduct additional reviews as the department 49104
considers necessary to assess any county board's fiscal condition. 49105
The department shall provide prior notice to a county board of any 49106
planned review. 49107

The department may issue recommendations to discontinue or 49108
correct fiscal practices or budgetary conditions that prompted, or 49109
were discovered by, an additional review under this division. The 49110
superintendent of a county board shall respond in writing to any 49111
such recommendations within the time frame specified by the 49112
department. 49113

(D) If a county board fails to submit a five-year projection 49114
to the department on or before the date specified in division (A) 49115

of this section, the department may do any or all of the 49116
following: 49117

(1) Withhold any funds that it otherwise would distribute to 49118
the county board; 49119

(2) Conduct further reviews as necessary to complete the 49120
five-year projections at full cost to the county board; 49121

(3) Revoke the certification of the superintendent or the 49122
accreditation of the county board. 49123

(E) If the department determines that a county board 49124
willfully provided erroneous, inaccurate, or incomplete data as 49125
part of its five-year projection submitted pursuant to division 49126
(A) of this section, the department may take action as provided 49127
under division (D)(2) or (3) of this section. 49128

Sec. 5126.054. ~~(A) Each~~ Annually, on or before the 49129
thirty-first day of December each year, each county board of 49130
developmental disabilities shall, by resolution, develop a 49131
~~three-calendar year~~ and submit to the department of developmental 49132
disabilities an annual plan that includes the following ~~three~~ 49133
components: 49134

~~(1) An assessment component that includes all of the~~ 49135
~~following:~~ 49136

~~(a)(A)~~ The number of individuals with developmental 49137
disabilities residing in the county who ~~need the level of care~~ 49138
~~provided by an ICF/IID, may seek home and community based~~ 49139
~~services, and~~ are placed on the county board's waiting list 49140
established for the services pursuant to section 5126.042 of the 49141
Revised Code; the service needs of those individuals; and the 49142
projected annualized cost for services; 49143

~~(b) The source of funds available to the county board to pay~~ 49144
~~the nonfederal share of medicaid expenditures that the county~~ 49145

board is required by sections 5126.059 and 5126.0510 of the 49146
Revised Code to pay; 49147

(e)(B) The projected number of individuals to whom the board 49148
intends to provide home and community-based services based on 49149
available funding as projected in the board's annual five-year 49150
projection report submitted pursuant to section 5126.053 of the 49151
Revised Code; 49152

(C) How the services are to be phased in over the period the 49153
plan covers, including how the county board will serve the 49154
individuals identified in divisions (A)(1) and (2) of this 49155
section; 49156

(D) Any other applicable information or conditions that the 49157
department of developmental disabilities requires as a condition 49158
of approving the ~~component~~ plan under section 5123.046 of the 49159
Revised Code. 49160

~~(2) A preliminary implementation component that specifies the 49161~~
~~number of individuals to be provided, during the first year that 49162~~
~~the plan is in effect, home and community based services pursuant 49163~~
~~to their placement on the county board's waiting list established 49164~~
~~for the services pursuant to section 5126.042 of the Revised Code 49165~~
~~and the types of home and community based services the individuals 49166~~
~~are to receive;~~ 49167

~~(3) A component that provides for the implementation of 49168~~
~~medicaid case management services and home and community based 49169~~
~~services for individuals who begin to receive the services on or 49170~~
~~after the date the plan is approved under section 5123.046 of the 49171~~
~~Revised Code. A county board shall include all of the following in 49172~~
~~the component;~~ 49173

~~(a) If the department of developmental disabilities or 49174~~
~~department of medicaid requires, an agreement to pay the 49175~~
~~nonfederal share of medicaid expenditures that the county board is 49176~~

~~required by sections 5126.059 and 5126.0510 of the Revised Code to~~ 49177
~~pay;~~ 49178

~~(b) How the services are to be phased in over the period the~~ 49179
~~plan covers, including how the county board will serve individuals~~ 49180
~~placed on the county board's waiting list established for the~~ 49181
~~services pursuant to section 5126.042 of the Revised Code;~~ 49182

~~(c) Any agreement or commitment regarding the county board's~~ 49183
~~funding of home and community based services that the county board~~ 49184
~~has with the department at the time the county board develops the~~ 49185
~~component;~~ 49186

~~(d) Assurances adequate to the department that the county~~ 49187
~~board will comply with all of the following requirements:~~ 49188

~~(i) To provide the types of home and community based services~~ 49189
~~specified in the preliminary implementation component required by~~ 49190
~~division (A)(2) of this section to at least the number of~~ 49191
~~individuals specified in that component;~~ 49192

~~(ii) To use any additional funds the county board receives~~ 49193
~~for the services to improve the county board's resource~~ 49194
~~capabilities for supporting such services available in the county~~ 49195
~~at the time the component is developed and to expand the services~~ 49196
~~to accommodate the unmet need for those services in the county;~~ 49197

~~(iii) To employ or contract with a business manager or enter~~ 49198
~~into an agreement with another county board of developmental~~ 49199
~~disabilities that employs or contracts with a business manager to~~ 49200
~~have the business manager serve both county boards. No~~ 49201
~~superintendent of a county board may serve as the county board's~~ 49202
~~business manager.~~ 49203

~~(iv) To employ or contract with a medicaid services manager~~ 49204
~~or enter into an agreement with another county board of~~ 49205
~~developmental disabilities that employs or contracts with a~~ 49206
~~medicaid services manager to have the medicaid services manager~~ 49207

~~serve both county boards. No superintendent of a county board may~~ 49208
~~serve as the county board's medicaid services manager.~~ 49209

~~(e) Programmatic and financial accountability measures and~~ 49210
~~projected outcomes expected from the implementation of the plan;~~ 49211

~~(f) Any other applicable information or conditions that the~~ 49212
~~department requires as a condition of approving the component~~ 49213
~~under section 5123.046 of the Revised Code.~~ 49214

~~(B) A county board whose plan developed under division (A) of~~ 49215
~~this section is approved by the department under section 5123.046~~ 49216
~~of the Revised Code shall update and renew the plan in accordance~~ 49217
~~with a schedule the department shall develop.~~ 49218

Sec. 5126.055. (A) Except as provided in section 5126.056 of 49220
the Revised Code, a county board of developmental disabilities has 49221
medicaid local administrative authority to, and shall, do all of 49222
the following for an individual with a developmental disability 49223
who resides in the county that the county board serves and seeks 49224
or receives home and community-based services: 49225

(1) Perform assessments and evaluations of the individual. As 49226
part of the assessment and evaluation process, all of the 49227
following apply: 49228

(a) The county board shall make a recommendation to the 49229
department of developmental disabilities on whether the department 49230
should approve or deny the individual's application for the 49231
services, including on the basis of whether the individual needs 49232
the level of care an ICF/IID provides. 49233

(b) If the individual's application is denied because of the 49234
county board's recommendation and the individual appeals pursuant 49235
to section 5160.31 of the Revised Code, the county board shall 49236
present, with the department of developmental disabilities or 49237
department of medicaid, whichever denies the application, the 49238

reasons for the recommendation and denial at the hearing. 49239

(c) If the individual's application is approved, the county 49240
board shall recommend to the departments of developmental 49241
disabilities and medicaid the services that should be included in 49242
the individual service plan. If either department under section 49243
5166.21 of the Revised Code approves, reduces, denies, or 49244
terminates a service included in the plan because of the county 49245
board's recommendation, the board shall present, with the 49246
department that made the approval, reduction, denial, or 49247
termination, the reasons for the recommendation and approval, 49248
reduction, denial, or termination at a hearing held pursuant to an 49249
appeal made under section 5160.31 of the Revised Code. 49250

(2) Perform any duties assigned to the county board in rules 49251
adopted under section 5126.046 of the Revised Code regarding the 49252
individual's right to choose a qualified and willing provider of 49253
the services and, at a hearing held pursuant to an appeal made 49254
under section 5160.31 of the Revised Code, present evidence of the 49255
process for appropriate assistance in choosing providers; 49256

(3) If the county board is certified under section 5123.161 49257
of the Revised Code to provide the services and agrees to provide 49258
the services to the individual and the individual chooses the 49259
county board to provide the services, furnish, in accordance with 49260
the county board's medicaid provider agreement and for the 49261
authorized reimbursement rate, the services the individual 49262
requires; 49263

(4) Monitor the services provided to the individual and 49264
ensure the individual's health, safety, and welfare. The 49265
monitoring shall include quality assurance activities. If the 49266
county board provides the services, the department of 49267
developmental disabilities shall also monitor the services. 49268

(5) Develop, with the individual and the provider of the 49269

individual's services, an effective individual service plan that 49270
includes coordination of services, recommend that the departments 49271
of developmental disabilities and medicaid approve the plan, and 49272
implement the plan unless either department disapproves it. The 49273
plan shall include a summary page, agreed to by the county board, 49274
provider, and individual receiving services, that clearly outlines 49275
the amount, duration, and scope of services to be provided under 49276
the plan. 49277

(6) Have an investigative agent conduct investigations under 49278
section 5126.313 of the Revised Code that concern the individual; 49279

(7) Have a service and support administrator perform the 49280
duties under division (B)~~(9)~~(8) of section 5126.15 of the Revised 49281
Code that concern the individual. 49282

(B) A county board shall perform its medicaid local 49283
administrative authority under this section in accordance with all 49284
of the following: 49285

(1) The county board's plan that the department of 49286
developmental disabilities approves under section 5123.046 of the 49287
Revised Code; 49288

(2) All applicable federal and state laws; 49289

(3) All applicable policies of the departments of 49290
developmental disabilities and medicaid and the United States 49291
department of health and human services; 49292

(4) The department of medicaid's supervision under its 49293
authority as the single state medicaid agency; 49294

(5) The department of developmental disabilities' oversight. 49295

(C) The departments of developmental disabilities and 49296
medicaid shall communicate with and provide training to county 49297
boards regarding medicaid local administrative authority granted 49298
by this section. The communication and training shall include 49299

issues regarding audit protocols and other standards established 49300
by the United States department of health and human services that 49301
the departments determine appropriate for communication and 49302
training. County boards shall participate in the training. The 49303
departments shall assess the county board's compliance against 49304
uniform standards that the departments shall establish. 49305

(D) A county board may not delegate its medicaid local 49306
administrative authority granted under this section but may 49307
contract with a person or government entity, including a council 49308
of governments, for assistance with its medicaid local 49309
administrative authority. A county board that enters into such a 49310
contract shall notify the director of developmental disabilities. 49311
The notice shall include the tasks and responsibilities that the 49312
contract gives to the person or government entity. The person or 49313
government entity shall comply in full with all requirements to 49314
which the county board is subject regarding the person or 49315
government entity's tasks and responsibilities under the contract. 49316
The county board remains ultimately responsible for the tasks and 49317
responsibilities. 49318

(E) A county board that has medicaid local administrative 49319
authority under this section shall, through the departments of 49320
developmental disabilities and medicaid, reply to, and cooperate 49321
in arranging compliance with, a program or fiscal audit or program 49322
violation exception that a state or federal audit or review 49323
discovers. The department of medicaid shall timely notify the 49324
department of developmental disabilities and the county board of 49325
any adverse findings. After receiving the notice, the county 49326
board, in conjunction with the department of developmental 49327
disabilities, shall cooperate fully with the department of 49328
medicaid and timely prepare and send to the department a written 49329
plan of correction or response to the adverse findings. The county 49330
board is liable for any adverse findings that result from an 49331

action it takes or fails to take in its implementation of medicaid 49332
local administrative authority. 49333

(F) If the department of developmental disabilities or 49334
department of medicaid determines that a county board's 49335
implementation of its medicaid local administrative authority 49336
under this section is deficient, the department that makes the 49337
determination shall require that county board do the following: 49338

(1) If the deficiency affects the health, safety, or welfare 49339
of an individual with a developmental disability, correct the 49340
deficiency within twenty-four hours; 49341

(2) If the deficiency does not affect the health, safety, or 49342
welfare of an individual with a developmental disability, receive 49343
technical assistance from the department or submit a plan of 49344
correction to the department that is acceptable to the department 49345
within sixty days and correct the deficiency within the time 49346
required by the plan of correction. 49347

Sec. 5126.056. (A) The department of developmental 49348
disabilities shall take action under division (B) of this section 49349
against a county board of developmental disabilities if any of the 49350
following are the case: 49351

(1) The county board fails to submit to the department all 49352
the components of its ~~three-year~~ annual plan required by section 49353
5126.054 of the Revised Code. 49354

(2) The department disapproves the county board's ~~three-year~~ 49355
annual plan under section 5123.046 of the Revised Code. 49356

~~(3) The county board fails, as required by division (B) of~~ 49357
~~section 5126.054 of the Revised Code, to update and renew its~~ 49358
~~three-year plan in accordance with a schedule the department~~ 49359
~~develops under that section.~~ 49360

~~(4) The county board fails to implement its initial or~~ 49361

~~renewed three-year~~ annual plan approved by the department. 49362

~~(5)~~(4) The county board fails to correct a deficiency within 49363
the time required by division (F) of section 5126.055 of the 49364
Revised Code to the satisfaction of the department. 49365

~~(6)~~(5) The county board fails to submit an acceptable plan of 49366
correction to the department within the time required by division 49367
(F)(2) of section 5126.055 of the Revised Code. 49368

(B) If required by division (A) of this section to take 49369
action against a county board, the department shall issue an order 49370
terminating the county board's medicaid local administrative 49371
authority over all or part of home and community-based services, 49372
medicaid case management services, or all or part of both of those 49373
services. The department shall provide a copy of the order to the 49374
board of county commissioners, senior probate judge, county 49375
auditor, and president and superintendent of the county board. The 49376
department shall specify in the order the medicaid local 49377
administrative authority that the department is terminating, the 49378
reason for the termination, and the county board's option and 49379
responsibilities under this division. 49380

A county board whose medicaid local administrative authority 49381
is terminated may, not later than thirty days after the department 49382
issues the termination order, recommend to the department that 49383
another county board that has not had any of its medicaid local 49384
administrative authority terminated or another entity the 49385
department approves administer the services for which the county 49386
board's medicaid local administrative authority is terminated. The 49387
department may contract with the other county board or entity to 49388
administer the services. If the department enters into such a 49389
contract, the county board shall adopt a resolution giving the 49390
other county board or entity full medicaid local administrative 49391
authority over the services that the other county board or entity 49392
is to administer. The other county board or entity shall be known 49393

as the contracting authority. 49394

If the department rejects the county board's recommendation 49395
regarding a contracting authority, the county board may appeal the 49396
rejection under section 5123.043 of the Revised Code. 49397

If the county board does not submit a recommendation to the 49398
department regarding a contracting authority within the required 49399
time or the department rejects the county board's recommendation 49400
and the rejection is upheld pursuant to an appeal, if any, under 49401
section 5123.043 of the Revised Code, the department shall appoint 49402
an administrative receiver to administer the services for which 49403
the county board's medicaid local administrative authority is 49404
terminated. To the extent necessary for the department to appoint 49405
an administrative receiver, the department may utilize employees 49406
of the department, management personnel from another county board, 49407
or other individuals who are not employed by or affiliated with in 49408
any manner a person that provides home and community-based 49409
services or medicaid case management services pursuant to a 49410
contract with any county board. The administrative receiver shall 49411
assume full administrative responsibility for the county board's 49412
services for which the county board's medicaid local 49413
administrative authority is terminated. 49414

The contracting authority or administrative receiver shall 49415
develop and submit to the department a plan of correction to 49416
remediate the problems that caused the department to issue the 49417
termination order. If, after reviewing the plan, the department 49418
approves it, the contracting authority or administrative receiver 49419
shall implement the plan. 49420

The county board shall transfer control of state and federal 49421
funds it is otherwise eligible to receive for the services for 49422
which the county board's medicaid local administrative authority 49423
is terminated and funds the county board may use under division 49424
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 49425

share of the services that the county board is required by 49426
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 49427
county board shall transfer control of the funds to the 49428
contracting authority or administrative receiver administering the 49429
services. The amount the county board shall transfer shall be the 49430
amount necessary for the contracting authority or administrative 49431
receiver to fulfill its duties in administering the services, 49432
including its duties to pay its personnel for time worked, travel, 49433
and related matters. If the county board fails to make the 49434
transfer, the department may withhold the state and federal funds 49435
from the county board and bring a mandamus action against the 49436
county board in the court of common pleas of the county served by 49437
the county board or in the Franklin county court of common pleas. 49438
The mandamus action may not require that the county board transfer 49439
any funds other than the funds the county board is required by 49440
division (B) of this section to transfer. 49441

The contracting authority or administrative receiver has the 49442
right to authorize the payment of bills in the same manner that 49443
the county board may authorize payment of bills under this chapter 49444
and section 319.16 of the Revised Code. 49445

Sec. 5126.15. (A) A county board of developmental 49446
disabilities shall provide service and support administration to 49447
each individual three years of age or older who is eligible for 49448
service and support administration if the individual requests, or 49449
a person on the individual's behalf requests, service and support 49450
administration. A board shall provide service and support 49451
administration to each individual receiving home and 49452
community-based services. A board may provide, in accordance with 49453
the service coordination requirements of 34 C.F.R. 303.23, service 49454
and support administration to an individual under three years of 49455
age eligible for early intervention services under 34 C.F.R. part 49456
303. A board may provide service and support administration to an 49457

individual who is not eligible for other services of the board. 49458
Service and support administration shall be provided in accordance 49459
with rules adopted under section 5126.08 of the Revised Code. 49460

A board may provide service and support administration by 49461
directly employing service and support administrators or by 49462
contracting with entities for the performance of service and 49463
support administration. Individuals employed or under contract as 49464
service and support administrators shall not be in the same 49465
collective bargaining unit as employees who perform duties that 49466
are not administrative. 49467

A service and support administrator shall perform only the 49468
duties specified in division (B) of this section. While employed 49469
by or under contract with a board, a service and support 49470
administrator shall neither be employed by or serve in a 49471
decision-making or policy-making capacity for any other entity 49472
that provides programs or services to individuals with 49473
developmental disabilities nor provide programs or services to 49474
individuals with ~~mental retardation or~~ developmental disabilities 49475
through self-employment. 49476

(B) A service and support administrator shall do all of the 49477
following: 49478

(1) Establish an individual's eligibility for the services of 49479
the county board of developmental disabilities; 49480

(2) Assess individual needs for services; 49481

(3) Develop individual service plans with the active 49482
participation of the individual to be served, other persons 49483
selected by the individual, and, when applicable, the provider 49484
selected by the individual, and recommend the plans for approval 49485
by the department of developmental disabilities when services 49486
included in the plans are funded through medicaid; 49487

(4) Establish budgets for services based on the individual's 49488
assessed needs and preferred ways of meeting those needs; 49489

(5) Assist individuals in making selections from among the 49490
providers they have chosen; 49491

(6) Ensure that services are effectively coordinated and 49492
provided by appropriate providers; 49493

(7) Establish and implement an ongoing system of monitoring 49494
the implementation of individual service plans to achieve 49495
consistent implementation and the desired outcomes for the 49496
individual; 49497

(8) ~~Perform quality assurance reviews as a distinct function~~ 49498
~~of service and support administration;~~ 49499

~~(9) Incorporate the results of quality assurance reviews and~~ 49500
~~identified trends and patterns of unusual incidents and major~~ 49501
~~unusual incidents into amendments of an individual's service plan~~ 49502
~~for the purpose of improving and enhancing the quality and~~ 49503
~~appropriateness of services rendered to the individual.~~ 49504

Sec. 5139.87. (A) The department of youth services shall 49505
serve as the state agent for the administration of ~~all~~ federal 49506
juvenile justice grants awarded to the state. 49507

(B) There ~~are~~ is hereby created in the state treasury the 49508
~~federal~~ juvenile justice ~~programs funds and delinquency prevention~~ 49509
~~fund~~. ~~A separate fund shall be established each federal fiscal~~ 49510
~~year.~~ All federal grants and other moneys received for federal 49511
juvenile programs shall be deposited into the ~~funds~~ fund. All 49512
receipts deposited into the ~~funds~~ fund shall be used for federal 49513
juvenile programs. All investment earnings on the cash balance in 49514
~~a federal juvenile program~~ the fund shall be credited to ~~that the~~ 49515
~~fund for the appropriate federal fiscal year.~~ The department of 49516
youth services shall maintain a financial activity report of each 49517

individual grant within the fund, including any expenses or 49518
revenues credited to those individual grants. 49519

~~(C) All rules, orders, and determinations of the office of~~ 49520
~~criminal justice services regarding the administration of federal~~ 49521
~~juvenile justice grants that are in effect on the effective date~~ 49522
~~of this amendment shall continue in effect as rules, orders, and~~ 49523
~~determinations of the department of youth services.~~ 49524

Sec. 5145.162. (A) There is hereby created the office of 49525
enterprise development advisory board to advise and assist the 49526
department of rehabilitation and correction with the creation of 49527
training programs and jobs for inmates and releasees through 49528
partnerships with private sector businesses. The board shall 49529
consist of at least five appointed members and the staff 49530
representative assigned by the correctional institution inspection 49531
committee, who shall serve as an ex officio member. Each member 49532
shall have experience in labor relations, marketing, business 49533
management, or business. The members and chairperson shall be 49534
appointed by the director of the department of rehabilitation and 49535
correction. 49536

(B) Each member of the advisory board shall receive no 49537
compensation but may be reimbursed for expenses actually and 49538
necessarily incurred in the performance of official duties of the 49539
board. Members of the board who are state employees shall be 49540
reimbursed for expenses pursuant to travel rules promulgated by 49541
the office of budget and management. 49542

(C) The advisory board shall adopt procedures for the conduct 49543
of the board's meetings. The board shall meet at least once every 49544
quarter, and otherwise shall meet at the call of the chairperson 49545
or the director of the department of rehabilitation and 49546
correction. Sixty per cent of the members shall constitute a 49547
quorum. No transaction of the board's business shall be taken 49548

without the concurrence of a quorum of the members. The board may 49549
have committees with persons who are not members of the board but 49550
whose experience and expertise is relevant and useful to the work 49551
of the committee. 49552

(D) The advisory board shall have the following duties: 49553

(1) Solicit business proposals offering job training, 49554
apprenticeship, education programs, and employment opportunities 49555
for inmates ~~and, releasees, and Ohio penal industries;~~ 49556

(2) Provide information and input to the office of enterprise 49557
development to support the job training and employment program of 49558
inmates and releasees and any additional, related duties as 49559
requested by the director of the department of rehabilitation and 49560
correction; 49561

(3) Recommend to the office of enterprise development any 49562
legislation, administrative rule, or department policy change that 49563
the board believes is necessary to implement the department's 49564
program; 49565

(4) Promote public awareness of the office of enterprise 49566
development and the office's employment program; 49567

(5) Familiarize itself and the public with avenues to access 49568
the office of enterprise development on employment program 49569
concerns; 49570

(6) Advocate for the needs and concerns of the office of 49571
enterprise development in local communities, counties, and the 49572
state; 49573

(7) Play an active role in the office of enterprise 49574
development's efforts to reduce recidivism in the state by doing 49575
all of the following: 49576

(a) Providing input and making recommendations for the 49577
office's consideration in monitoring employment program compliance 49578

and effectiveness; 49579

(b) Making suggestions on the appropriate priorities for the 49580
office's grant award criteria; 49581

(c) Being a liaison between the office and constituents of 49582
the board's members; 49583

(d) Working to develop constituent groups interested in 49584
employment program issues; 49585

(8) Aid in the employment program development process by 49586
playing a leadership role in professional associations by 49587
discussing employment program issues. 49588

(E) The department of rehabilitation and correction shall 49589
initially screen each proposal obtained under division (D)(1) of 49590
this section to ensure that the proposal is a viable venture to 49591
pursue. If the department determines that a proposal is a viable 49592
venture to pursue, the department shall submit the proposal to the 49593
board for objective review against established guidelines. The 49594
board shall determine whether to recommend the implementation of 49595
the program to the department. 49596

Sec. 5149.38. (A) In each ~~target county and in each~~ voluntary 49597
county, subject to division (B) of this section and not later than 49598
~~thirty days after the effective date of this section~~ October 29, 49599
2017, a county commissioner representing the board of county 49600
commissioners of the county, the administrative judge of the 49601
general division of the court of common pleas of the county, the 49602
sheriff of the county, and an official from any municipality 49603
operating a local correctional facility in the county to which 49604
courts of the county sentence offenders shall agree to, sign, and 49605
submit to the department of rehabilitation and correction for its 49606
approval a memorandum of understanding that does both of the 49607
following: 49608

(1) Sets forth the plans by which the county will use grant money provided to the county in state fiscal year 2018 and succeeding state fiscal years under the targeting community alternatives to prison (T-CAP) program-~~i~~

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division (F)(1) of this section and shall be specified in the memorandum.

(B) Two or more ~~target counties or~~ voluntary counties may join together to jointly establish a memorandum of understanding of the type described in division (A) of this section. Not later than ~~thirty days after the effective date of this section~~ October 29, 2017, a county commissioner from each of the affiliating ~~target counties or~~ voluntary counties representing the county's board of county commissioners, the administrative judge of the general division of the court of common pleas of each affiliating ~~target county or~~ voluntary county, the sheriff of each affiliating ~~target county or~~ voluntary county, and an official from any municipality operating a local correctional facility in the affiliating ~~target counties and~~ voluntary counties to which courts of the counties sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval the memorandum of understanding. The memorandum of understanding shall set forth the plans by which, and specify the manner in which, the affiliating counties will complete the tasks identified in divisions (A)(1) and (2) of this section.

(C) The department of rehabilitation and correction shall adopt rules establishing standards for approval of memorandums of understanding submitted to it under division (A) or (B) of this section. The department shall review the memorandums of

understanding submitted to it and may require the county or 49641
counties that submit a memorandum to modify the memorandum. The 49642
director of rehabilitation and correction shall approve 49643
memorandums of understanding submitted to it under division (A) or 49644
(B) of this section that the director determines satisfy the 49645
standards adopted by the department within thirty days after 49646
receiving each memorandum submitted. 49647

(D) Any person responsible for agreeing to, signing, and 49648
submitting a memorandum of understanding under division (A) or (B) 49649
of this section may delegate the person's authority to do so to an 49650
employee of the agency, entity, or office served by the person. 49651

(E) The persons signing a memorandum of understanding under 49652
division (A) or (B) of this section, or their successors in 49653
office, may revise the memorandum as they determine necessary. Any 49654
revision of the memorandum shall be signed by the parties 49655
specified in division (A) or (B) of this section and submitted to 49656
the department of rehabilitation and correction for its approval 49657
under division (C) of this section within thirty days after the 49658
beginning of the state fiscal year. 49659

(F)(1) In each county, ~~the sheriff shall determine the per~~ 49660
~~diem costs for local correctional facilities in the county for the~~ 49661
~~housing of prisoners who serve a term in the facility pursuant to~~ 49662
~~division (B)(3)(c) of section 2929.34 of the Revised Code, as~~ 49663
~~follows:~~ 49664

~~(a) In calendar year 2017, not later than the date on which~~ 49665
~~the appropriate representatives of the county enter into a~~ 49666
~~contract with the department of rehabilitation and correction~~ 49667
~~under the targeting community alternatives to prison (T-CAP)~~ 49668
~~program, the sheriff shall determine the per diem costs for each~~ 49669
~~of the facilities for the housing in the facility of prisoners~~ 49670
~~serving a prison term for a felony in calendar year 2016. The per~~ 49671
~~diem cost so determined shall apply in calendar year 2017.~~ 49672

~~(b) Commencing~~ commencing in calendar year 2018, on or before 49673
the first day of February of each calendar year the sheriff shall 49674
determine the per diem costs for the preceding calendar year for 49675
each of the local correctional facilities for the housing in the 49676
facility of prisoners who serve a term in it pursuant to division 49677
(B)(3)(c) of section 2929.34 of the Revised Code. The per diem 49678
cost so determined shall apply in the calendar year in which the 49679
determination is made. 49680

(2) For each county, the per diem cost determined under 49681
division (F)(1) of this section that applies with respect to a 49682
facility in a specified calendar year shall be the per diem rate 49683
of reimbursement in that calendar year, under the targeting 49684
community alternatives to prison (T-CAP) program, for prisoners 49685
who serve a term in the facility pursuant to division (B)(3)(c) of 49686
section 2929.34 of the Revised Code. 49687

(3) The per diem costs of housing determined under division 49688
(F)(1) of this section for a facility shall be the actual costs of 49689
housing the specified prisoners in the facility, on a per diem 49690
basis. 49691

(G) As used in this section: 49692

(1) "Local correctional facility" means a facility of a type 49693
described in division (C) or (D) of section 2929.34 of the Revised 49694
Code. 49695

(2) ~~"Target county" and "voluntary "~~Voluntary county" have 49696
has the same meanings as in section 2929.34 of the Revised Code. 49697

Sec. 5160.01. As used in this chapter: 49698

(A) "Assisted living program" has the same meaning as in 49699
section 173.51 of the Revised Code. 49700

(B) "Dual eligible individual" has the same meaning as in the 49701
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 49702

1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 49703
enrollee (MME). 49704

~~(B)~~(C) "Exchange" has the same meaning as in 45 C.F.R. 49705
155.20. 49706

~~(C)~~(D) "Federal financial participation" means the federal 49707
government's share of expenditures made by an entity in 49708
implementing a medical assistance program. 49709

~~(D)~~(E) "Medical assistance program" means all of the 49710
following: 49711

(1) The medicaid program; 49712

(2) The children's health insurance program; 49713

(3) The refugee medical assistance program; 49714

(4) Any other program that provides medical assistance and 49715
state statutes authorize the department of medicaid to administer. 49716

~~(E)~~(F) "Medical assistance recipient" means a recipient of a 49717
medical assistance program. To the extent appropriate in the 49718
context, "medical assistance recipient" includes an individual 49719
applying for a medical assistance program, a former medical 49720
assistance recipient, or both. 49721

~~(F)~~(G) "Medicaid managed care organization" has the same 49722
meaning as in section 5167.01 of the Revised Code. 49723

(H) "Nursing facility" has the same meaning as in section 49724
5165.01 of the Revised Code. 49725

~~(G)~~(I) "Refugee medical assistance program" means the program 49726
that the department of medicaid administers pursuant to section 49727
5160.50 of the Revised Code. 49728

(J) "Residential care facility" has the same meaning as in 49729
section 3721.01 of the Revised Code. 49730

Sec. 5160.48. (A)(1) The medicaid director shall adopt rules 49731
under section 5160.02 of the Revised Code implementing sections 49732
5160.45 to 5160.481 of the Revised Code and governing the custody, 49733
use, disclosure, and preservation of the information generated or 49734
received by the department of medicaid, county departments of job 49735
and family services, other state and county entities, contractors, 49736
grantees, private entities, or officials participating in the 49737
administration of medical assistance programs. ~~The~~ 49738

Subject to division (A)(2) of this section, the rules shall 49739
be adopted in accordance with Chapter 119. of the Revised Code. 49740
The rules may define who is an "authorized representative" for 49741
purposes of sections 5160.45 and 5160.46 of the Revised Code. The 49742
rules shall specify conditions and procedures for the release of 49743
information, which may include both of the following: 49744

~~(1)~~(a) Permitting a provider of a service under a medical 49745
assistance program limited access to information that is essential 49746
for the provider to render the service or to bill for the service 49747
rendered; 49748

~~(2)~~(b) Permitting a contractor, grantee, or other state or 49749
county entity limited access to information that is essential for 49750
the contractor, grantee, or entity to perform administrative or 49751
other duties on behalf of the department or a county department. 49752

(2) In the case of a medical assistance recipient who is a 49753
resident of a nursing facility or residential care facility, and 49754
the facility participates in the assisted living program, a county 49755
department of job and family services shall automatically 49756
designate the nursing facility or residential care facility as the 49757
recipient's primary authorized representative at the time of the 49758
application for medical assistance. Both of the following apply to 49759
a facility that is automatically designated as an authorized 49760
representative pursuant to this division: 49761

(a) The facility shall be considered an authorized 49762
representative for purposes of sections 5160.45 and 5160.46 of the 49763
Revised Code and shall be subject to all rules regarding 49764
authorized representatives that are adopted under division (A)(1) 49765
of this section; 49766

(b) The facility may resign as an authorized representative. 49767

A medical assistance recipient may designate additional 49768
authorized representatives in the manner provided for in rules. 49769

(B) The department of aging, when investigating a complaint 49770
under section 173.20 of the Revised Code, shall be granted any 49771
limited access permitted in the rules authorized by division 49772
(A)(1)(a) of this section. 49773

A contractor, grantee, or entity given access to information 49774
pursuant to the rules authorized by division (A)~~(2)~~(1)(b) of this 49775
section is bound by the director's rules. Disclosure of the 49776
information by the contractor, grantee, or entity in a manner not 49777
authorized by the rules is a violation of section 5160.45 of the 49778
Revised Code. 49779

Sec. 5162.01. (A) As used in the Revised Code: 49780

(1) "Medicaid" and "medicaid program" mean the program of 49781
medical assistance established by Title XIX of the "Social 49782
Security Act," 42 U.S.C. 1396 et seq., including any medical 49783
assistance provided under the medicaid state plan or a federal 49784
medicaid waiver granted by the United States secretary of health 49785
and human services. 49786

(2) "Medicare" and "medicare program" mean the federal health 49787
insurance program established by Title XVIII of the "Social 49788
Security Act," 42 U.S.C. 1395 et seq. 49789

(B) As used in this chapter: 49790

(1) ~~"Dual eligible individual" has the same meaning as in~~ 49791

section 5160.01 of the Revised Code.	49792
(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20.	49793
(3) <u>(2)</u> "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.	49794 49795
(4) <u>(3)</u> "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).	49796 49797 49798 49799 49800 49801
(5) <u>(4)</u> "Healthcheck" has the same meaning as in section 5164.01 of the Revised Code.	49802 49803
(6) <u>(5)</u> "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component.	49804 49805 49806 49807
(7) <u>(6)</u> "Home and community-based services" means services provided under a home and community-based services medicaid waiver component.	49808 49809 49810
(8) <u>(7)</u> "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	49811 49812 49813
(9) <u>(8)</u> "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	49814 49815
(10) <u>(9)</u> "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code.	49816 49817
(11) <u>(10)</u> "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	49818 49819
(12) <u>(11)</u> "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	49820 49821

~~(13)~~(12) "Medicaid services" has the same meaning as in 49822
section 5164.01 of the Revised Code. 49823

~~(14)~~(13) "Medicaid waiver component" has the same meaning as 49824
in section 5166.01 of the Revised Code; 49825

~~(15)~~(14) "Nursing facility" and "nursing facility services" 49826
have the same meanings as in section 5165.01 of the Revised Code. 49827

~~(16)~~(15) "Ordering or referring only provider" means a 49828
medicaid provider who orders, prescribes, refers, or certifies a 49829
service or item reported on a claim for medicaid payment but does 49830
not bill for medicaid services. 49831

~~(17)~~(16) "Political subdivision" means a municipal 49832
corporation, township, county, school district, or other body 49833
corporate and politic responsible for governmental activities only 49834
in a geographical area smaller than that of the state. 49835

~~(18)~~(17) "Prescribed drug" has the same meaning as in section 49836
5164.01 of the Revised Code. 49837

~~(19)~~(18) "Provider agreement" has the same meaning as in 49838
section 5164.01 of the Revised Code. 49839

~~(20)~~(19) "Qualified medicaid school provider" means the board 49840
of education of a city, local, or exempted village school 49841
district, the governing authority of a community school 49842
established under Chapter 3314. of the Revised Code, the state 49843
school for the deaf, and the state school for the blind to which 49844
both of the following apply: 49845

(a) It holds a valid provider agreement. 49846

(b) It meets all other conditions for participation in the 49847
medicaid school component of the medicaid program established in 49848
rules authorized by section 5162.364 of the Revised Code. 49849

~~(21)~~(20) "State agency" means every organized body, office, 49850
or agency, other than the department of medicaid, established by 49851

the laws of the state for the exercise of any function of state 49852
government. 49853

~~(22)~~(21) "Vendor offset" means a reduction of a medicaid 49854
payment to a medicaid provider to correct a previous, incorrect 49855
medicaid payment to that provider. 49856

Sec. 5162.06. (A) Notwithstanding any other state statute 49857
except section 5163.12 of the Revised Code, no component, or 49858
aspect of a component, of the medicaid program shall be 49859
implemented without all of the following: 49860

(1) Subject to division (B) of this section, if the 49861
component, or aspect of the component, requires federal approval, 49862
receipt of the federal approval; 49863

(2) Sufficient federal financial participation for the 49864
component or aspect of the component; 49865

(3) Sufficient nonfederal funds for the component or aspect 49866
of the component that qualify as funds needed to obtain the 49867
federal financial participation. 49868

(B) A component, or aspect of a component, of the medicaid 49869
program that requires federal approval may begin to be implemented 49870
before receipt of the federal approval if federal law authorizes 49871
implementation to begin before receipt of the federal approval. 49872
Implementation shall cease if the federal approval is ultimately 49873
denied. 49874

Sec. 5162.12. (A) The medicaid director shall enter into a 49875
contract with one or more persons to receive and process, on the 49876
director's behalf, requests for medicaid recipient or claims 49877
payment data, data from reports of audits conducted under section 49878
5165.109 of the Revised Code, or extracts or analyses of any of 49879
the foregoing data made by persons who intend to use the items 49880
prepared pursuant to the requests for commercial or academic 49881

purposes. 49882

(B) At a minimum, a contract entered into under this section 49883
shall do both of the following: 49884

(1) Authorize the contracting person to engage in the 49885
activities described in division (A) of this section for 49886
compensation, which must be stated as a percentage of the fees 49887
paid by persons who are provided the items; 49888

(2) Require the contracting person to charge for an item 49889
prepared pursuant to a request a fee in an amount equal to one 49890
hundred two per cent of the cost the department of medicaid incurs 49891
in making the data used to prepare the item available to the 49892
contracting person. 49893

(C) Except as required by federal or state law and subject to 49894
division (E) of this section, both of the following conditions 49895
apply with respect to a request for data described in division (A) 49896
of this section: 49897

(1) The request shall be made through a person who has 49898
entered into a contract with the medicaid director under this 49899
section. 49900

(2) An item prepared pursuant to the request may be provided 49901
to the department of medicaid and is confidential and not subject 49902
to disclosure under section 149.43 or 1347.08 of the Revised Code. 49903

(D) The medicaid director shall use fees the director 49904
receives pursuant to a contract entered into under this section to 49905
pay obligations specified in contracts entered under this section. 49906
Any money remaining after the obligations are paid shall be 49907
deposited in the health care/medicaid support and recoveries fund 49908
created under section 5162.52 of the Revised Code. 49909

(E) This section does not apply to requests for medicaid 49910
recipient or claims payment data, data from reports of audits 49911

conducted under section 5165.109 of the Revised Code, or extracts 49912
or analyses of any of the foregoing data that are for any of the 49913
following purposes: 49914

(1) Treatment of medicaid recipients; 49915

(2) Payment of medicaid claims; 49916

(3) Establishment or management of medicaid third party 49917
liability pursuant to sections 5160.35 to 5160.43 of the Revised 49918
Code; 49919

(4) Compliance with the terms of an agreement the medicaid 49920
director enters into for purposes of administering the medicaid 49921
program; 49922

~~(5) Compliance with an operating protocol the executive 49923
director of the office of health transformation or the executive 49924
director's designee adopts under division (D) of section 191.06 of 49925
the Revised Code. 49926~~

Sec. 5162.137. The department of medicaid shall develop 49927
findings based on the quarterly reports provided to the department 49928
by pharmacy benefit managers under section 5167.242 of the Revised 49929
Code. The department shall complete a report detailing the 49930
findings not later than sixty days after receiving each quarterly 49931
report. The report shall be submitted to the general assembly in 49932
accordance with section 101.68 of the Revised Code. Upon request, 49933
the department also shall testify about its findings before, 49934
either chamber of the General Assembly or the joint medicaid 49935
oversight committee. The department shall keep as confidential any 49936
document or information marked "confidential" or "proprietary" and 49937
shall redact any information as necessary before it becomes 49938
public. 49939

Sec. 5162.138. At the end of each year that the shared 49940
savings program established under section 5167.35 of the Revised 49941

Code is operated, the department of medicaid shall complete a 49942
report detailing the department's findings and recommendations 49943
regarding the program for that year. The department shall submit 49944
the reports to the governor and, in accordance with section 101.68 49945
of the Revised Code, the general assembly. 49946

Sec. 5162.139. At the end of each year that the quality 49947
incentive program established under section 5167.36 of the Revised 49948
Code is operated, the department of medicaid shall complete a 49949
report detailing the department's findings and recommendations 49950
regarding the program for that year. The department shall submit 49951
the reports to the governor and, in accordance with section 101.68 49952
of the Revised Code, the general assembly. 49953

Sec. 5162.52. (A) The health care/medicaid support and 49954
recoveries fund is hereby created in the state treasury. All of 49955
the following shall be credited to the fund: 49956

(1) Except as otherwise provided by statute or as authorized 49957
by the controlling board, the nonfederal share of all 49958
medicaid-related revenues, collections, and recoveries; 49959

(2) Federal reimbursement received for payment adjustments 49960
made pursuant to section 1923 of the "Social Security Act," 49961
~~section 1923,~~ 42 U.S.C. 1396r-4, under the medicaid program to 49962
state mental health hospitals maintained and operated by the 49963
department of mental health and addiction services under division 49964
(A) of section 5119.14 of the Revised Code; 49965

(3) Revenues the department of medicaid receives from another 49966
state agency for medicaid services pursuant to an interagency 49967
agreement; 49968

(4) The money the department of medicaid receives in a fiscal 49969
year for performing eligibility verification services necessary 49970

for compliance with the independent, certified audit requirement 49971
of 42 C.F.R. 455.304; 49972

(5) The nonfederal share of all rebates paid by drug 49973
manufacturers to the department of medicaid in accordance with a 49974
rebate agreement required by section 1927 of the "Social Security 49975
Act," ~~section 1927,~~ 42 U.S.C. 1396r-8; 49976

(6) The nonfederal share of all supplemental rebates paid by 49977
drug manufacturers to the department of medicaid in accordance 49978
with the supplemental drug rebate program established under 49979
section 5164.755 of the Revised Code; 49980

(7) Amounts deposited into the fund pursuant to sections 49981
5162.12, 5162.40, and 5162.41 of the Revised Code; 49982

(8) The application fees charged to providers under section 49983
5164.31 of the Revised Code; 49984

(9) The fines collected under section 5165.1010 of the 49985
Revised Code; 49986

(10) Amounts from assessments on hospitals under section 49987
5168.06 of the Revised Code and intergovernmental transfers by 49988
governmental hospitals under section 5168.07 of the Revised Code 49989
that are deposited into the fund in accordance with the law. 49990

(B) The department of medicaid shall use money credited to 49991
the health care/medicaid support and recoveries fund to pay for 49992
~~medicaid~~ all of the following: 49993

(1) Medicaid services and costs; 49994

(2) Costs associated with the administration of the medicaid 49995
program; 49996

(3) Programs that serve youth involved with multiple 49997
government agencies; 49998

(4) Innovative programs that the department has statutory 49999
authority to implement and that promote access to health care or 50000

<u>help achieve long-term cost savings to the state.</u>	50001
Sec. 5163.01. As used in this chapter:	50002
"Caretaker relative" has the same meaning as in 42 C.F.R.	50003
435.4 as that regulation is amended effective January 1, 2014.	50004
"Expansion eligibility group" means the medicaid eligibility	50005
group described in section 1902(a)(10)(A)(i)(VIII) of the "Social	50006
Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).	50007
"Federal financial participation" has the same meaning as in	50008
section 5160.01 of the Revised Code.	50009
"Federal poverty line" has the same meaning as in section	50010
5162.01 of the Revised Code.	50011
"Healthy start component" has the same meaning as in section	50012
5162.01 of the Revised Code.	50013
"Home and community-based services medicaid waiver component"	50014
has the same meaning as in section 5166.01 of the Revised Code.	50015
<u>"ICDS participant" has the same meaning as in section 5164.01</u>	50016
<u>of the Revised Code.</u>	50017
<u>"Integrated care delivery system" has the same meaning as in</u>	50018
<u>section 5164.01 of the Revised Code.</u>	50019
"Intermediate care facility for individuals with intellectual	50020
disabilities," and "ICF/IID," <u>and "ICF/IID services"</u> have the same	50021
meanings as in section 5124.01 of the Revised Code.	50022
"Mandatory eligibility groups" means the groups of	50023
individuals that must be covered by the medicaid state plan as a	50024
condition of the state receiving federal financial participation	50025
for the medicaid program.	50026
"Medicaid buy-in for workers with disabilities program" means	50027
the component of the medicaid program established under sections	50028
5163.09 to 5163.098 of the Revised Code.	50029

"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 50030
50031

"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 50032
50033

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 50034
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"Optional eligibility groups" means the groups of individuals who may be covered by the medicaid state plan or a federal medicaid waiver and for whom the medicaid program receives federal financial participation. 50036
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"Other medicaid-funded long-term care services" has the meaning specified in rules adopted under section 5163.02 of the Revised Code. 50040
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"Supplemental security income program" means the program established by Title XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 50043
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50045

Sec. 5163.12. (A) As used in this section: 50046

(1) "Long-term care services" means all of the following: 50047

(a) Home and community-based services available under a medicaid waiver component; 50048
50049

(b) ICF/IID services; 50050

(c) Nursing facility services. 50051

(2) "Mycare Ohio plan" means a plan that a managed care organization makes available to ICDS participants pursuant to the organization's contract with the department of medicaid under the integrated care delivery system. 50052
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(B)(1) An individual shall be presumptively eligible for long-term care services covered by the medicaid program if all of the following apply: 50056
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(a) The individual applies for long-term care services under the medicaid program. 50059
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(b) The individual's eligibility for the long-term care services is not determined by the federally prescribed deadline for the processing of the application. 50061
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(c) The individual is not notified of the individual's right to request a hearing regarding a delayed determination before the expiration of the federally prescribed deadline for the processing of the application. 50064
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(2) An individual shall qualify for presumptive eligibility for long-term care services covered by the medicaid program pursuant to division (B)(1) of this section regardless of whether the individual is already enrolled in medicaid or also applies to enroll in medicaid at the time the individual applies for the long-term care services. 50068
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(C) All of the following apply when an individual is presumptively eligible for long-term care services covered by the medicaid program pursuant to this section: 50074
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(1) The period of presumptive eligibility shall begin on the date the individual's application for the long-term care services is submitted and shall end on the date that the individual's eligibility determination is final which shall include the date any timely appeal of the determination is exhausted. 50077
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(2) The individual shall receive a recipient identification number and any other necessary credentials that enable the individual to obtain the long-term care services for which the individual applied. 50082
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(3) Subject to division (C)(4) of this section, the individual shall receive the long-term care services under the same terms and conditions as individuals whose eligibility for the services is determined within the federally prescribed deadline 50086
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50089

for the processing of the application for the services. 50090

(4) The fee-for-service component of the medicaid program 50091
shall pay for the long-term care services for which the individual 50092
applied except that, if the individual is enrolled in a mycare 50093
Ohio plan at the time the individual applies for the long-term 50094
care services, the managed care organization that makes the plan 50095
available to the individual shall be responsible for paying for 50096
the long-term care services to the extent that the organization is 50097
responsible for the payments under the terms of the contract the 50098
organization entered into with the department of medicaid under 50099
the integrated care delivery system. 50100

(5) If the individual is found to be ineligible for the 50101
long-term care services for which the individual applied, only 50102
state funds shall be used to pay for the following: 50103

(a) The long-term care services provided to the individual 50104
during the period of presumptive eligibility; 50105

(b) The portion of a capitation payment made to a managed 50106
care organization that represents the costs for which the 50107
organization is responsible under division (C)(4) of this section. 50108

(6) Claims for the long-term care services provided to the 50109
individual during the presumptive eligibility period shall be 50110
submitted, processed, and paid in the same manner and at the same 50111
rates as claims for long-term care services provided under the 50112
medicaid program to an individual whose application for the 50113
services is approved within the federally prescribed deadline for 50114
the processing of the application. 50115

(7) Medicaid payments made to medicaid providers for 50116
long-term care services provided to the individual during the 50117
period of presumptive eligibility shall not be subject to recovery 50118
on the basis of either of the following: 50119

(a) The individual is found to be ineligible for the 50120

<u>long-term care services for which the individual applied.</u>	50121
<u>(b) If the individual also applied to enroll in medicaid at</u>	50122
<u>the same time the individual applied for the long-term care</u>	50123
<u>services, the individual is found to be ineligible for medicaid.</u>	50124
 Sec. 5164.01. As used in this chapter:	50125
(A) "Adjudication" has the same meaning as in section 119.01	50126
of the Revised Code.	50127
(B) "Behavioral health redesign" means proposals developed in	50128
a collaborative effort by the office of health transformation,	50129
department of medicaid, and department of mental health and	50130
addiction services to make revisions to the medicaid program's	50131
coverage of community behavioral health services beginning July 1,	50132
2017, including revisions that update medicaid billing codes and	50133
payment rates for community behavioral health services.	50134
(C) "Clean claim" has the same meaning as in 42 C.F.R.	50135
447.45(b).	50136
(D) "Community behavioral health services" means both of the	50137
following:	50138
(1) Alcohol and drug addiction services provided by a	50139
community addiction services provider, as defined in section	50140
5119.01 of the Revised Code;	50141
(2) Mental health services provided by a community mental	50142
health services provider, as defined in section 5119.01 of the	50143
Revised Code.	50144
(E) "Early and periodic screening, diagnostic, and treatment	50145
services" has the same meaning as in the "Social Security Act,"	50146
section 1905(r), 42 U.S.C. 1396d(r).	50147
(F) "Federal financial participation" has the same meaning as	50148
in section 5160.01 of the Revised Code.	50149

(G) "Federal poverty line" has the same meaning as in section 50150
5162.01 of the Revised Code. 50151

(H) "Federally-qualified health center" has the same meaning 50152
as in section 1905(1)(2)(B) of the "Social Security Act," 42 50153
U.S.C. 1396d(1)(2)(B). 50154

(I) "Healthcheck" means the component of the medicaid program 50155
that provides early and periodic screening, diagnostic, and 50156
treatment services. 50157

~~(I)~~(J) "Home and community-based services medicaid waiver 50158
component" has the same meaning as in section 5166.01 of the 50159
Revised Code. 50160

~~(J)~~(K) "Hospital" has the same meaning as in section 3727.01 50161
of the Revised Code. 50162

~~(K)~~(L) "ICDS participant" means a dual eligible individual 50163
who participates in the integrated care delivery system. 50164

~~(L)~~(M) "ICF/IID" has the same meaning as in section 5124.01 50165
of the Revised Code. 50166

~~(M)~~(N) "Integrated care delivery system" and "ICDS" mean the 50167
demonstration project authorized by section 5164.91 of the Revised 50168
Code. 50169

~~(N)~~(O) "Mandatory services" means the health care services 50170
and items that must be covered by the medicaid state plan as a 50171
condition of the state receiving federal financial participation 50172
for the medicaid program. 50173

~~(O)~~(P) "Medicaid managed care organization" has the same 50174
meaning as in section 5167.01 of the Revised Code. 50175

~~(P)~~(Q) "Medicaid provider" means a person or government 50176
entity with a valid provider agreement to provide medicaid 50177
services to medicaid recipients. To the extent appropriate in the 50178
context, "medicaid provider" includes a person or government 50179

entity applying for a provider agreement, a former medicaid 50180
provider, or both. 50181

~~(Q)~~(R) "Medicaid services" means either or both of the 50182
following: 50183

(1) Mandatory services; 50184

(2) Optional services that the medicaid program covers. 50185

~~(R)~~(S) "Nursing facility" has the same meaning as in section 50186
5165.01 of the Revised Code. 50187

~~(S)~~(T) "Optional services" means the health care services and 50188
items that may be covered by the medicaid state plan or a federal 50189
medicaid waiver and for which the medicaid program receives 50190
federal financial participation. 50191

~~(T)~~(U) "Prescribed drug" has the same meaning as in 42 C.F.R. 50192
440.120. 50193

~~(U)~~(V) "Provider agreement" means an agreement to which all 50194
of the following apply: 50195

(1) It is between a medicaid provider and the department of 50196
medicaid; 50197

(2) It provides for the medicaid provider to provide medicaid 50198
services to medicaid recipients; 50199

(3) It complies with 42 C.F.R. 431.107(b). 50200

~~(V)~~(W) "State plan home and community-based services" means 50201
home and community-based services that, as authorized by section 50202
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 50203
covered by the medicaid program pursuant to an amendment to the 50204
medicaid state plan. 50205

~~(W)~~(X) "Terminal distributor of dangerous drugs" has the same 50206
meaning as in section 4729.01 of the Revised Code. 50207

Sec. 5164.05. (A) As used in this section: 50208

(1) "Outpatient health facility" means a facility that 50209
provides comprehensive primary health services by or under the 50210
direction of a physician at least five days per week on a 50211
forty-hour per week basis to outpatients, is operated by the board 50212
of health of a city or general health district or another public 50213
agency or by a nonprofit private agency or organization under the 50214
direction and control of a governing board that has no 50215
health-related responsibilities other than the direction and 50216
control of one or more such outpatient health facilities, and 50217
receives at least seventy-five per cent of its operating funds 50218
from public sources, except that it does not include an outpatient 50219
hospital facility or a ~~federally-qualified~~ federally-qualified 50220
health center ~~as defined in the "Social Security Act," section~~ 50221
~~1905(1)(2)(B), 42 U.S.C. 1396d(1)(2)(B).~~ 50222

(2) "Comprehensive primary health services" means preventive, 50223
diagnostic, therapeutic, rehabilitative, or palliative items or 50224
services that include all of the following: 50225

(a) Services of physicians, physician assistants, and 50226
certified nurse practitioners; 50227

(b) Diagnostic laboratory and radiological services; 50228

(c) Preventive health services, such as children's eye and 50229
ear examinations, perinatal services, well child services, and 50230
family planning services; 50231

(d) Arrangements for emergency medical services; 50232

(e) Transportation services. 50233

(3) "Certified nurse practitioner" has the same meaning as in 50234
section 4723.01 of the Revised Code. 50235

(B) Subject to division (C) of this section, the medicaid 50236
program shall cover comprehensive primary health services provided 50237

by outpatient health facilities with valid provider agreements. 50238
The department of medicaid shall prospectively determine the 50239
medicaid payment rates for such comprehensive primary health 50240
services not less often than once each year. The rates shall not 50241
be subject to retroactive adjustment based on actual costs 50242
incurred. The rates shall not exceed the maximum fee schedule or 50243
rates of payment, limitations based on reasonable costs or 50244
customary charges, and limitations based on combined payments 50245
received for furnishing comparable services, as are applicable to 50246
outpatient hospital facilities under the medicare program. In 50247
determining an outpatient health facility's rate prospectively, 50248
the department shall take into account the historic expenses of 50249
the facility, the operating requirements and services offered by 50250
the facility, and the geographical location of the facility, shall 50251
provide incentives for the efficient and economical utilization of 50252
the facility's resources, and shall ensure that the facility does 50253
not discriminate between classes of persons for whom or by whom 50254
payment for the services is made. 50255

(C) An outpatient health facility does not qualify for 50256
medicaid payments under this section unless it: 50257

(1) Has health and medical care policies developed with the 50258
advice of and subject to review by an advisory committee of 50259
professional personnel, including one or more physicians, one or 50260
more dentists if dental care is provided, and one or more 50261
registered nurses; 50262

(2) Has a medical director, a dental director, if dental care 50263
is provided, and a nursing director responsible for the execution 50264
of such policies, and has physicians, dentists, nursing, and 50265
ancillary staff appropriate to the scope of services provided; 50266

(3) Requires that the care of every patient be under the 50267
supervision of a physician, provides for medical care in case of 50268
emergency, has in effect a written agreement with one or more 50269

hospitals and one or more other outpatient facilities, and has an 50270
established system for the referral of patients to other resources 50271
and a utilization review plan and program; 50272

(4) Maintains clinical records on all patients; 50273

(5) Provides nursing services and other therapeutic services 50274
in compliance with applicable laws and rules and under the 50275
supervision of a registered nurse, and has a registered nurse on 50276
duty at all times when the facility is in operation; 50277

(6) Follows approved methods and procedures for the 50278
dispensing and administration of drugs and biologicals; 50279

(7) Maintains the accounting and record-keeping system 50280
required under federal laws and regulations for the determination 50281
of reasonable and allowable costs. 50282

Sec. 5164.342. (A) As used in this section: 50283

"Applicant" means a person who is under final consideration 50284
for employment with a waiver agency in a full-time, part-time, or 50285
temporary position that involves providing home and 50286
community-based services. 50287

"Community-based long-term care provider" means a provider as 50288
defined in section 173.39 of the Revised Code. 50289

"Community-based long-term care subcontractor" means a 50290
subcontractor as defined in section 173.38 of the Revised Code. 50291

"Criminal records check" has the same meaning as in section 50292
109.572 of the Revised Code. 50293

"Disqualifying offense" means any of the offenses listed or 50294
described in divisions (A)(3)(a) to (e) of section 109.572 of the 50295
Revised Code. 50296

"Employee" means a person employed by a waiver agency in a 50297
full-time, part-time, or temporary position that involves 50298

providing home and community-based services. 50299

"Waiver agency" means a person or government entity that 50300
provides home and community-based services under a home and 50301
community-based services medicaid waiver component administered by 50302
the department of medicaid, other than such a person or government 50303
entity that is certified under the medicare program. "Waiver 50304
agency" does not mean an independent provider as defined in 50305
section 5164.341 of the Revised Code. 50306

(B) This section does not apply to any individual who is 50307
subject to a database review or criminal records check under 50308
section 3701.881 of the Revised Code. If a waiver agency also is a 50309
community-based long-term care provider or community-based 50310
long-term care subcontractor, the waiver agency may provide for 50311
any of its applicants and employees who are not subject to 50312
database reviews and criminal records checks under section 173.38 50313
of the Revised Code to undergo database reviews and criminal 50314
records checks in accordance with that section ~~173.38 of the~~ 50315
~~Revised Code~~ rather than this section. 50316

(C) No waiver agency shall employ an applicant or continue to 50317
employ an employee in a position that involves providing home and 50318
community-based services if any of the following apply: 50319

(1) A review of the databases listed in division (E) of this 50320
section reveals any of the following: 50321

(a) That the applicant or employee is included in one or more 50322
of the databases listed in divisions (E)(1) to (5) of this 50323
section; 50324

(b) That there is in the state nurse aide registry 50325
established under section 3721.32 of the Revised Code a statement 50326
detailing findings by the director of health that the applicant or 50327
employee abused, neglected, or exploited a long-term care facility 50328
or residential care facility resident or misappropriated property 50329

of such a resident; 50330

(c) That the applicant or employee is included in one or more 50331
of the databases, if any, specified in rules authorized by this 50332
section and the rules prohibit the waiver agency from employing an 50333
applicant or continuing to employ an employee included in such a 50334
database in a position that involves providing home and 50335
community-based services. 50336

(2) After the applicant or employee is given the information 50337
and notification required by divisions (F)(2)(a) and (b) of this 50338
section, the applicant or employee fails to do either of the 50339
following: 50340

(a) Access, complete, or forward to the superintendent of the 50341
bureau of criminal identification and investigation the form 50342
prescribed to division (C)(1) of section 109.572 of the Revised 50343
Code or the standard impression sheet prescribed pursuant to 50344
division (C)(2) of that section; 50345

(b) Instruct the superintendent to submit the completed 50346
report of the criminal records check required by this section 50347
directly to the chief administrator of the waiver agency. 50348

(3) Except as provided in rules authorized by this section, 50349
the applicant or employee is found by a criminal records check 50350
required by this section to have been convicted of or have pleaded 50351
guilty to a disqualifying offense, regardless of the date of the 50352
conviction or date of entry of the guilty plea. 50353

(D) At the time of each applicant's initial application for 50354
employment in a position that involves providing home and 50355
community-based services, the chief administrator of a waiver 50356
agency shall inform the applicant of both of the following: 50357

(1) That a review of the databases listed in division (E) of 50358
this section will be conducted to determine whether the waiver 50359
agency is prohibited by division (C)(1) of this section from 50360

employing the applicant in the position; 50361

(2) That, unless the database review reveals that the 50362
applicant may not be employed in the position, a criminal records 50363
check of the applicant will be conducted and the applicant is 50364
required to provide a set of the applicant's fingerprint 50365
impressions as part of the criminal records check. 50366

(E) As a condition of employing any applicant in a position 50367
that involves providing home and community-based services, the 50368
chief administrator of a waiver agency shall conduct a database 50369
review of the applicant in accordance with rules authorized by 50370
this section. If rules authorized by this section so require, the 50371
chief administrator of a waiver agency shall conduct a database 50372
review of an employee in accordance with the rules as a condition 50373
of continuing to employ the employee in a position that involves 50374
providing home and community-based services. A database review 50375
shall determine whether the applicant or employee is included in 50376
any of the following: 50377

(1) The excluded parties list system that is maintained by 50378
the United States general services administration pursuant to 50379
subpart 9.4 of the federal acquisition regulation and available at 50380
the federal web site known as the system for award management; 50381

(2) The list of excluded individuals and entities maintained 50382
by the office of inspector general in the United States department 50383
of health and human services pursuant to the "Social Security 50384
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 50385

(3) The registry of developmental disabilities employees 50386
established under section 5123.52 of the Revised Code; 50387

(4) The internet-based sex offender and child-victim offender 50388
database established under division (A)(11) of section 2950.13 of 50389
the Revised Code; 50390

(5) The internet-based database of inmates established under 50391

section 5120.66 of the Revised Code; 50392

(6) The state nurse aide registry established under section 50393
3721.32 of the Revised Code; 50394

(7) Any other database, if any, specified in rules authorized 50395
by this section. 50396

(F)(1) As a condition of employing any applicant in a 50397
position that involves providing home and community-based 50398
services, the chief administrator of a waiver agency shall require 50399
the applicant to request that the superintendent of the bureau of 50400
criminal identification and investigation conduct a criminal 50401
records check of the applicant. If rules authorized by this 50402
section so require, the chief administrator of a waiver agency 50403
shall require an employee to request that the superintendent 50404
conduct a criminal records check of the employee at times 50405
specified in the rules as a condition of continuing to employ the 50406
employee in a position that involves providing home and 50407
community-based services. However, a criminal records check is not 50408
required for an applicant or employee if the waiver agency is 50409
prohibited by division (C)(1) of this section from employing the 50410
applicant or continuing to employ the employee in a position that 50411
involves providing home and community-based services. If an 50412
applicant or employee for whom a criminal records check request is 50413
required by this section does not present proof of having been a 50414
resident of this state for the five-year period immediately prior 50415
to the date the criminal records check is requested or provide 50416
evidence that within that five-year period the superintendent has 50417
requested information about the applicant or employee from the 50418
federal bureau of investigation in a criminal records check, the 50419
chief administrator shall require the applicant or employee to 50420
request that the superintendent obtain information from the 50421
federal bureau of investigation as part of the criminal records 50422
check. Even if an applicant or employee for whom a criminal 50423

records check request is required by this section presents proof 50424
of having been a resident of this state for the five-year period, 50425
the chief administrator may require the applicant or employee to 50426
request that the superintendent include information from the 50427
federal bureau of investigation in the criminal records check. 50428

(2) The chief administrator shall provide the following to 50429
each applicant and employee for whom a criminal records check is 50430
required by this section: 50431

(a) Information about accessing, completing, and forwarding 50432
to the superintendent of the bureau of criminal identification and 50433
investigation the form prescribed pursuant to division (C)(1) of 50434
section 109.572 of the Revised Code and the standard impression 50435
sheet prescribed pursuant to division (C)(2) of that section; 50436

(b) Written notification that the applicant or employee is to 50437
instruct the superintendent to submit the completed report of the 50438
criminal records check directly to the chief administrator. 50439

(3) A waiver agency shall pay to the bureau of criminal 50440
identification and investigation the fee prescribed pursuant to 50441
division (C)(3) of section 109.572 of the Revised Code for any 50442
criminal records check required by this section. However, a waiver 50443
agency may require an applicant to pay to the bureau the fee for a 50444
criminal records check of the applicant. If the waiver agency pays 50445
the fee for an applicant, it may charge the applicant a fee not 50446
exceeding the amount the waiver agency pays to the bureau under 50447
this section if the waiver agency notifies the applicant at the 50448
time of initial application for employment of the amount of the 50449
fee and that, unless the fee is paid, the applicant will not be 50450
considered for employment. 50451

(G)(1) A waiver agency may employ conditionally an applicant 50452
for whom a criminal records check is required by this section 50453
prior to obtaining the results of the criminal records check if 50454

both of the following apply: 50455

(a) The waiver agency is not prohibited by division (C)(1) of 50456
this section from employing the applicant in a position that 50457
involves providing home and community-based services. 50458

(b) The chief administrator of the waiver agency requires the 50459
applicant to request a criminal records check regarding the 50460
applicant in accordance with division (F)(1) of this section not 50461
later than five business days after the applicant begins 50462
conditional employment. 50463

(2) A waiver agency that employs an applicant conditionally 50464
under division (G)(1) of this section shall terminate the 50465
applicant's employment if the results of the criminal records 50466
check, other than the results of any request for information from 50467
the federal bureau of investigation, are not obtained within the 50468
period ending sixty days after the date the request for the 50469
criminal records check is made. Regardless of when the results of 50470
the criminal records check are obtained, if the results indicate 50471
that the applicant has been convicted of or has pleaded guilty to 50472
a disqualifying offense, the waiver agency shall terminate the 50473
applicant's employment unless circumstances specified in rules 50474
authorized by this section exist that permit the waiver agency to 50475
employ the applicant and the waiver agency chooses to employ the 50476
applicant. 50477

(H) The report of any criminal records check conducted 50478
pursuant to a request made under this section is not a public 50479
record for the purposes of section 149.43 of the Revised Code and 50480
shall not be made available to any person other than the 50481
following: 50482

(1) The applicant or employee who is the subject of the 50483
criminal records check or the representative of the applicant or 50484
employee; 50485

(2) The chief administrator of the waiver agency that 50486
requires the applicant or employee to request the criminal records 50487
check or the administrator's representative; 50488

(3) The medicaid director and the staff of the department who 50489
are involved in the administration of the medicaid program; 50490

(4) The director of aging or the director's designee if the 50491
waiver agency also is a community-based long-term care provider or 50492
community-based long-term care subcontractor; 50493

(5) An individual receiving or deciding whether to receive 50494
home and community-based services from the subject of the criminal 50495
records check; 50496

(6) A court, hearing officer, or other necessary individual 50497
involved in a case dealing with any of the following: 50498

(a) A denial of employment of the applicant or employee; 50499

(b) Employment or unemployment benefits of the applicant or 50500
employee; 50501

(c) A civil or criminal action regarding the medicaid 50502
program. 50503

(I) The medicaid director shall adopt rules under section 50504
5164.02 of the Revised Code to implement this section. 50505

(1) The rules may do the following: 50506

(a) Require employees to undergo database reviews and 50507
criminal records checks under this section; 50508

(b) If the rules require employees to undergo database 50509
reviews and criminal records checks under this section, exempt one 50510
or more classes of employees from the requirements; 50511

(c) For the purpose of division (E)(7) of this section, 50512
specify other databases that are to be checked as part of a 50513
database review conducted under this section. 50514

(2) The rules shall specify all of the following: 50515

(a) The procedures for conducting a database review under 50516
this section; 50517

(b) If the rules require employees to undergo database 50518
reviews and criminal records checks under this section, the times 50519
at which the database reviews and criminal records checks are to 50520
be conducted; 50521

(c) If the rules specify other databases to be checked as 50522
part of a database review, the circumstances under which a waiver 50523
agency is prohibited from employing an applicant or continuing to 50524
employ an employee who is found by the database review to be 50525
included in one or more of those databases; 50526

(d) The circumstances under which a waiver agency may employ 50527
an applicant or employee who is found by a criminal records check 50528
required by this section to have been convicted of or have pleaded 50529
guilty to a disqualifying offense. 50530

(J) The amendments made by H.B. 487 of the 129th general 50531
assembly to this section do not preclude the department of 50532
medicaid from taking action against a person for failure to comply 50533
with former division (H) of this section as that division existed 50534
on the day preceding January 1, 2013. 50535

Sec. 5164.38. (A) As used in this section: 50536

(1) "Party" has the same meaning as in division (G) of 50537
section 119.01 of the Revised Code. 50538

(2) "Revalidate" means to approve a medicaid provider's 50539
continued enrollment as a medicaid provider in accordance with the 50540
revalidation process established in rules authorized by section 50541
5164.32 of the Revised Code. 50542

(B) This section does not apply to either of the following: 50543

(1) Any action taken or decision made by the department of 50544
medicaid with respect to entering into or refusing to enter into a 50545
contract with a managed care organization pursuant to section 50546
5167.10 of the Revised Code; 50547

(2) Any action taken by the department under division (D)(2) 50548
of section 5124.60, division (D)(1) or (2) of section 5124.61, or 50549
sections 5165.60 to 5165.89 of the Revised Code. 50550

(C) Except as provided in division (E) of this section and 50551
section 5164.58 of the Revised Code, the department shall do any 50552
of the following by issuing an order pursuant to an adjudication 50553
conducted in accordance with Chapter 119. of the Revised Code: 50554

(1) Refuse to enter into a provider agreement with a medicaid 50555
provider; 50556

(2) Refuse to revalidate a medicaid provider's provider 50557
agreement; 50558

(3) Suspend or terminate a medicaid provider's provider 50559
agreement; 50560

(4) Take any action based upon a final fiscal audit of a 50561
medicaid provider; 50562

(5) Reduce a hospital emergency department's medicaid payment 50563
rates pursuant to division (B) of section 5164.722 of the Revised 50564
Code. 50565

(D) Any party who is adversely affected by the issuance of an 50566
adjudication order under division (C) of this section may appeal 50567
to the court of common pleas of Franklin county in accordance with 50568
section 119.12 of the Revised Code. 50569

(E) The department is not required to comply with division 50570
(C)(1), (2), or (3) of this section whenever any of the following 50571
occur: 50572

(1) The terms of a provider agreement require the medicaid 50573

provider to hold a license, permit, or certificate or maintain a 50574
certification issued by an official, board, commission, 50575
department, division, bureau, or other agency of state or federal 50576
government other than the department of medicaid, and the license, 50577
permit, certificate, or certification has been denied, revoked, 50578
not renewed, suspended, or otherwise limited. 50579

(2) The terms of a provider agreement require the medicaid 50580
provider to hold a license, permit, or certificate or maintain 50581
certification issued by an official, board, commission, 50582
department, division, bureau, or other agency of state or federal 50583
government other than the department of medicaid, and the provider 50584
has not obtained the license, permit, certificate, or 50585
certification. 50586

(3) The medicaid provider's application for a provider 50587
agreement is denied, or the provider's provider agreement is 50588
terminated or not revalidated, because of or pursuant to any of 50589
the following: 50590

(a) The termination, refusal to renew, or denial of a 50591
license, permit, certificate, or certification by an official, 50592
board, commission, department, division, bureau, or other agency 50593
of this state other than the department of medicaid, 50594
notwithstanding the fact that the provider may hold a license, 50595
permit, certificate, or certification from an official, board, 50596
commission, department, division, bureau, or other agency of 50597
another state; 50598

(b) Division (D) or (E) of section 5164.35 of the Revised 50599
Code; 50600

(c) The provider's termination, suspension, or exclusion from 50601
the medicare program or from another state's medicaid program and, 50602
in either case, the termination, suspension, or exclusion is 50603
binding on the provider's participation in the medicaid program in 50604

this state; 50605

(d) The provider's pleading guilty to or being convicted of a 50606
criminal activity materially related to either the medicare or 50607
medicaid program; 50608

(e) The provider or its owner, officer, authorized agent, 50609
associate, manager, or employee having been convicted of one of 50610
the offenses that caused the provider's provider agreement to be 50611
suspended pursuant to section 5164.36 of the Revised Code; 50612

(f) The provider's failure to provide the department the 50613
national provider identifier assigned the provider by the national 50614
provider system pursuant to 45 C.F.R. 162.408. 50615

(4) The medicaid provider's application for a provider 50616
agreement is denied, or the provider's provider agreement is 50617
terminated or suspended, as a result of action by the United 50618
States department of health and human services and that action is 50619
binding on the provider's medicaid participation. 50620

(5) Pursuant to either section 5164.36 or 5164.37 of the 50621
Revised Code, the medicaid provider's provider agreement is 50622
suspended and payments to the provider are suspended pending 50623
indictment of the provider. 50624

(6) The medicaid provider's application for a provider 50625
agreement is denied because the provider's application was not 50626
complete; 50627

(7) The medicaid provider's provider agreement is converted 50628
under section 5164.32 of the Revised Code from a provider 50629
agreement that is not time-limited to a provider agreement that is 50630
time-limited. 50631

(8) Unless the medicaid provider is a nursing facility or 50632
ICF/IID, the provider's provider agreement is not revalidated 50633
pursuant to division (B)(1) of section 5164.32 of the Revised 50634

Code. 50635

(9) The medicaid provider's provider agreement is suspended, 50636
terminated, or not revalidated because of either of the following: 50637

(a) Any reason authorized or required by one or more of the 50638
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 50639
455.450; 50640

(b) The provider has not billed or otherwise submitted a 50641
medicaid claim for two years or longer. 50642

(F) In the case of a medicaid provider described in division 50643
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may 50644
take its action by sending a notice explaining the action to the 50645
provider. The notice shall be sent to the medicaid provider's 50646
address on record with the department. The notice may be sent by 50647
regular mail. 50648

(G) The department may withhold payments for medicaid 50649
services rendered by a medicaid provider during the pendency of 50650
proceedings initiated under division (C)(1), (2), or (3) of this 50651
section. If the proceedings are initiated under division (C)(4) of 50652
this section, the department may withhold payments only to the 50653
extent that they equal amounts determined in a final fiscal audit 50654
as being due the state. This division does not apply if the 50655
department fails to comply with section 119.07 of the Revised 50656
Code, requests a continuance of the hearing, or does not issue a 50657
decision within thirty days after the hearing is completed. This 50658
division does not apply to nursing facilities and ICFs/IID. 50659

Sec. 5164.65. The medicaid program shall comply with Chapter 50660
3962. of the Revised Code as if it were a health plan issuer. This 50661
requirement extends to medicaid managed care organizations. 50662

Sec. 5164.722. (A) If a hospital emergency department 50663
provides to a medicaid recipient medicaid services that are beyond 50664

those needed to comply with section 1867 of the "Social Security Act," 42 U.S.C. 1395dd, the medicaid payment rates for the medicaid services shall not exceed the medicaid payment rates that would be paid had the medicaid services been provided in the most appropriate health care setting. The department of medicaid or its designee shall determine what would have been the most appropriate health care setting for the purpose of this section.

(B) The department of medicaid shall conduct final fiscal audits of hospital emergency departments under section 5164.55 of the Revised Code to ensure that medicaid payments to hospital emergency departments do not exceed the limits established by this section. If a hospital emergency department does not cooperate with such an audit, the department may reduce for up to five years the medicaid payment rates for medicaid services the hospital emergency department provides. The amount of such a reduction shall not exceed fifty per cent of the amount that otherwise would have been paid.

Sec. 5164.723. (A) If a federally-qualified health center is located on the same campus as a hospital emergency department and the center provides medicaid services to a medicaid recipient referred to the center by the hospital emergency department, the medicaid payment rate for the medicaid services the center provides to the recipient at that visit shall equal the following:

(1) For the five-year period specified in division (B) of this section, the center's medicaid payment rate for the medicaid services plus the emergency room facility fee established in rules adopted under section 5164.02 of the Revised Code that the hospital emergency department would have been paid had the hospital emergency department provided the medicaid services to the recipient;

(2) For the five-year period immediately following the

five-year period specified in division (B) of this section, the 50696
center's medicaid payment rate for the medicaid services plus 50697
fifty per cent of the emergency room facility fee described in 50698
division (A)(1) of this section. 50699

(B) The five-year period to which division (A)(1) of this 50700
section applies is the following: 50701

(1) If the federally-qualified health center participates in 50702
the medicaid program on the effective date of this section, the 50703
five-year period beginning on that date; 50704

(2) If the federally-qualified health center begins to 50705
participate in the medicaid program after the effective date of 50706
this section, the five-year period beginning on the date the 50707
center begins to participate in the medicaid program. 50708

Sec. 5164.724. The medicaid director shall adopt performance 50709
indicators to measure the quality of services provided by 50710
hospitals that are registered with the department of health under 50711
section 3701.07 of the Revised Code and classified pursuant to 50712
rules adopted under that section as children's hospitals. Each 50713
children's hospital shall submit a report annually to the 50714
department of medicaid on each of the performance indicators. The 50715
first report shall be submitted not later than January 1, 2021. 50716

Sec. 5164.7510. (A) There is hereby established the pharmacy 50717
and therapeutics committee of the department of medicaid. The 50718
committee shall assist the department with developing and 50719
maintaining a preferred drug list for the medicaid program. 50720

The committee shall review and recommend to the medicaid 50721
director the drugs that should be included on the preferred drug 50722
list. The recommendations shall be made based on the evaluation of 50723
competent evidence regarding the relative safety, efficacy, and 50724
effectiveness of prescribed drugs within a class or classes of 50725

prescribed drugs. 50726

(B) The committee shall consist of ten members and shall be 50727
appointed by the medicaid director. The director shall seek 50728
recommendations for membership from relevant professional 50729
organizations. A candidate for membership recommended by a 50730
professional organization shall have professional experience 50731
working with medicaid recipients. 50732

The membership of the committee shall include: 50733

(1) Three pharmacists licensed under Chapter 4729. of the 50734
Revised Code; 50735

(2) Two doctors of medicine and two doctors of osteopathy who 50736
hold ~~certificates to practice~~ licenses issued under Chapter 4731. 50737
of the Revised Code, one of whom is a family practice physician; 50738

(3) A registered nurse licensed under Chapter 4723. of the 50739
Revised Code; 50740

(4) A pharmacologist who has a doctoral degree; 50741

(5) A psychiatrist who holds a certificate to practice issued 50742
under Chapter 4731. of the Revised Code and specializes in 50743
psychiatry. 50744

(C) The committee shall elect from among its members a 50745
chairperson. Five committee members constitute a quorum. 50746

The committee shall establish guidelines necessary for the 50747
committee's operation. 50748

The committee may establish one or more subcommittees to 50749
investigate and analyze issues consistent with the duties of the 50750
committee under this section. The subcommittees may submit 50751
proposals regarding the issues to the committee and the committee 50752
may adopt, reject, or modify the proposals. 50753

A vote by a majority of a quorum is necessary to make 50754
recommendations to the director. In the case of a tie, the 50755

chairperson shall decide the outcome. 50756

(D) The director shall act on the committee's recommendations 50757
not later than thirty days after the recommendation is posted on 50758
the department's web site under division (F) of this section. If 50759
the director does not accept a recommendation of the committee, 50760
the director shall present the basis for this determination not 50761
later than fourteen days after making the determination or at the 50762
next scheduled meeting of the committee, whichever is sooner. 50763

(E) An interested party may request, and shall be permitted, 50764
to make a presentation or submit written materials to the 50765
committee during a committee meeting. The presentation or other 50766
materials shall be relevant to an issue under consideration by the 50767
committee and any written material, including a transcript of 50768
testimony to be given on the day of the meeting, may be submitted 50769
to the committee in advance of the meeting. 50770

(F) The department shall post the following on the 50771
department's web site: 50772

(1) Guidelines established by the committee under division 50773
(C) of this section; 50774

(2) A detailed committee agenda not later than fourteen days 50775
prior to the date of a regularly scheduled meeting and not later 50776
than seventy-two hours prior to the date of a special meeting 50777
called by the committee; 50778

(3) Committee recommendations not later than seven days after 50779
the meeting at which the recommendation was approved; 50780

(4) The director's final determination as to the 50781
recommendations made by the committee under this section. 50782

Sec. 5164.891. (A) Before establishing a state-based 50783
nonemergency medical transportation brokerage program under 50784
section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 50785

1396a(a)(70), the department of medicaid shall permit each board 50786
of county commissioners to choose to do either of the following: 50787

(1) Participate in the state-based program; 50788

(2) Continue to be responsible for coordinating nonemergency 50789
medical transportation services for medicaid recipients residing 50790
in the county the board serves. 50791

(B) The department shall specify a deadline by which boards 50792
shall make a choice under this section. When establishing the 50793
state-based program, the department shall exclude any county that 50794
chooses by the deadline to continue to be responsible for 50795
coordinating those services. 50796

Sec. 5165.01. As used in this chapter: 50797

(A) "Affiliated operator" means an operator affiliated with 50798
either of the following: 50799

(1) The exiting operator for whom the affiliated operator is 50800
to assume liability for the entire amount of the exiting 50801
operator's debt under the medicaid program or the portion of the 50802
debt that represents the franchise permit fee the exiting operator 50803
owes; 50804

(2) The entering operator involved in the change of operator 50805
with the exiting operator specified in division (A)(1) of this 50806
section. 50807

(B) "Allowable costs" are a nursing facility's costs that the 50808
department of medicaid determines are reasonable. Fines paid under 50809
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 50810
Code are not allowable costs. 50811

(C) "Ancillary and support costs" means all reasonable costs 50812
incurred by a nursing facility other than direct care costs, tax 50813
costs, or capital costs. "Ancillary and support costs" includes, 50814

but is not limited to, costs of activities, social services, 50815
pharmacy consultants, habilitation supervisors, qualified 50816
intellectual disability professionals, program directors, medical 50817
and habilitation records, program supplies, incontinence supplies, 50818
food, enterals, dietary supplies and personnel, laundry, 50819
housekeeping, security, administration, medical equipment, 50820
utilities, liability insurance, bookkeeping, purchasing 50821
department, human resources, communications, travel, dues, license 50822
fees, subscriptions, home office costs not otherwise allocated, 50823
legal services, accounting services, minor equipment, maintenance 50824
and repairs, help-wanted advertising, informational advertising, 50825
start-up costs, organizational expenses, other interest, property 50826
insurance, employee training and staff development, employee 50827
benefits, payroll taxes, and workers' compensation premiums or 50828
costs for self-insurance claims and related costs as specified in 50829
rules adopted under section 5165.02 of the Revised Code, for 50830
personnel listed in this division. "Ancillary and support costs" 50831
also means the cost of equipment, including vehicles, acquired by 50832
operating lease executed before December 1, 1992, if the costs are 50833
reported as administrative and general costs on the nursing 50834
facility's cost report for the cost reporting period ending 50835
December 31, 1992. 50836

(D) "Applicable calendar year" means the calendar year 50837
immediately preceding the calendar year that precedes the first of 50838
the state fiscal years for which a rebasing is conducted. 50839

~~(E) "Budget reduction adjustment factor" means the factor 50840
specified pursuant to or in section 5165.361 of the Revised Code 50841
for a state fiscal year. 50842~~

~~(F)~~(1) "Capital costs" means the actual expense incurred by a 50843
nursing facility for all of the following: 50844

(a) Depreciation and interest on any capital assets that cost 50845
five hundred dollars or more per item, including the following: 50846

(i) Buildings;	50847
(ii) Building improvements;	50848
(iii) Except as provided in division (C) of this section, equipment;	50849 50850
(iv) Transportation equipment.	50851
(b) Amortization and interest on land improvements and leasehold improvements;	50852 50853
(c) Amortization of financing costs;	50854
(d) Lease and rent of land, buildings, and equipment.	50855
(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	50856 50857 50858
(G) (F) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	50859 50860 50861
(H) (G) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.	50862 50863 50864 50865
(I) (H) "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.	50866 50867 50868
(1) Actions that constitute a change of operator include the following:	50869 50870
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;	50871 50872 50873
(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering	50874 50875

operator, regardless of whether ownership of any or all of the 50876
real property or personal property associated with the nursing 50877
facility is also transferred; 50878

(c) A lease of the nursing facility to the entering operator 50879
or the exiting operator's termination of the exiting operator's 50880
lease; 50881

(d) If the exiting operator is a partnership, dissolution of 50882
the partnership; 50883

(e) If the exiting operator is a partnership, a change in 50884
composition of the partnership unless both of the following apply: 50885

(i) The change in composition does not cause the 50886
partnership's dissolution under state law. 50887

(ii) The partners agree that the change in composition does 50888
not constitute a change in operator. 50889

(f) If the operator is a corporation, dissolution of the 50890
corporation, a merger of the corporation into another corporation 50891
that is the survivor of the merger, or a consolidation of one or 50892
more other corporations to form a new corporation. 50893

(2) The following, alone, do not constitute a change of 50894
operator: 50895

(a) A contract for an entity to manage a nursing facility as 50896
the operator's agent, subject to the operator's approval of daily 50897
operating and management decisions; 50898

(b) A change of ownership, lease, or termination of a lease 50899
of real property or personal property associated with a nursing 50900
facility if an entering operator does not become the operator in 50901
place of an exiting operator; 50902

(c) If the operator is a corporation, a change of one or more 50903
members of the corporation's governing body or transfer of 50904
ownership of one or more shares of the corporation's stock, if the 50905

same corporation continues to be the operator. 50906

~~(J)~~(I) "Cost center" means the following: 50907

(1) Ancillary and support costs; 50908

(2) Capital costs; 50909

(3) Direct care costs; 50910

(4) Tax costs. 50911

~~(K)~~(J) "Custom wheelchair" means a wheelchair to which both 50912
of the following apply: 50913

(1) It has been measured, fitted, or adapted in consideration 50914
of either of the following: 50915

(a) The body size or disability of the individual who is to 50916
use the wheelchair; 50917

(b) The individual's period of need for, or intended use of, 50918
the wheelchair. 50919

(2) It has customized features, modifications, or components, 50920
such as adaptive seating and positioning systems, that the 50921
supplier who assembled the wheelchair, or the manufacturer from 50922
which the wheelchair was ordered, added or made in accordance with 50923
the instructions of the physician of the individual who is to use 50924
the wheelchair. 50925

~~(L)~~(K)(1) "Date of licensure" means the following: 50926

(a) In the case of a nursing facility that was required by 50927
law to be licensed as a nursing home under Chapter 3721. of the 50928
Revised Code when it originally began to be operated as a nursing 50929
home, the date the nursing facility was originally so licensed; 50930

(b) In the case of a nursing facility that was not required 50931
by law to be licensed as a nursing home when it originally began 50932
to be operated as a nursing home, the date it first began to be 50933
operated as a nursing home, regardless of the date the nursing 50934

facility was first licensed as a nursing home. 50935

(2) If, after a nursing facility's original date of 50936
licensure, more nursing home beds are added to the nursing 50937
facility, the nursing facility has a different date of licensure 50938
for the additional beds. This does not apply, however, to 50939
additional beds when both of the following apply: 50940

(a) The additional beds are located in a part of the nursing 50941
facility that was constructed at the same time as the continuing 50942
beds already located in that part of the nursing facility; 50943

(b) The part of the nursing facility in which the additional 50944
beds are located was constructed as part of the nursing facility 50945
at a time when the nursing facility was not required by law to be 50946
licensed as a nursing home. 50947

(3) The definition of "date of licensure" in this section 50948
applies in determinations of nursing facilities' medicaid payment 50949
rates but does not apply in determinations of nursing facilities' 50950
franchise permit fees. 50951

~~(M)~~(L) "Desk-reviewed" means that a nursing facility's costs 50952
as reported on a cost report submitted under section 5165.10 of 50953
the Revised Code have been subjected to a desk review under 50954
section 5165.108 of the Revised Code and preliminarily determined 50955
to be allowable costs. 50956

~~(N)~~(M) "Direct care costs" means all of the following costs 50957
incurred by a nursing facility: 50958

(1) Costs for registered nurses, licensed practical nurses, 50959
and nurse aides employed by the nursing facility; 50960

(2) Costs for direct care staff, administrative nursing 50961
staff, medical directors, respiratory therapists, and except as 50962
provided in division ~~(N)~~(M)(8) of this section, other persons 50963
holding degrees qualifying them to provide therapy; 50964

(3) Costs of purchased nursing services;	50965
(4) Costs of quality assurance;	50966
(5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in divisions (N) <u>(M)</u> (1), (2), (4), and (8) of this section;	50967 50968 50969 50970 50971 50972
(6) Costs of consulting and management fees related to direct care;	50973 50974
(7) Allocated direct care home office costs;	50975
(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;	50976 50977 50978 50979 50980 50981
(9) Costs of wheelchairs other than the following:	50982
(a) Custom wheelchairs;	50983
(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	50984 50985 50986
(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	50987 50988 50989
(O) <u>(N)</u> "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	50990 50991
(P) <u>(O)</u> "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	50992 50993 50994

~~(Q)~~(P) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.

~~(R)~~(Q) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.

~~(S)~~(R) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.

~~(T)~~(S) "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination.

~~(U)~~(T) "Exiting operator" means any of the following:

(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator;

(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure;

(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation;

(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination.

~~(V)~~(U)(1) Subject to divisions ~~(V)~~(U)(2) and (3) of this section, "facility closure" means either of the following:

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents;

(b) Conversion of the building, or part of the building, that

houses a nursing facility to a different use with any necessary 51025
license or other approval needed for that use being obtained and 51026
one or more of the nursing facility's residents remaining in the 51027
building, or part of the building, to receive services under the 51028
new use. 51029

(2) A facility closure occurs regardless of any of the 51030
following: 51031

(a) The operator completely or partially replacing the 51032
nursing facility by constructing a new nursing facility or 51033
transferring the nursing facility's license to another nursing 51034
facility; 51035

(b) The nursing facility's residents relocating to another of 51036
the operator's nursing facilities; 51037

(c) Any action the department of health takes regarding the 51038
nursing facility's medicaid certification that may result in the 51039
transfer of part of the nursing facility's survey findings to 51040
another of the operator's nursing facilities; 51041

(d) Any action the department of health takes regarding the 51042
nursing facility's license under Chapter 3721. of the Revised 51043
Code. 51044

(3) A facility closure does not occur if all of the nursing 51045
facility's residents are relocated due to an emergency evacuation 51046
and one or more of the residents return to a medicaid-certified 51047
bed in the nursing facility not later than thirty days after the 51048
evacuation occurs. 51049

~~(W)~~(V) "Franchise permit fee" means the fee imposed by 51050
sections 5168.40 to 5168.56 of the Revised Code. 51051

~~(X)~~(W) "Inpatient days" means both of the following: 51052

(1) All days during which a resident, regardless of payment 51053
source, occupies a bed in a nursing facility that is included in 51054

the nursing facility's medicaid-certified capacity; 51055

(2) Fifty per cent of the days for which payment is made 51056
under section 5165.34 of the Revised Code. 51057

~~(Y)~~(X) "Involuntary termination" means the department of 51058
medicaid's termination of the operator's provider agreement for 51059
the nursing facility when the termination is not taken at the 51060
operator's request. 51061

~~(Z)~~(Y) "Low resource utilization resident" means a medicaid 51062
recipient residing in a nursing facility who, for purposes of 51063
calculating the nursing facility's medicaid payment rate for 51064
direct care costs, is placed in either of the two lowest resource 51065
utilization groups, excluding any resource utilization group that 51066
is a default group used for residents with incomplete assessment 51067
data. 51068

~~(AA)~~(Z) "Maintenance and repair expenses" means a nursing 51069
facility's expenditures that are necessary and proper to maintain 51070
an asset in a normally efficient working condition and that do not 51071
extend the useful life of the asset two years or more. 51072
"Maintenance and repair expenses" includes but is not limited to 51073
the costs of ordinary repairs such as painting and wallpapering. 51074

~~(BB)~~(AA) "Medicaid-certified capacity" means the number of a 51075
nursing facility's beds that are certified for participation in 51076
medicaid as nursing facility beds. 51077

~~(CC)~~(BB) "Medicaid days" means both of the following: 51078

(1) All days during which a resident who is a medicaid 51079
recipient eligible for nursing facility services occupies a bed in 51080
a nursing facility that is included in the nursing facility's 51081
medicaid-certified capacity; 51082

(2) Fifty per cent of the days for which payment is made 51083
under section 5165.34 of the Revised Code. 51084

~~(DD)~~ "Medicare skilled nursing facility market basket index" 51085
means the index established by the United States secretary of 51086
health and human services under section 1888(c)(5) of the "Social 51087
Security Act," 42 U.S.C. 1395yy(e)(5). 51088

~~(EE)~~(CC)(1) "New nursing facility" means a nursing facility 51089
for which the provider obtains an initial provider agreement 51090
following medicaid certification of the nursing facility by the 51091
director of health, including such a nursing facility that 51092
replaces one or more nursing facilities for which a provider 51093
previously held a provider agreement. 51094

(2) "New nursing facility" does not mean a nursing facility 51095
for which the entering operator seeks a provider agreement 51096
pursuant to section 5165.511 or 5165.512 or (pursuant to section 51097
5165.515) section 5165.07 of the Revised Code. 51098

~~(FF)~~(DD) "Nursing facility" has the same meaning as in the 51099
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 51100

~~(GG)~~(EE) "Nursing facility services" has the same meaning as 51101
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 51102

~~(HH)~~(FF) "Nursing home" has the same meaning as in section 51103
3721.01 of the Revised Code. 51104

~~(II)~~(GG) "Operator" means the person or government entity 51105
responsible for the daily operating and management decisions for a 51106
nursing facility. 51107

~~(JJ)~~(HH)(1) "Owner" means any person or government entity 51108
that has at least five per cent ownership or interest, either 51109
directly, indirectly, or in any combination, in any of the 51110
following regarding a nursing facility: 51111

(a) The land on which the nursing facility is located; 51112

(b) The structure in which the nursing facility is located; 51113

(c) Any mortgage, contract for deed, or other obligation 51114

secured in whole or in part by the land or structure on or in 51115
which the nursing facility is located; 51116

(d) Any lease or sublease of the land or structure on or in 51117
which the nursing facility is located. 51118

(2) "Owner" does not mean a holder of a debenture or bond 51119
related to the nursing facility and purchased at public issue or a 51120
regulated lender that has made a loan related to the nursing 51121
facility unless the holder or lender operates the nursing facility 51122
directly or through a subsidiary. 51123

~~(KK)~~(II) "Per diem" means a nursing facility's actual, 51124
allowable costs in a given cost center in a cost reporting period, 51125
divided by the nursing facility's inpatient days for that cost 51126
reporting period. 51127

~~(LL)~~(JJ) "Provider" means an operator with a provider 51128
agreement. 51129

~~(MM)~~(KK) "Provider agreement" means a provider agreement, as 51130
defined in section 5164.01 of the Revised Code, that is between 51131
the department of medicaid and the operator of a nursing facility 51132
for the provision of nursing facility services under the medicaid 51133
program. 51134

~~(NN)~~(LL) "Purchased nursing services" means services that are 51135
provided in a nursing facility by registered nurses, licensed 51136
practical nurses, or nurse aides who are not employees of the 51137
nursing facility. 51138

~~(OO)~~(MM) "Reasonable" means that a cost is an actual cost 51139
that is appropriate and helpful to develop and maintain the 51140
operation of patient care facilities and activities, including 51141
normal standby costs, and that does not exceed what a prudent 51142
buyer pays for a given item or services. Reasonable costs may vary 51143
from provider to provider and from time to time for the same 51144
provider. 51145

~~(PP)~~(NN) "Rebasing" means a redetermination of each of the 51146
following using information from cost reports for an applicable 51147
calendar year that is later than the applicable calendar year used 51148
for the previous rebasing: 51149

(1) Each peer group's rate for ancillary and support costs as 51150
determined pursuant to division (C) of section 5165.16 of the 51151
Revised Code; 51152

(2) Each peer group's rate for capital costs as determined 51153
pursuant to division (C) of section 5165.17 of the Revised Code; 51154

(3) Each peer group's cost per case-mix unit as determined 51155
pursuant to division (C) of section 5165.19 of the Revised Code; 51156

(4) Each nursing facility's rate for tax costs as determined 51157
pursuant to section 5165.21 of the Revised Code. 51158

~~(QQ)~~(OO) "Related party" means an individual or organization 51159
that, to a significant extent, has common ownership with, is 51160
associated or affiliated with, has control of, or is controlled 51161
by, the provider. 51162

(1) An individual who is a relative of an owner is a related 51163
party. 51164

(2) Common ownership exists when an individual or individuals 51165
possess significant ownership or equity in both the provider and 51166
the other organization. Significant ownership or equity exists 51167
when an individual or individuals possess five per cent ownership 51168
or equity in both the provider and a supplier. Significant 51169
ownership or equity is presumed to exist when an individual or 51170
individuals possess ten per cent ownership or equity in both the 51171
provider and another organization from which the provider 51172
purchases or leases real property. 51173

(3) Control exists when an individual or organization has the 51174
power, directly or indirectly, to significantly influence or 51175

direct the actions or policies of an organization. 51176

(4) An individual or organization that supplies goods or 51177
services to a provider shall not be considered a related party if 51178
all of the following conditions are met: 51179

(a) The supplier is a separate bona fide organization. 51180

(b) A substantial part of the supplier's business activity of 51181
the type carried on with the provider is transacted with others 51182
than the provider and there is an open, competitive market for the 51183
types of goods or services the supplier furnishes. 51184

(c) The types of goods or services are commonly obtained by 51185
other nursing facilities from outside organizations and are not a 51186
basic element of patient care ordinarily furnished directly to 51187
patients by nursing facilities. 51188

(d) The charge to the provider is in line with the charge for 51189
the goods or services in the open market and no more than the 51190
charge made under comparable circumstances to others by the 51191
supplier. 51192

~~(RR)~~(PP) "Relative of owner" means an individual who is 51193
related to an owner of a nursing facility by one of the following 51194
relationships: 51195

(1) Spouse; 51196

(2) Natural parent, child, or sibling; 51197

(3) Adopted parent, child, or sibling; 51198

(4) Stepparent, stepchild, stepbrother, or stepsister; 51199

(5) Father-in-law, mother-in-law, son-in-law, 51200
daughter-in-law, brother-in-law, or sister-in-law; 51201

(6) Grandparent or grandchild; 51202

(7) Foster caregiver, foster child, foster brother, or foster 51203
sister. 51204

~~(SS)~~(QQ) "Residents' rights advocate" has the same meaning as 51205
in section 3721.10 of the Revised Code. 51206

~~(TT)~~(RR) "Skilled nursing facility" has the same meaning as 51207
in the "Social Security Act," section 1819(a), 42 U.S.C. 51208
1395i-3(a). 51209

~~(UU)~~(SS) "State fiscal year" means the fiscal year of this 51210
state, as specified in section 9.34 of the Revised Code. 51211

~~(VV)~~(TT) "Sponsor" has the same meaning as in section 3721.10 51212
of the Revised Code. 51213

~~(WW)~~(UU) "Tax costs" means the costs of taxes imposed under 51214
Chapter 5751. of the Revised Code, real estate taxes, personal 51215
property taxes, and corporate franchise taxes. 51216

~~(XX)~~(VV) "Title XIX" means Title XIX of the "Social Security 51217
Act," 42 U.S.C. 1396 et seq. 51218

~~(YY)~~(WW) "Title XVIII" means Title XVIII of the "Social 51219
Security Act," 42 U.S.C. 1395 et seq. 51220

~~(ZZ)~~(XX) "Voluntary withdrawal of participation" means an 51221
operator's voluntary election to terminate the participation of a 51222
nursing facility in the medicaid program but to continue to 51223
provide service of the type provided by a nursing facility. 51224

Sec. 5165.15. Except as otherwise provided by sections 51225
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 51226
per medicaid day payment rate that the department of medicaid 51227
shall pay a nursing facility provider for nursing facility 51228
services the provider's nursing facility provides during a state 51229
fiscal year shall be determined as follows: 51230

(A) Determine the sum of all of the following: 51231

(1) The per medicaid day payment rate for ancillary and 51232
support costs determined for the nursing facility under section 51233

5165.16 of the Revised Code; 51234

(2) The per medicaid day payment rate for capital costs 51235
determined for the nursing facility under section 5165.17 of the 51236
Revised Code; 51237

(3) The per medicaid day payment rate for direct care costs 51238
determined for the nursing facility under section 5165.19 of the 51239
Revised Code; 51240

(4) The per medicaid day payment rate for tax costs 51241
determined for the nursing facility under section 5165.21 of the 51242
Revised Code; 51243

(5) If the nursing facility qualifies as a critical access 51244
nursing facility, the nursing facility's critical access incentive 51245
payment paid under section 5165.23 of the Revised Code. 51246

(B) To the sum determined under division (A) of this section, 51247
add ~~the following~~: 51248

~~(1) For state fiscal years 2018 and 2019, sixteen dollars and 51249
forty-four cents;~~ 51250

~~(2) For state fiscal year 2020 and, except as provided in 51251
division (B)(3) of this section, each state fiscal year 51252
thereafter, the sum of the following:~~ 51253

~~(a) The amount specified or determined for the purpose of 51254
division (B) of this section for the immediately preceding state 51255
fiscal year;~~ 51256

~~(b) The difference between the following:~~ 51257

~~(i) The medicare skilled nursing facility market basket index 51258
determined for the federal fiscal year that begins during the 51259
state fiscal year immediately preceding the state fiscal year for 51260
which the determination is being made under division (B) of this 51261
section;~~ 51262

~~(ii) The budget reduction adjustment factor for the state 51263~~

~~fiscal year for which the determination is being made under~~ 51264
~~division (B) of this section.~~ 51265

~~(3) For the first state fiscal year in a group of consecutive~~ 51266
~~state fiscal years for which a rebasing is conducted after state~~ 51267
~~fiscal year 2020, the amount specified or determined for the~~ 51268
~~purpose of division (B) of this section for the immediately~~ 51269
~~preceding state fiscal year.~~ 51270

(C) From the sum determined under division (B) of this 51271
section, subtract one dollar and seventy-nine cents. 51272

(D) To the difference determined under division (C) of this 51273
section, add the per medicaid day quality payment rate determined 51274
for the nursing facility under section 5165.25 of the Revised 51275
Code. 51276

(E) To the sum determined under division (D) of this section, 51277
add the per medicaid day quality incentive payment rate determined 51278
for the nursing facility under section 5165.26 of the Revised 51279
Code. 51280

Sec. 5165.152. The total per medicaid day payment rate 51281
determined under section 5165.15 of the Revised Code shall not be 51282
paid for nursing facility services provided to low resource 51283
utilization residents. Instead, the total rate for such nursing 51284
facility services shall be ~~the following:~~ 51285

~~(A) One one hundred fifteen dollars per medicaid day if the~~ 51286
~~department of medicaid is satisfied that the nursing facility's~~ 51287
~~provider is cooperating with the long-term care ombudsman program~~ 51288
~~in efforts to help the nursing facility's low resource utilization~~ 51289
~~residents receive the services that are most appropriate for such~~ 51290
~~residents' level of care needs;~~ 51291

~~(B) Ninety one dollars and seventy cents per medicaid day if~~ 51292
~~division (A) of this section does not apply to the nursing~~ 51293

facility. 51294

Sec. 5165.16. (A) The department of medicaid shall determine 51295
each nursing facility's per medicaid day payment rate for 51296
ancillary and support costs. A nursing facility's rate shall be 51297
the rate determined under division (C) of this section for the 51298
nursing facility's peer group. 51299

(B) For the purpose of determining nursing facilities' rates 51300
for ancillary and support costs, the department shall establish 51301
six peer groups composed as follows: 51302

(1) Each nursing facility located in any of the following 51303
counties shall be placed in peer group one or two: Brown, Butler, 51304
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 51305
located in any of those counties that has fewer than one hundred 51306
beds shall be placed in peer group one. Each nursing facility 51307
located in any of those counties that has one hundred or more beds 51308
shall be placed in peer group two. 51309

(2) Each nursing facility located in any of the following 51310
counties shall be placed in peer group three or four: Allen, 51311
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 51312
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 51313
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 51314
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 51315
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 51316
nursing facility located in any of those counties that has fewer 51317
than one hundred beds shall be placed in peer group three. Each 51318
nursing facility located in any of those counties that has one 51319
hundred or more beds shall be placed in peer group four. 51320

(3) Each nursing facility located in any of the following 51321
counties shall be placed in peer group five or six: Adams, 51322
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 51323
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 51324

Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 51325
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 51326
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 51327
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 51328
and Wyandot. Each nursing facility located in any of those 51329
counties that has fewer than one hundred beds shall be placed in 51330
peer group five. Each nursing facility located in any of those 51331
counties that has one hundred or more beds shall be placed in peer 51332
group six. 51333

(C)(1) The department shall determine the rate for ancillary 51334
and support costs for each peer group established under division 51335
(B) of this section. The rate for ancillary and support costs 51336
determined under this division for a peer group shall be used for 51337
subsequent years until the department conducts a rebasing. To 51338
determine a peer group's rate for ancillary and support costs, the 51339
department shall do all of the following: 51340

(a) Subject to division (C)(2) of this section, determine the 51341
rate for ancillary and support costs for each nursing facility in 51342
the peer group for the applicable calendar year by using the 51343
greater of the nursing facility's actual inpatient days for the 51344
applicable calendar year or the inpatient days the nursing 51345
facility would have had for the applicable calendar year if its 51346
occupancy rate had been ninety per cent; 51347

(b) Subject to division (C)(3) of this section, identify 51348
which nursing facility in the peer group is at the twenty-fifth 51349
percentile of the rate for ancillary and support costs for the 51350
applicable calendar year determined under division (C)(1)(a) of 51351
this section; 51352

(c) Multiply the rate for ancillary and support costs 51353
determined under division (C)(1)(a) of this section for the 51354
nursing facility identified under division (C)(1)(b) of this 51355
section by the rate of inflation for the eighteen-month period 51356

beginning on the first day of July of the applicable calendar year 51357
and ending the last day of December of the calendar year 51358
immediately following the applicable calendar year using the 51359
following: 51360

(i) Except as provided in division (C)(1)(c)(ii) of this 51361
section, the consumer price index for all items for all urban 51362
consumers for the midwest region, published by the United States 51363
bureau of labor statistics; 51364

(ii) If the United States bureau of labor statistics ceases 51365
to publish the index specified in division (C)(1)(c)(i) of this 51366
section, the index the bureau subsequently publishes that covers 51367
urban consumers' prices for items for the region that includes 51368
this state. 51369

~~(d) For state fiscal year 2020 and each state fiscal year 51370~~
~~thereafter (other than the first state fiscal year in a group of 51371~~
~~consecutive state fiscal years for which a rebasing is conducted), 51372~~
~~adjust the amount calculated under division (C)(1)(c) of this 51373~~
~~section using the difference between the following: 51374~~

~~(i) The medicare skilled nursing facility market basket index 51375~~
~~determined for the federal fiscal year that begins during the 51376~~
~~state fiscal year immediately preceding the state fiscal year for 51377~~
~~which the adjustment is being made under division (C)(1)(d) of 51378~~
~~this section; 51379~~

~~(ii) The budget reduction adjustment factor for the state 51380~~
~~fiscal year for which the adjustment is being made under division 51381~~
~~(C)(1)(d) of this section. 51382~~

(2) For the purpose of determining a nursing facility's 51383
occupancy rate under division (C)(1)(a) of this section, the 51384
department shall include any beds that the nursing facility 51385
removes from its medicaid-certified capacity unless the nursing 51386
facility also removes the beds from its licensed bed capacity. 51387

(3) In making the identification under division (C)(1)(b) of 51388
this section, the department shall exclude both of the following: 51389

(a) Nursing facilities that participated in the medicaid 51390
program under the same provider for less than twelve months in the 51391
applicable calendar year; 51392

(b) Nursing facilities whose ancillary and support costs are 51393
more than one standard deviation from the mean desk-reviewed, 51394
actual, allowable, per diem ancillary and support cost for all 51395
nursing facilities in the nursing facility's peer group for the 51396
applicable calendar year. 51397

(4) The department shall not redetermine a peer group's rate 51398
for ancillary and support costs under this division based on 51399
additional information that it receives after the rate is 51400
determined. The department shall redetermine a peer group's rate 51401
for ancillary and support costs only if the department made an 51402
error in determining the rate based on information available to 51403
the department at the time of the original determination. 51404

Sec. 5165.17. (A) The department of medicaid shall determine 51405
each nursing facility's per medicaid day payment rate for capital 51406
costs. A nursing facility's rate shall be the rate determined 51407
under division (C) of this section. 51408

(B) For the purpose of determining nursing facilities' rates 51409
for capital costs, the department shall establish six peer groups. 51410

(1) Each nursing facility located in any of the following 51411
counties shall be placed in peer group one or two: Brown, Butler, 51412
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 51413
located in any of those counties that has fewer than one hundred 51414
beds shall be placed in peer group one. Each nursing facility 51415
located in any of those counties that has one hundred or more beds 51416
shall be placed in peer group two. 51417

(2) Each nursing facility located in any of the following 51418
counties shall be placed in peer group three or four: Allen, 51419
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 51420
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 51421
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 51422
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 51423
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 51424
nursing facility located in any of those counties that has fewer 51425
than one hundred beds shall be placed in peer group three. Each 51426
nursing facility located in any of those counties that has one 51427
hundred or more beds shall be placed in peer group four. 51428

(3) Each nursing facility located in any of the following 51429
counties shall be placed in peer group five or six: Adams, 51430
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 51431
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 51432
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 51433
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 51434
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 51435
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 51436
and Wyandot. Each nursing facility located in any of those 51437
counties that has fewer than one hundred beds shall be placed in 51438
peer group five. Each nursing facility located in any of those 51439
counties that has one hundred or more beds shall be placed in peer 51440
group six. 51441

(C)(1) The department shall determine the rate for capital 51442
costs for each peer group established under division (B) of this 51443
section. The rate for capital costs determined under this division 51444
for a peer group shall be used for subsequent years until the 51445
department conducts a rebasing. To determine a peer group's rate 51446
for capital costs, the department shall ~~do both of the following:~~ 51447

~~(a) Determine~~ determine the rate for capital costs for the 51448
nursing facility in the peer group that is at the twenty-fifth 51449

percentile of the rate for capital costs for the applicable 51450
calendar year; 51451

~~(b) For state fiscal year 2020 and each state fiscal year 51452
thereafter (other than the first state fiscal year in a group of 51453
consecutive state fiscal years for which a rebasing is conducted), 51454
adjust the amount calculated under division (C)(1)(a) of this 51455
section using the difference between the following: 51456~~

~~(i) The medicare skilled nursing facility market basket index 51457
determined for the federal fiscal year that begins during the 51458
state fiscal year immediately preceding the state fiscal year for 51459
which the adjustment is being made under division (C)(1)(a) of 51460
this section; 51461~~

~~(ii) The budget reduction adjustment factor for the state 51462
fiscal year for which the adjustment is being made under division 51463
(C)(1)(a) of this section. 51464~~

(2) To identify the nursing facility in a peer group that is 51465
at the twenty-fifth percentile of the rate for capital costs for 51466
the applicable calendar year, the department shall do both of the 51467
following: 51468

(a) Subject to division (C)(3) of this section, use the 51469
greater of each nursing facility's actual inpatient days for the 51470
applicable calendar year or the inpatient days the nursing 51471
facility would have had for the applicable calendar year if its 51472
occupancy rate had been one hundred per cent; 51473

(b) Exclude both of the following: 51474

(i) Nursing facilities that participated in the medicaid 51475
program under the same provider for less than twelve months in the 51476
applicable calendar year; 51477

(ii) Nursing facilities whose capital costs are more than one 51478
standard deviation from the mean desk-reviewed, actual, allowable, 51479

per diem capital cost for all nursing facilities in the nursing 51480
facility's peer group for the applicable calendar year. 51481

(3) For the purpose of determining a nursing facility's 51482
occupancy rate under division (C)(2)(a) of this section, the 51483
department shall include any beds that the nursing facility 51484
removes from its medicaid-certified capacity after June 30, 2005, 51485
unless the nursing facility also removes the beds from its 51486
licensed bed capacity. 51487

(4) The department shall not redetermine a peer group's rate 51488
for capital costs under this division based on additional 51489
information that it receives after the rate is determined. The 51490
department shall redetermine a peer group's rate for capital costs 51491
only if the department made an error in determining the rate based 51492
on information available to the department at the time of the 51493
original determination. 51494

(D) Buildings shall be depreciated using the straight line 51495
method over forty years or over a different period approved by the 51496
department. Components and equipment shall be depreciated using 51497
the straight-line method over a period designated in rules adopted 51498
under section 5165.02 of the Revised Code, consistent with the 51499
guidelines of the American hospital association, or over a 51500
different period approved by the department. Any rules authorized 51501
by this division that specify useful lives of buildings, 51502
components, or equipment apply only to assets acquired on or after 51503
July 1, 1993. Depreciation for costs paid or reimbursed by any 51504
government agency shall not be included in capital costs unless 51505
that part of the payment under this chapter is used to reimburse 51506
the government agency. 51507

(E) The capital cost basis of nursing facility assets shall 51508
be determined in the following manner: 51509

(1) Except as provided in division (E)(3) of this section, 51510

for purposes of calculating the rates to be paid for facilities 51511
with dates of licensure on or before June 30, 1993, the capital 51512
cost basis of each asset shall be equal to the desk-reviewed, 51513
actual, allowable, capital cost basis that is listed on the 51514
facility's cost report for the calendar year preceding the state 51515
fiscal year during which the rate will be paid. 51516

(2) For facilities with dates of licensure after June 30, 51517
1993, the capital cost basis shall be determined in accordance 51518
with the principles of the medicare program, except as otherwise 51519
provided in this chapter. 51520

(3) Except as provided in division (E)(4) of this section, if 51521
a provider transfers an interest in a facility to another provider 51522
after June 30, 1993, there shall be no increase in the capital 51523
cost basis of the asset if the providers are related parties or 51524
the provider to which the interest is transferred authorizes the 51525
provider that transferred the interest to continue to operate the 51526
facility under a lease, management agreement, or other 51527
arrangement. If the previous sentence does not prohibit the 51528
adjustment of the capital cost basis under this division, the 51529
basis of the asset shall be adjusted by one-half of the change in 51530
the consumer price index for all items for all urban consumers, as 51531
published by the United States bureau of labor statistics, during 51532
the time that the transferor held the asset. 51533

(4) If a provider transfers an interest in a facility to 51534
another provider who is a related party, the capital cost basis of 51535
the asset shall be adjusted as specified in division (E)(3) of 51536
this section if all of the following conditions are met: 51537

(a) The related party is a relative of owner; 51538

(b) Except as provided in division (E)(4)(c)(ii) of this 51539
section, the provider making the transfer retains no ownership 51540
interest in the facility; 51541

(c) The department determines that the transfer is an arm's length transaction pursuant to rules adopted under section 5165.02 of the Revised Code. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:

(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The transfer satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (E)(4) of this section or actual, allowable capital costs was determined most recently under division (F)(9) of this section.

(F) As used in this division:

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.

"Lease expense" means lease payments in the case of an

operating lease and depreciation expense and interest expense in 51573
the case of a capital lease. 51574

"New lease" means a lease, to a different lessee, of a 51575
nursing facility that previously was operated under a lease. 51576

(1) Subject to division (A) of this section, for a lease of a 51577
facility that was effective on May 27, 1992, the entire lease 51578
expense is an actual, allowable capital cost during the term of 51579
the existing lease. The entire lease expense also is an actual, 51580
allowable capital cost if a lease in existence on May 27, 1992, is 51581
renewed under either of the following circumstances: 51582

(a) The renewal is pursuant to a renewal option that was in 51583
existence on May 27, 1992; 51584

(b) The renewal is for the same lease payment amount and 51585
between the same parties as the lease in existence on May 27, 51586
1992. 51587

(2) Subject to division (A) of this section, for a lease of a 51588
facility that was in existence but not operated under a lease on 51589
May 27, 1992, actual, allowable capital costs shall include the 51590
lesser of the annual lease expense or the annual depreciation 51591
expense and imputed interest expense that would be calculated at 51592
the inception of the lease using the lessor's entire historical 51593
capital asset cost basis, adjusted by one-half of the change in 51594
the consumer price index for all items for all urban consumers, as 51595
published by the United States bureau of labor statistics, during 51596
the time the lessor held each asset until the beginning of the 51597
lease. 51598

(3) Subject to division (A) of this section, for a lease of a 51599
facility with a date of licensure on or after May 27, 1992, that 51600
is initially operated under a lease, actual, allowable capital 51601
costs shall include the annual lease expense if there was a 51602
substantial commitment of money for construction of the facility 51603

after December 22, 1992, and before July 1, 1993. If there was not 51604
a substantial commitment of money after December 22, 1992, and 51605
before July 1, 1993, actual, allowable capital costs shall include 51606
the lesser of the annual lease expense or the sum of the 51607
following: 51608

(a) The annual depreciation expense that would be calculated 51609
at the inception of the lease using the lessor's entire historical 51610
capital asset cost basis; 51611

(b) The greater of the lessor's actual annual amortization of 51612
financing costs and interest expense at the inception of the lease 51613
or the imputed interest expense calculated at the inception of the 51614
lease using seventy per cent of the lessor's historical capital 51615
asset cost basis. 51616

(4) Subject to division (A) of this section, for a lease of a 51617
facility with a date of licensure on or after May 27, 1992, that 51618
was not initially operated under a lease and has been in existence 51619
for ten years, actual, allowable capital costs shall include the 51620
lesser of the annual lease expense or the annual depreciation 51621
expense and imputed interest expense that would be calculated at 51622
the inception of the lease using the entire historical capital 51623
asset cost basis of one-half of the change in the consumer price 51624
index for all items for all urban consumers, as published by the 51625
United States bureau of labor statistics, during the time the 51626
lessor held each asset until the beginning of the lease. 51627

(5) Subject to division (A) of this section, for a new lease 51628
of a facility that was operated under a lease on May 27, 1992, 51629
actual, allowable capital costs shall include the lesser of the 51630
annual new lease expense or the annual old lease payment. If the 51631
old lease was in effect for ten years or longer, the old lease 51632
payment from the beginning of the old lease shall be adjusted by 51633
one-half of the change in the consumer price index for all items 51634
for all urban consumers, as published by the United States bureau 51635

of labor statistics, from the beginning of the old lease to the 51636
beginning of the new lease. 51637

(6) Subject to division (A) of this section, for a new lease 51638
of a facility that was not in existence or that was in existence 51639
but not operated under a lease on May 27, 1992, actual, allowable 51640
capital costs shall include the lesser of annual new lease expense 51641
or the annual amount calculated for the old lease under division 51642
(F)(2), (3), (4), or (6) of this section, as applicable. If the 51643
old lease was in effect for ten years or longer, the lessor's 51644
historical capital asset cost basis shall be, for purposes of 51645
calculating the annual amount under division (F)(2), (3), (4), or 51646
(6) of this section, adjusted by one-half of the change in the 51647
consumer price index for all items for all urban consumers, as 51648
published by the United States bureau of labor statistics, from 51649
the beginning of the old lease to the beginning of the new lease. 51650

In the case of a lease under division (F)(3) of this section 51651
of a facility for which a substantial commitment of money was made 51652
after December 22, 1992, and before July 1, 1993, the old lease 51653
payment shall be adjusted for the purpose of determining the 51654
annual amount. 51655

(7) For any revision of a lease described in division (F)(1), 51656
(2), (3), (4), (5), or (6) of this section, or for any subsequent 51657
lease of a facility operated under such a lease, other than 51658
execution of a new lease, the portion of actual, allowable capital 51659
costs attributable to the lease shall be the same as before the 51660
revision or subsequent lease. 51661

(8) Except as provided in division (F)(9) of this section, if 51662
a provider leases an interest in a facility to another provider 51663
who is a related party or previously operated the facility, the 51664
related party's or previous operator's actual, allowable capital 51665
costs shall include the lesser of the annual lease expense or the 51666
reasonable cost to the lessor. 51667

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable capital costs shall include the annual lease expense, subject to the limitations specified in divisions (F)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (F)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department determines that the lease is an arm's length transaction pursuant to rules adopted under section 5165.02 of the Revised Code. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (F)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The lease satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost

basis was adjusted most recently under division (E)(4) of this 51699
section or actual, allowable capital costs were determined most 51700
recently under division (F)(9) of this section. 51701

(10) This division does not apply to leases of specific items 51702
of equipment. 51703

Sec. 5165.19. (A) Semiannually, the department of medicaid 51704
shall determine each nursing facility's per medicaid day payment 51705
rate for direct care costs by multiplying the facility's 51706
semiannual case-mix score determined under section 5165.192 of the 51707
Revised Code by the cost per case-mix unit determined under 51708
division (C) of this section for the facility's peer group. 51709

(B) For the purpose of determining nursing facilities' rates 51710
for direct care costs, the department shall establish three peer 51711
groups. 51712

(1) Each nursing facility located in any of the following 51713
counties shall be placed in peer group one: Brown, Butler, 51714
Clermont, Clinton, Hamilton, and Warren. 51715

(2) Each nursing facility located in any of the following 51716
counties shall be placed in peer group two: Allen, Ashtabula, 51717
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 51718
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 51719
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 51720
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 51721
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 51722

(3) Each nursing facility located in any of the following 51723
counties shall be placed in peer group three: Adams, Ashland, 51724
Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, 51725
Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, 51726
Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, 51727
Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, 51728

Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, 51729
Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and 51730
Wyandot. 51731

(C)(1) The department shall determine a cost per case-mix 51732
unit for each peer group established under division (B) of this 51733
section. The cost per case-mix unit determined under this division 51734
for a peer group shall be used for subsequent years until the 51735
department conducts a rebasing. To determine a peer group's cost 51736
per case-mix unit, the department shall do all of the following: 51737

(a) Determine the cost per case-mix unit for each nursing 51738
facility in the peer group for the applicable calendar year by 51739
dividing each facility's desk-reviewed, actual, allowable, per 51740
diem direct care costs for the applicable calendar year by the 51741
facility's annual average case-mix score determined under section 51742
5165.192 of the Revised Code for the applicable calendar year; 51743

(b) Subject to division (C)(2) of this section, identify 51744
which nursing facility in the peer group is at the twenty-fifth 51745
percentile of the cost per case-mix units determined under 51746
division (C)(1)(a) of this section; 51747

(c) Calculate the amount that is two per cent above the cost 51748
per case-mix unit determined under division (C)(1)(a) of this 51749
section for the nursing facility identified under division 51750
(C)(1)(b) of this section; 51751

(d) Using the index specified in division (C)(3) of this 51752
section, multiply the rate of inflation for the eighteen-month 51753
period beginning on the first day of July of the applicable 51754
calendar year and ending the last day of December of the calendar 51755
year immediately following the applicable calendar year by the 51756
amount calculated under division (C)(1)(c) of this section; 51757

~~(e) For state fiscal year 2020 and each state fiscal year 51758~~
~~thereafter (other than the first state fiscal year in a group of 51759~~

~~consecutive state fiscal years for which a rebasing is conducted),~~ 51760
~~adjust the amount calculated under division (C)(1)(d) of this~~ 51761
~~section using the difference between the following:~~ 51762

~~(i) The medicare skilled nursing facility market basket index~~ 51763
~~determined for the federal fiscal year that begins during the~~ 51764
~~state fiscal year immediately preceding the state fiscal year for~~ 51765
~~which the adjustment is being made under division (C)(1)(e) of~~ 51766
~~this section;~~ 51767

~~(ii) The budget reduction adjustment factor for the state~~ 51768
~~fiscal year for which the adjustment is being made under division~~ 51769
~~(C)(1)(e) of this section.~~ 51770

(2) In making the identification under division (C)(1)(b) of 51771
this section, the department shall exclude both of the following: 51772

(a) Nursing facilities that participated in the medicaid 51773
program under the same provider for less than twelve months in the 51774
applicable calendar year; 51775

(b) Nursing facilities whose cost per case-mix unit is more 51776
than one standard deviation from the mean cost per case-mix unit 51777
for all nursing facilities in the nursing facility's peer group 51778
for the applicable calendar year. 51779

(3) The following index shall be used for the purpose of the 51780
calculation made under division (C)(1)(d) of this section: 51781

(a) Except as provided in division (C)(3)(b) of this section, 51782
the employment cost index for total compensation, nursing and 51783
residential care facilities occupational group, published by the 51784
United States bureau of labor statistics; 51785

(b) If the United States bureau of labor statistics ceases to 51786
publish the index specified in division (C)(3)(a) of this section, 51787
the index the bureau subsequently publishes that covers nursing 51788
facilities' staff costs. 51789

(4) The department shall not redetermine a peer group's cost per case-mix unit under this division based on additional information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.

Sec. 5165.21. The department of medicaid shall determine each nursing facility's per medicaid day payment rate for tax costs. The rate for tax costs determined under this division for a nursing facility shall be used for subsequent years until the department conducts a rebasing. To determine a nursing facility's rate for tax costs, the department shall ~~do both of the following:~~

~~(A) Divide~~ divide the nursing facility's desk-reviewed, actual, allowable tax costs paid for the applicable calendar year by the number of inpatient days the nursing facility would have had if its occupancy rate had been one hundred per cent during the applicable calendar year;

~~(B) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division (A) of this section using the difference between the following:~~

~~(1) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (B) of this section;~~

~~(2) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division~~

~~(B) of this section.~~ 51821

Sec. 5165.25. (A) As used in this section: 51822

(1) "Long-stay resident" means an individual who has resided 51823
in a nursing facility for at least one hundred one days. 51824

(2) "Measurement period" means the ~~following~~: 51825

~~(a) For state fiscal year 2017, the period beginning July 1,~~ 51826
~~2015, and ending December 31, 2015;~~ 51827

~~(b) For each subsequent state fiscal year, the~~ calendar year 51828
immediately preceding the calendar year in which ~~the~~ a state 51829
fiscal year begins. 51830

(3) "Nurse aide" has the same meaning as in section 3721.21 51831
of the Revised Code. 51832

(4) "Short-stay resident" means a nursing facility resident 51833
who is not a long-stay resident. 51834

(B)(1) Using all of the funds made available for a state 51835
fiscal year by the rate reductions under division (C) of section 51836
5165.15 of the Revised Code, the department of medicaid shall 51837
determine a per medicaid day quality payment rate to be paid for 51838
that state fiscal year to each nursing facility that meets at 51839
least one of the quality indicators specified in division (B)(2) 51840
of this section ~~for the measurement period~~. The largest quality 51841
payment rate for a state fiscal year shall be paid to nursing 51842
facilities that meet all of the quality indicators ~~for the~~ 51843
~~measurement period~~. 51844

(2) The following are the quality indicators to be used for 51845
the purpose of division (B)(1) of this section: 51846

(a) Not more than the target percentage of the nursing 51847
facility's short-stay residents had new or worsened pressure 51848
ulcers for the measurement period. 51849

(b) Not more than the target percentage of long-stay residents at high risk for pressure ulcers had pressure ulcers for the measurement period.

(c) Not more than the target percentage of the nursing facility's short-stay residents newly received an antipsychotic medication for the measurement period.

(d) Not more than the target percentage of the nursing facility's long-stay residents received an antipsychotic medication for the measurement period.

(e) Not more than the target percentage of the nursing facility's long-stay residents had an unplanned weight loss for the measurement period.

(f) The nursing facility's employee retention rate is at least the target rate for the measurement period.

(g) The nursing facility ~~utilized the nursing home version of the preferences for everyday living inventory for all of its residents~~ obtained at least the target score on the following:

(i) For an even-numbered state fiscal year, the department of aging's most recently published resident satisfaction survey conducted pursuant to section 173.47 of the Revised Code;

(ii) For an odd-numbered state fiscal year, the department of aging's most recently published family satisfaction survey conducted pursuant to section 173.47 of the Revised Code.

(3) The department shall specify the target percentage for the purpose of divisions (B)(2)(a) to (e) of this section at the fortieth percentile of nursing facilities that have data for the quality indicators. The department also shall specify the target rate for the purpose of division (B)(2)(f) of this section and the target score for the purpose of division (B)(2)(g) of this section. ~~In determining whether a nursing facility meets the~~

~~quality indicators specified in divisions (B)(2)(c) and (d) of~~ 51880
~~this section, the department shall exclude from consideration the~~ 51881
~~following:~~ 51882

~~(a) In the case of the quality indicator specified in~~ 51883
~~division (B)(2)(c) of this section, all of the nursing facility's~~ 51884
~~short stay residents who newly received an antipsychotic~~ 51885
~~medication in conjunction with hospice care;~~ 51886

~~(b) In the case of the quality indicator specified in~~ 51887
~~division (B)(2)(d) of this section, all of the nursing facility's~~ 51888
~~long stay residents who received antipsychotic medication in~~ 51889
~~conjunction with hospice care.~~ 51890

(C) If a nursing facility undergoes a change of operator 51891
during a state fiscal year, the per medicaid day quality payment 51892
rate to be paid to the entering operator for nursing facility 51893
services that the nursing facility provides during the period 51894
beginning on the effective date of the change of operator and 51895
ending on the last day of the state fiscal year shall be the same 51896
amount as the per medicaid day quality payment rate that was in 51897
effect on the day immediately preceding the effective date of the 51898
change of operator and paid to the nursing facility's exiting 51899
operator. For the immediately following state fiscal year, the per 51900
medicaid day quality payment rate shall be ~~the following:~~ 51901

~~(1) If the effective date of the change of operator is on or~~ 51902
~~before the first day of October of the calendar year immediately~~ 51903
~~preceding the state fiscal year, the amount determined for the~~ 51904
~~nursing facility in accordance with division (B) of this section~~ 51905
~~for the state fiscal year;~~ 51906

~~(2) If the effective date of the change of operator is after~~ 51907
~~the first day of October of the calendar year immediately~~ 51908
~~preceding the state fiscal year, the mean per medicaid day quality~~ 51909
payment rate for all nursing facilities for the state fiscal year. 51910

Sec. 5165.26. (A) As used in this section: 51911

(1) "Base rate" means the portion of a nursing facility's 51912
total per medicaid day payment rate determined under division (A) 51913
of section 5165.15 of the Revised Code. 51914

(2) "Long-stay resident" and "measurement period" have the 51915
same meanings as in section 5165.25 of the Revised Code. 51916

(B) Beginning with state fiscal year 2021, the department of 51917
medicaid shall determine each nursing facility's per medicaid day 51918
quality incentive payment rate in accordance with this section. 51919

(C) Each state fiscal year, the department shall place each 51920
nursing facility into one of six groups based on the nursing 51921
facility's ranking according to the following quality metrics: 51922

(1) The percentage of the nursing facility's long-stay 51923
residents at high risk for pressure ulcers who had pressure ulcers 51924
during the measurement period; 51925

(2) The percentage of the nursing facility's long-stay 51926
residents who had a urinary tract infection during the measurement 51927
period; 51928

(3) The percentage of the nursing facility's long-stay 51929
residents whose ability to move independently worsened during the 51930
measurement period; 51931

(4) The percentage of the nursing facility's long-stay 51932
residents who had a catheter inserted and left in their bladder. 51933

(D) In placing nursing facilities into six groups under 51934
division (C) of this section, the department shall do all of the 51935
following: 51936

(1) Determine the weight to be assigned to each of the 51937
quality metrics for the purpose of determining each nursing 51938
facility's ranking; 51939

(2) Place in the highest group the nursing facilities that 51940
rank in the top ten per cent on the quality metrics; 51941

(3) Place in the lowest group the nursing facilities that 51942
rank in the bottom ten per cent on the quality metrics; 51943

(4) Determine the placement of the other nursing facilities 51944
in the other four groups. 51945

(E) Subject to division (F) of this section, the amount of a 51946
nursing facility's per medicaid day quality incentive payment rate 51947
for a state fiscal year shall be a percentage of the nursing 51948
facility's base rate for that state fiscal year. The percentage 51949
for a nursing facility placed in the highest group shall be two 51950
and seven tenths per cent. The percentage for a nursing facility 51951
placed in the lowest group shall be zero. The department shall 51952
specify the percentages for the nursing facilities placed in the 51953
other groups. The percentages shall be different for each group 51954
and shall be successively lower than the percentage specified for 51955
the group immediately above it. 51956

(F) The total amount spent on quality incentive payments for 51957
a state fiscal year shall not exceed an amount equal to the total 51958
cost of one and seven tenths per cent of all nursing facilities' 51959
base rates for that state fiscal year. 51960

Sec. 5165.69. (A) Whenever a nursing facility receives a 51961
statement of deficiencies under section 5165.68 of the Revised 51962
Code, the facility shall submit to the department of health for 51963
its approval a plan of correction for each finding cited in the 51964
statement. ~~The plan shall include all of the following:~~ 51965

~~(1) Detailed descriptions of the actions the facility will~~ 51966
~~take to correct each finding, including actions the facility will~~ 51967
~~take to protect residents situated similarly to the residents~~ 51968
~~affected by the causes of the findings;~~ 51969

(2) The date by which each finding will be corrected;	51970
(3) A detailed description of an ongoing monitoring and improvement process to be used at the facility that is focused on preventing any recurrence of the causes of the findings;	51971
	51972
	51973
(4) If the plan concerns a finding assigned a severity level indicating that a resident was harmed or immediate jeopardy exists, all of the following:	51974
	51975
	51976
(a) Detailed analyses of the facts and circumstances of the finding, including identification of its cause;	51977
	51978
(b) A detailed explanation of how the corrective actions described pursuant to division (A)(1) of this section relate to the cause of the finding identified pursuant to division (A)(4)(a) of this section;	51979
	51980
	51981
	51982
(c) A detailed explanation of the relationship between the ongoing monitoring and improvement process described pursuant to division (A)(3) of this section and the cause of the finding identified pursuant to division (A)(4)(a) of this section.	51983
	51984
	51985
	51986
(5) If the plan concerns a finding cited pursuant to division (E) of section 5165.66 of the Revised Code, a description of the actions the facility took to correct the finding and the date on which it was corrected.	51987
	51988
	51989
	51990
(B)(1) The department shall approve any plan, and any modification of an existing plan a nursing facility submits to the department, that does both of the following:	51991
	51992
	51993
(a) Conforms <u>conforms</u> to the requirements for approval of plans of corrections, and modifications, established in the regulations, guidelines, and procedures issued by the United States secretary of health and human services under Title XVIII and Title XIX;	51994
	51995
	51996
	51997
	51998
(b) Includes all the information required by division (A) of	51999

~~this section.~~ 52000

~~(2) The department may consult with the department of 52001
medicaid, department of aging, and office of the state long term 52002
care ombudsman program when determining whether a plan, or 52003
modification of an existing plan, to which division (A)(4) of this 52004
section applies conforms to the requirements for approval. The 52005
department of health has sole authority to make the determination 52006
regardless of whether it consults with the other departments or 52007
office. The department shall not reject a facility's plan of 52008
correction or modification on the ground that the facility 52009
disputes the finding, if the plan or modification is reasonably 52010
calculated to correct the finding. 52011~~

(C) A facility that complies with this section shall not be 52012
considered to have admitted the existence of a finding cited by 52013
the department. 52014

Sec. 5165.80. (A) Whenever a nursing facility is closed under 52015
sections 5165.60 to 5165.89 of the Revised Code, the department of 52016
medicaid or contracting agency shall arrange for the safe and 52017
orderly transfer of all residents, including residents who are not 52018
medicaid eligible residents, to other appropriate care settings. 52019
Whenever a nursing facility's participation in the medicaid 52020
program is terminated under sections 5165.60 to 5165.89 of the 52021
Revised Code, the department or agency shall arrange for the safe 52022
and orderly transfer of all medicaid eligible residents or, if the 52023
termination results in the closure of the facility, of all 52024
residents. The provider and all persons involved in the facility's 52025
operation shall cooperate with and assist in the transfer of 52026
residents. 52027

(B) After a nursing facility's participation in the medicaid 52028
program is terminated under section 5165.71, 5165.72, 5165.77, 52029
~~5165.771~~, or 5165.85 of the Revised Code, the department of 52030

medicaid or contracting agency may appoint a temporary manager 52031
subject to the continuing consent of the provider, or may apply to 52032
the common pleas court of the county in which the facility is 52033
located for such injunctive relief as is necessary for the 52034
appointment of a special master, to ensure the transfer of 52035
medicaid eligible residents to other appropriate care settings 52036
and, if applicable, the orderly closure of the facility. 52037

Sec. 5166.01. As used in this chapter: 52038

"209(b) option" means the option described in section 1902(f) 52039
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 52040
medicaid program's eligibility requirements for aged, blind, and 52041
disabled individuals are more restrictive than the eligibility 52042
requirements for the supplemental security income program. 52043

"Administrative agency" means, with respect to a home and 52044
community-based services medicaid waiver component, the department 52045
of medicaid or, if a state agency or political subdivision 52046
contracts with the department under section 5162.35 of the Revised 52047
Code to administer the component, that state agency or political 52048
subdivision. 52049

"Care management system" ~~means the system established under~~ 52050
has the same meaning as in section ~~5167.03~~ 5167.01 of the Revised 52051
Code. 52052

"Dual eligible individual" has the same meaning as in section 52053
5160.01 of the Revised Code. 52054

"Enrollee" has the same meaning as in section 5167.01 of the 52055
Revised Code. 52056

"Expansion eligibility group" has the same meaning as in 52057
section 5163.01 of the Revised Code. 52058

"Federal poverty line" has the same meaning as in section 52059
5162.01 of the Revised Code. 52060

"Home and community-based services medicaid waiver component" 52061
means a medicaid waiver component under which home and 52062
community-based services are provided as an alternative to 52063
hospital services, nursing facility services, or ICF/IID services. 52064

"Hospital" has the same meaning as in section 3727.01 of the 52065
Revised Code. 52066

"Hospital long-term care unit" has the same meaning as in 52067
section 5168.40 of the Revised Code. 52068

"ICDS participant" has the same meaning as in section 5164.01 52069
of the Revised Code. 52070

"ICF/IID" and "ICF/IID services" have the same meanings as in 52071
section 5124.01 of the Revised Code. 52072

"Integrated care delivery system" and "ICDS" have the same 52073
meanings as in section 5164.01 of the Revised Code. 52074

"Level of care determination" means a determination of 52075
whether an individual needs the level of care provided by a 52076
hospital, nursing facility, or ICF/IID and whether the individual, 52077
if determined to need that level of care, would receive hospital 52078
services, nursing facility services, or ICF/IID services if not 52079
for a home and community-based services medicaid waiver component. 52080

"Medicaid buy-in for workers with disabilities program" has 52081
the same meaning as in section 5163.01 of the Revised Code. 52082

"Medicaid MCO plan" has the same meaning as in section 52083
5167.01 of the Revised Code. 52084

"Medicaid provider" has the same meaning as in section 52085
5164.01 of the Revised Code. 52086

"Medicaid services" has the same meaning as in section 52087
5164.01 of the Revised Code. 52088

"Medicaid waiver component" means a component of the medicaid 52089
program authorized by a waiver granted by the United States 52090

department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a the care management system established under section 5167.03 of the Revised Code.

"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

Sec. 5166.04. The following requirements apply to each home

and community-based services medicaid waiver component: 52121

(A) Only an individual who qualifies for a component shall 52122
receive that component's medicaid services. 52123

(B) A level of care determination shall be made as part of 52124
the process of determining whether an individual qualifies for a 52125
component and shall be made each year after the initial 52126
determination if, during such a subsequent year, the 52127
administrative agency determines there is a reasonable indication 52128
that the individual's needs have changed. 52129

(C) A written plan of care or individual service plan based 52130
on an individual assessment of the medicaid services that an 52131
individual needs to avoid needing admission to a hospital, nursing 52132
facility, or ICF/IID shall be created for each individual 52133
determined eligible for a component. 52134

(D) Each individual determined eligible for a component shall 52135
receive that component's medicaid services in accordance with the 52136
individual's level of care determination and written plan of care 52137
or individual service plan. 52138

(E) No individual may receive medicaid services under a 52139
component while the individual is a hospital inpatient or resident 52140
of a skilled nursing facility, nursing facility, or ICF/IID. 52141

(F) No individual may receive prevocational, educational, or 52142
supported employment services under a component if the individual 52143
is eligible for such services that are funded with federal funds 52144
provided under 29 U.S.C. 730 or the "Individuals with Disabilities 52145
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 52146

(G) Safeguards shall be taken to protect the health and 52147
welfare of individuals receiving medicaid services under a 52148
component, including safeguards established in rules adopted under 52149
section 5166.02 of the Revised Code and safeguards established by 52150
licensing and certification requirements that are applicable to 52151

the providers of that component's medicaid services. 52152

(H) No medicaid services may be provided under a component by 52153
a provider that is subject to standards that the "Social Security 52154
Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires be 52155
established if the provider fails to comply with the standards 52156
applicable to the provider. 52157

(I) Individuals determined to be eligible for a component, or 52158
such individuals' representatives, shall be informed of that 52159
component's medicaid services, including any choices that the 52160
individual or representative may make regarding the component's 52161
medicaid services, and given the choice of either receiving 52162
medicaid services under that component or, as appropriate, 52163
hospital services, nursing facility services, or ICF/IID services. 52164

(J) No individual shall lose eligibility for services under a 52165
component, or have the services reduced or otherwise disrupted, on 52166
the basis that the individual also receives services under the 52167
medicaid buy-in for workers with disabilities program. 52168

(K) No individual shall lose eligibility for services under a 52169
component, or have the services reduced or otherwise disrupted, on 52170
the basis that the individual's income or resources increase to an 52171
amount above the eligibility limit for the component if the 52172
individual is participating in the medicaid buy-in for workers 52173
with disabilities program and the amount of the individual's 52174
income or resources does not exceed the eligibility limit for the 52175
medicaid buy-in for workers with disabilities program. 52176

(L) No individual receiving services under a component shall 52177
be required to pay any cost sharing expenses for the services for 52178
any period during which the individual also participates in the 52179
medicaid buy-in for workers with disabilities program. 52180

(M) If a component covers home-delivered meals, both of the 52181
following shall apply: 52182

(1) The format in which the meals are delivered to an 52183
individual and the frequency of the deliveries shall be consistent 52184
with the individual's needs as specified in the individual's 52185
written plan of care or individual service plan; 52186

(2) The individual who delivers the meals shall not leave the 52187
meals with the individual to whom they are delivered unless the 52188
individuals meet face-to-face at the time of the delivery. 52189

Sec. 5166.122. (A) As used in this section, "snack" has the 52190
same meaning as in section 173.30 of the Revised Code. 52191

(B) An entity that provides home-delivered meals under the 52192
Ohio home care waiver program shall not offer snacks in addition 52193
to the breakfast, lunch, or dinner meals provided to individuals 52194
enrolled in the program unless the entity does all of the 52195
following: 52196

(1) Offers an enrollee not more than five snack choices at a 52197
time; 52198

(2) Provides an enrollee with the amount of calories in, and 52199
the sugar and sodium contents of, each snack offered to the 52200
enrollee; 52201

(3) Provides an enrollee not more than one snack per each 52202
breakfast, lunch, and dinner meal that is provided to the enrollee 52203
at the same time as the snacks. 52204

Sec. 5166.162. (A) As used in this section, "snack" has the 52205
same meaning as in section 173.30 of the Revised Code. 52206

(B) An entity that provides home-delivered meals under the 52207
ICDS medicaid waiver component shall not offer snacks in addition 52208
to the breakfast, lunch, or dinner meals provided to ICDS 52209
participants unless the entity does all of the following: 52210

(1) Offers a participant not more than five snack choices at 52211

a time; 52212

(2) Provides a participant with the amount of calories in, 52213
and the sugar and sodium contents of, each snack offered to the 52214
participant; 52215

(3) Provides a participant not more than one snack per each 52216
breakfast, lunch, and dinner meal that is provided to the 52217
participant at the same time as the snacks. 52218

Sec. 5166.22. (A) Subject to division (B) of this section, 52219
when the department of developmental disabilities allocates 52220
enrollment numbers to a county board of developmental disabilities 52221
for home and community-based services specified in division (A)(1) 52222
of section 5166.20 of the Revised Code and provided under any of 52223
the medicaid waiver components that the department administers 52224
under section 5166.21 of the Revised Code, the department shall 52225
consider ~~all~~ both of the following: 52226

(1) The number of individuals with developmental disabilities 52227
placed on the county board's waiting list established for the 52228
services pursuant to section 5126.042 of the Revised Code; 52229

~~(2) The implementation component required by division (A)(3)~~ 52230
~~of section 5126.054 of the Revised Code of the county board's plan~~ 52231
~~approved under section 5123.046 of the Revised Code;~~ 52232

~~(3)~~ Anything else the department considers necessary to 52233
enable the county board to provide the services to individuals 52234
placed on the county board's waiting list established for the 52235
services pursuant to section 5126.042 of the Revised Code. 52236

(B) Division (A) of this section applies to home and 52237
community-based services provided under the medicaid waiver 52238
component known as the transitions developmental disabilities 52239
waiver only to the extent, if any, provided by the contract 52240
required by section 5166.21 of the Revised Code regarding the 52241

component. 52242

Sec. 5166.42. The medicaid director shall establish a 52243
medicaid waiver component that addresses social determinants of 52244
health, including housing, transportation, food, interpersonal 52245
safety, and toxic stress. 52246

Sec. 5166.43. The medicaid director shall establish a 52247
medicaid waiver component under which medicaid MCO plans may cover 52248
any service or product that would have a beneficial effect on the 52249
health of enrollees and, because of the beneficial effect, is 52250
likely to reduce the per recipient per month costs under the plan 52251
by the end of the first three years that the service or product is 52252
covered. 52253

Sec. 5166.50. (A) The medicaid director shall request that 52254
the United States secretary of health and human services enter 52255
into an enforceable agreement with the director that provides for 52256
no federal financial participation to be withheld due to any of 52257
the following: 52258

(1) Implementation of sections 5167.35 and 5167.36 of the 52259
Revised Code; 52260

(2) For the purpose of section 5167.10 of the Revised Code, 52261
enrollment of individuals designated for participation in the care 52262
management system pursuant to section 5167.03 of the Revised Code 52263
in medicaid managed care organizations that are regional networks 52264
consisting of hospitals. 52265

(B) Unless the agreement specified in division (A) of this 52266
section is in effect: 52267

(1) Sections 5167.35 and 5167.36 of the Revised Code shall 52268
not be implemented. 52269

(2) For the purpose of section 5167.10 of the Revised Code, 52270

the department shall not enroll individuals designated for 52271
participation in the care management system pursuant to section 52272
5167.03 of the Revised Code in medicaid managed care organizations 52273
that are regional networks consisting of hospitals. 52274

Sec. 5167.01. As used in this chapter: 52275

(A) "Affiliated company" means an entity, including a 52276
third-party payer or specialty pharmacy, with common ownership, 52277
members of a board of directors, or managers, or that is a parent 52278
company, subsidiary company, jointly held company, or holding 52279
company with respect to the other entity. 52280

(B) "Care management system" means the system established 52281
under section 5167.03 of the Revised Code. 52282

(C) "Controlled substance" has the same meaning as in section 52283
3719.01 of the Revised Code. 52284

~~(B)~~(D) "Dual eligible individual" has the same meaning as in 52285
section 5160.01 of the Revised Code. 52286

~~(C)~~(E) "Emergency services" has the same meaning as in the 52287
"Social Security Act," section 1932(b)(2), 42 U.S.C. 52288
1396u-2(b)(2). 52289

~~(D)~~(F) "Enrollee" means a medicaid recipient who participates 52290
in the care management system and enrolls in a medicaid MCO plan. 52291

(G) "Home health agency" has the same meaning as in 42 C.F.R. 52292
440.70(d). 52293

(H) "Home health services" has the same meaning as in 42 52294
C.F.R. 440.70(a). 52295

(I) "ICDS participant" has the same meaning as in section 52296
5164.01 of the Revised Code. 52297

(J) "Manufacturer of dangerous drugs" has the same meaning as 52298
in section 4729.01 of the Revised Code. 52299

~~(E)~~(K) "Medicaid managed care organization" means a managed 52300
care organization under contract with the department of medicaid 52301
pursuant to section 5167.10 of the Revised Code. 52302

~~(F)~~(L) "Medicaid MCO plan" means a plan that a medicaid 52303
managed care organization, pursuant to its contract with the 52304
department of medicaid under section 5167.10 of the Revised Code, 52305
makes available to medicaid recipients participating in the care 52306
management system. 52307

(M) "Medicaid waiver component" has the same meaning as in 52308
section 5166.01 of the Revised Code. 52309

~~(G)~~(N) "Nursing facility services" has the same meaning as in 52310
section 5165.01 of the Revised Code. 52311

(O) "Part B drug" means a drug or biological described in 52312
section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C. 52313
1395u(o)(1)(C). 52314

~~(H)~~(P) "Pharmacy benefit manager" has the same meaning as in 52315
section 3959.01 of the Revised Code. 52316

(Q) "Prescribed drug" has the same meaning as in section 52317
5164.01 of the Revised Code. 52318

~~(I)~~(R) "Provider" means any person or government entity that 52319
furnishes services to a medicaid recipient enrolled in a medicaid 52320
~~managed care organization~~ MCO plan, regardless of whether the 52321
person or entity has a provider agreement. 52322

~~(J)~~(S) "Provider agreement" has the same meaning as in 52323
section 5164.01 of the Revised Code. 52324

(T) "State pharmacy benefit manager" means the pharmacy 52325
benefit manager selected by and under contract with the director 52326
of administrative services under section 125.93 of the Revised 52327
Code. 52328

Sec. 5167.03. As part of the medicaid program, the department 52329
of medicaid shall establish a care management system. The 52330
department shall implement the system in some or all counties. 52331

The department shall designate the medicaid recipients who 52332
are required or permitted to participate in the care management 52333
system. ~~Those who shall be required to participate in the system~~ 52334
~~include medicaid recipients who receive cognitive behavioral~~ 52335
~~therapy as described in division (A)(2) of section 5167.16 of the~~ 52336
~~Revised Code.~~ Except as provided in section 5166.406 of the 52337
Revised Code, no medicaid recipient participating in the healthy 52338
Ohio program established under section 5166.40 of the Revised Code 52339
shall participate in the system. 52340

The general assembly's authorization through the enactment of 52341
legislation is needed before home and community-based services 52342
available under a medicaid waiver component or nursing facility 52343
services are included in the care management system, except that 52344
ICDS participants may be required or permitted to obtain such 52345
services under the system. Medicaid recipients who receive such 52346
services may be designated for voluntary or mandatory 52347
participation in the system in order to receive other health care 52348
services included in the system. 52349

The department may require or permit participants in the care 52350
management system to ~~obtain~~ do either or both of the following: 52351

(A) Obtain health care services from providers designated by 52352
the department. ~~The department may require or permit participants~~ 52353
~~to obtain health care services through medicaid managed care~~ 52354
~~organizations;~~ 52355

(B) Enroll in a medicaid MCO plan. 52356

Sec. 5167.04. The department of medicaid ~~shall~~ may include 52357
alcohol, drug addiction, and mental health services covered by 52358

medicaid in the care management system established under section 52359
5167.03 of the Revised Code. The services shall not be included in 52360
the system before July 1, 2018. 52361

Sec. ~~5167.12~~ 5167.05. (A) ~~When contracting under section~~ 52362
~~5167.10 of the Revised Code with a managed care organization that~~ 52363
~~is a health insuring corporation, the~~ The department of medicaid 52364
~~shall require the health insuring corporation to provide coverage~~ 52365
~~of~~ may include prescribed drugs for medicaid recipients enrolled 52366
covered by medicaid in the health insuring corporation care 52367
management system. ~~In providing the required coverage, the health~~ 52368
~~insuring corporation may use strategies for the management of drug~~ 52369
~~utilization, but any such strategies are subject to the~~ 52370
~~limitations and requirements of this section and the department's~~ 52371
~~approval.~~ 52372

~~(B) The department shall not permit a health insuring~~ 52373
~~corporation to impose a prior authorization requirement in the~~ 52374
~~case of a drug to which all of the following apply:~~ 52375

~~(1) The drug is an antidepressant or antipsychotic.~~ 52376

~~(2) The drug is administered or dispensed in a standard~~ 52377
~~tablet or capsule form, except that in the case of an~~ 52378
~~antipsychotic, the drug also may be administered or dispensed in a~~ 52379
~~long-acting injectable form.~~ 52380

~~(3) The drug is prescribed by any of the following:~~ 52381

~~(a) A physician who is allowed by the health insuring~~ 52382
~~corporation to provide care as a psychiatrist through its~~ 52383
~~credentialing process, as described in division (C) of section~~ 52384
~~5167.10 of the Revised Code;~~ 52385

~~(b) A psychiatrist who is practicing at a location on behalf~~ 52386
~~of a community mental health services provider whose mental health~~ 52387
~~services are certified by the department of mental health and~~ 52388

~~addiction services under section 5119.36 of the Revised Code;~~ 52389

~~(c) A certified nurse practitioner, as defined in section 52390
4723.01 of the Revised Code, who is certified in psychiatric 52391
mental health by a national certifying organization approved by 52392
the board of nursing under section 4723.46 of the Revised Code;~~ 52393

~~(d) A clinical nurse specialist, as defined in section 52394
4723.01 of the Revised Code, who is certified in psychiatric 52395
mental health by a national certifying organization approved by 52396
the board of nursing under section 4723.46 of the Revised Code.~~ 52397

~~(4) The drug is prescribed for a use that is indicated on the 52398
drug's labeling, as approved by the federal food and drug 52399
administration.~~ 52400

~~(C) Subject to division (E) of this section, the department 52401
shall authorize a health insuring corporation to develop and 52402
implement a pharmacy utilization management program under which 52403
prior authorization through the program is established as a 52404
condition of obtaining a controlled substance pursuant to a 52405
prescription.~~ 52406

~~(D) The department shall require a health insuring 52407
corporation to comply with sections 5164.091, 5164.7511, 52408
5164.7512, and 5164.7514 of the Revised Code, as if the health 52409
insuring corporation were the department.~~ 52410

Sec. ~~5167.121~~ 5167.051. If the medicaid program covers the 52411
pharmacist services described in section 5164.14 of the Revised 52412
Code, the department of medicaid may ~~require a medicaid managed~~ 52413
~~care organization to provide coverage of the pharmacist services~~ 52414
~~to the same extent when the services are provided to a medicaid~~ 52415
~~recipient who is enrolled in the organization as a part of~~ include 52416
the services in the care management system ~~established under~~ 52417
~~section 5167.03 of the Revised Code.~~ 52418

Sec. 5167.10. ~~(A) The department of medicaid may enter into~~ 52419
~~contracts with managed care organizations, including health~~ 52420
~~insuring corporations,~~ under which the organizations are 52421
authorized to provide, or arrange for the provision of, health 52422
care services to medicaid recipients who are required or permitted 52423
to ~~obtain health care services through managed care organizations~~ 52424
~~as part of~~ participate in the care management system ~~established~~ 52425
~~under section 5167.03 of the Revised Code.~~ 52426

~~(B)(1) Subject to division (B)(2)(a) of this section, the~~ 52427
~~department or its actuary shall base the hospital inpatient~~ 52428
~~capital payment portion of the payment made to managed care~~ 52429
~~organizations on data for services provided to all recipients~~ 52430
~~enrolled in managed care organizations with which the department~~ 52431
~~contracts, as reported by hospitals on relevant cost reports~~ 52432
~~submitted pursuant to rules adopted under section 5167.02 of the~~ 52433
~~Revised Code.~~ 52434

~~(2)(a) The hospital inpatient capital payment portion of the~~ 52435
~~payment made to medicaid managed care organizations shall not~~ 52436
~~exceed any maximum rate established by the department pursuant to~~ 52437
~~rules adopted under this section.~~ 52438

~~(b) If a maximum rate is established, a medicaid managed care~~ 52439
~~organization shall not compensate hospitals for inpatient capital~~ 52440
~~costs in an amount that exceeds that rate.~~ 52441

~~(C) The department of medicaid shall allow a medicaid managed~~ 52442
~~care organization to use providers to render care upon completion~~ 52443
~~of the medicaid managed care organization's credentialing process.~~ 52444
There is no limit on the number of medicaid managed care 52445
organizations the department may contract with at any one time. 52446
The managed care organizations with which the department may enter 52447
into contracts include both of the following: 52448

(A) Health insuring corporations; 52449

(B) Subject to section 5166.50 of the Revised Code, regional 52450
networks consisting of hospitals that accept a capitated payment 52451
from the department that is not more than ninety per cent of the 52452
lowest capitated payment made to a medicaid managed care 52453
organization that is a health insuring corporation. 52454

Sec. 5167.101. (A) Subject to division (B) of this section, 52455
the department of medicaid or its actuary shall base the hospital 52456
inpatient capital payment portion of the payment made to a 52457
medicaid managed care organization on data for services provided 52458
to all of the organization's enrollees, as reported by hospitals 52459
on relevant cost reports submitted pursuant to rules adopted under 52460
section 5167.02 of the Revised Code. 52461

(B) The hospital inpatient capital payment portion of the 52462
payment made to medicaid managed care organizations shall not 52463
exceed any maximum rate established in rules adopted under section 52464
5167.02 of the Revised Code. 52465

If a maximum rate is established, a medicaid managed care 52466
organization shall not compensate hospitals for inpatient capital 52467
costs in an amount that exceeds that rate. 52468

Sec. 5167.102. The department of medicaid shall allow a 52469
medicaid managed care organization to use providers to render care 52470
to the organization's enrollees upon completion of the 52471
organization's credentialing process. 52472

Sec. 5167.103. The department of medicaid shall make 52473
available on its internet web site the metrics the department uses 52474
to determine how well medicaid managed care organizations perform 52475
under the contracts entered into under section 5167.10 of the 52476
Revised Code. The department shall update its internet web site 52477
each quarter to reflect any changes it makes to the metrics. 52478

Sec. 5167.104. If a medicaid managed care organization 52479
establishes a payment rate for a service covered by its medicaid 52480
MCO plan that is greater than the payment rate for the service 52481
under the fee-for-service component of the medicaid program, the 52482
organization shall require any provider of the service that seeks 52483
to be part of the organization's provider panel available to the 52484
organization's enrollees to enter into a value-based contract with 52485
the organization. 52486

Sec. 5167.105. A medicaid managed care organization shall not 52487
permit a provider to be part of the organization's provider panel 52488
available to the organization's enrollees unless the provider 52489
assures the organization that the provider, once a member of the 52490
provider panel, will, in accordance with section 3962.05 of the 52491
Revised Code, provide to the organization the information 52492
specified in that section if the provider chooses to have the 52493
organization provide to the organization's enrollees the 52494
reasonable, good faith cost estimate described in section 3962.04 52495
of the Revised Code. 52496

Sec. 5167.11. ~~When contracting under section 5167.10 of the~~ 52497
~~Revised Code with a health insuring corporation that holds a~~ 52498
~~certificate of authority under Chapter 1751. of the Revised Code,~~ 52499
~~the department of medicaid~~ Each medicaid managed care organization 52500
~~shall require the health insuring corporation to provide a~~ 52501
~~grievance process for medicaid recipients~~ the organization's 52502
enrollees in accordance with 42 C.F.R. 438, subpart F. 52503

Sec. 5167.13. ~~Each contract the department of medicaid enters~~ 52504
~~into with a managed care organization under section 5167.10 of the~~ 52505
~~Revised Code shall require the~~ medicaid managed care organization 52506
~~to~~ shall implement a coordinated services program for ~~medicaid~~ 52507
~~recipients enrolled in the organization~~ organization's enrollees 52508

who are found to have obtained prescribed drugs under the medicaid 52509
program at a frequency or in an amount that is not medically 52510
necessary. The program shall be implemented in a manner that is 52511
consistent with section 1915(a)(2) of the "Social Security Act," 52512
~~section 1915(a)(2),~~ 42 U.S.C. 1396n(a)(2), and 42 C.F.R. 52513
431.54(e). 52514

Sec. 5167.14. ~~Each contract the department of medicaid enters~~ 52515
~~into with a medicaid~~ managed care organization under ~~section~~ 52516
~~5167.10 of the Revised Code shall require the managed care~~ 52517
~~organization to~~ enter into a data security agreement with the 52518
state board of pharmacy governing the managed care organization's 52519
use of the board's drug database established and maintained under 52520
section 4729.75 of the Revised Code. 52521

This section does not apply if the board no longer maintains 52522
the drug database. 52523

Sec. 5167.17. ~~When contracting under section 5167.10 of the~~ 52524
~~Revised Code with a~~ Each medicaid managed care organization ~~that~~ 52525
~~is a health insuring corporation, the department of medicaid shall~~ 52526
~~require the health insuring corporation to~~ provide enhanced care 52527
management services for pregnant women and women capable of 52528
becoming pregnant in the communities specified in rules adopted 52529
under section 3701.142 of the Revised Code. The ~~contract shall~~ 52530
~~specify that the services are to~~ shall be provided in a manner 52531
intended to decrease the incidence of prematurity, low birth 52532
weight, and infant mortality, as well as improve the overall 52533
health status of women capable of becoming pregnant for the 52534
purpose of ensuring optimal future birth outcomes. 52535

Sec. 5167.171. ~~When contracting with a~~ Each medicaid managed 52536
care organization ~~that is a health insuring corporation, the~~ 52537
~~department of medicaid shall require the organization, if the~~ 52538

organization requires practitioners to obtain prior approval 52539
before administering progesterone to the organization's enrollees 52540
who are pregnant ~~medicaid recipients enrolled in the organization,~~ 52541
~~to~~ use a uniform prior approval form for progesterone that is not 52542
more than one page. 52543

Sec. 5167.172. ~~When contracting with a~~ Each medicaid managed 52544
care organization ~~that is a health insuring corporation, the~~ 52545
~~department of medicaid shall require the organization to~~ promote 52546
the use of technology-based resources, such as mobile telephone or 52547
text messaging applications, that offer tips on having a healthy 52548
pregnancy and healthy baby to ~~medicaid recipients~~ the 52549
organization's enrollees who are ~~enrolled in the organization and~~ 52550
~~are~~ pregnant or have an infant who is less than one year of age. 52551

Sec. 5167.18. Each ~~contract the department of medicaid enters~~ 52552
~~into with a~~ medicaid managed care organization ~~under section~~ 52553
~~5167.10 of the Revised Code shall require the managed care~~ 52554
~~organization to~~ comply with federal and state efforts to identify 52555
fraud, waste, and abuse in the medicaid program. 52556

Sec. 5167.19. (A) As used in this section: 52557

(1) "Applicable percentage" means the following: 52558

(a) For the first year that incentive payments are made under 52559
this section, two per cent; 52560

(b) For the second year that the incentive payments are made 52561
under this section, four per cent; 52562

(c) For the third and subsequent years that the incentive 52563
payments are made under this section, six per cent. 52564

(2) "Base operating DRG payment amount" has the meaning 52565
specified in rules authorized by this section. 52566

(3) "Medicare hospital value-based purchasing program" means 52567
the program that the United States secretary of health and human 52568
services must establish under section 1886(o) of the "Social 52569
Security Act," 42 U.S.C. 1395ww(o). 52570

(4) "Participating hospital" means a hospital under contract 52571
with a medicaid managed care organization to provide inpatient 52572
hospital services to medicaid recipients enrolled in a medicaid 52573
MCO plan offered by the organization. 52574

(B) Each medicaid managed care organization shall implement a 52575
hospital value-based purchasing program that, except as otherwise 52576
provided by this section, is identical to the medicare hospital 52577
value-based purchasing program. Under the program, a medicaid 52578
managed care organization shall make incentive payments to 52579
participating hospitals based on their successes in meeting the 52580
measures used for the medicare hospital value-based purchasing 52581
program. The total amount that a medicaid managed care 52582
organization makes available for the incentive payments for a year 52583
shall be equal to the total amount of the savings achieved for 52584
that year due to the reduced hospital payments the organization 52585
makes under division (C) of this section. 52586

(C) Each medicaid managed care organization shall reduce each 52587
participating hospital's base operating DRG payment amount for 52588
each discharge in a year by an amount equal to the applicable 52589
percentage of the participating hospital's base operating DRG 52590
payment amount for the discharge for that year. The reduction 52591
shall be made for all participating hospitals each year regardless 52592
of whether a participating hospital has earned an incentive 52593
payment under this section for that year. 52594

(D) The medicaid director shall adopt rules under section 52595
5167.02 of the Revised Code as necessary to implement this 52596
section, including rules that define the term "base operating DRG 52597
payment amount." 52598

Sec. 5167.20. (A) Except as provided in division (B) of this 52599
section, when a ~~participant in the care management system~~ 52600
~~established under this chapter is enrolled in a~~ medicaid managed 52601
care organization ~~and the organization~~ refers the participant an 52602
enrollee to receive services, other than emergency services 52603
provided on or after January 1, 2007, at a hospital that 52604
participates in the medicaid program but is not under contract 52605
with the organization, the hospital shall provide the service for 52606
which the referral was made and shall accept from the 52607
organization, as payment in full, ~~the an amount derived from equal~~ 52608
to ninety per cent of the payment rate used by the department to 52609
pay other hospitals of the same type for providing the same 52610
service to a medicaid recipient who is not enrolled in a medicaid 52611
~~managed care organization~~ MCO plan. 52612

(B) A hospital is not subject to division (A) of this section 52613
if all of the following are the case: 52614

(1) The hospital is located in a county in which participants 52615
in the care management system are required before January 1, 2006, 52616
to be enrolled in a medicaid ~~managed care organization that is a~~ 52617
~~health insuring corporation~~ MCO plan; 52618

(2) The hospital has entered into a contract before January 52619
1, 2006, with at least one health insuring corporation serving the 52620
participants specified in division (B)(1) of this section; 52621

(3) The hospital remains under contract with at least one 52622
health insuring corporation serving participants in the care 52623
management system who are required to be enrolled in a ~~health~~ 52624
~~insuring corporation~~ medicaid MCO plan. 52625

(C) The medicaid director shall adopt rules under section 52626
5167.02 of the Revised Code specifying the circumstances under 52627
which a medicaid managed care organization is permitted to refer a 52628
~~participant in the care management system~~ an enrollee to a 52629

hospital that is not under contract with the organization. 52630

Sec. 5167.201. (A) When a ~~participant in the care management~~ 52631
~~system established under this chapter is enrolled in a~~ 52632
~~managed care organization and~~ organization's enrollee receives 52633
emergency services on or after January 1, 2007, from a provider 52634
that is not under contract with the organization, the provider 52635
shall accept from the organization, as payment in full, not more 52636
than the amounts (less any payments for indirect costs of medical 52637
education and direct costs of graduate medical education) that the 52638
provider could collect if the ~~participant~~ enrollee received 52639
medicaid other than through enrollment in a ~~managed care~~ 52640
~~organization~~ medicaid MCO plan. 52641

(B) This section does not apply to any treatment that is not 52642
an emergency service if, before providing the service, the 52643
provider obtains the patient's consent after disclosing the 52644
following to the patient: 52645

(1) The medical service is not necessary for the patient's 52646
immediate health or welfare and can be completed at a later date. 52647

(2) The patient may be liable for payment of part or all of 52648
the medical service if the patient does not obtain approval from 52649
the patient's medicaid MCO plan before receiving the service. 52650

(C) An agreement entered into by a ~~participant~~ an enrollee, a 52651
~~participant's~~ an enrollee's parent, or a ~~participant's~~ an 52652
enrollee's legal guardian that requires payment for emergency 52653
services in violation of this section is void and unenforceable. 52654

Sec. 5167.22. If the care management system covers home 52655
health services provided by a home health agency, both of the 52656
following shall apply to each medicaid managed care organization 52657
that seeks to recoup an overpayment made to a home health agency 52658
for such services: 52659

(A) The medicaid managed care organization shall not initiate 52660
the recoupment later than one year after the date that the payment 52661
for the services was made. 52662

(B) When the medicaid managed care organization seeks to 52663
recoup the overpayment, it shall provide the home health agency 52664
all of the details of the recoupment, including all of the 52665
following information: 52666

(1) The name, address, and medicaid identification number of 52667
the medicaid recipient to whom the services were provided; 52668

(2) The date or dates that the services were provided; 52669

(3) The reason for the recoupment. 52670

Sec. 5167.221. If the care management system covers home 52671
health services provided by a home health agency, a medicaid 52672
managed care organization shall not do either of the following: 52673

(A) Require a medicaid recipient to obtain prior 52674
authorization for the first ten days of the services if a 52675
physician, nursing facility, or hospital referred the recipient to 52676
the services; 52677

(B) Require a medicaid recipient to obtain prior 52678
authorization for any of the services if the recipient is a 52679
hospice patient, as defined in section 3712.01 of the Revised 52680
Code. 52681

Sec. 5167.24. (A) If the department of medicaid includes 52682
prescribed drugs in the care management system as authorized by 52683
section 5167.05 of the Revised Code and the department contracts 52684
with medicaid managed care organizations under section 5167.10 of 52685
the Revised Code, the organizations shall use the state pharmacy 52686
benefit manager selected under section 125.93 of the Revised Code 52687
pursuant to the terms of the master contract entered into under 52688

that section. 52689

(B) No medicaid managed care organization or its affiliated 52690
companies shall be owned or otherwise associated in any way with 52691
the state pharmacy benefit manager or the state pharmacy benefit 52692
manager's affiliated companies. 52693

Sec. 5167.241. (A) The state pharmacy benefit manager shall 52694
develop a medicaid prescribed drug formulary that it will use when 52695
administering prescription drug benefits on behalf of a medicaid 52696
managed care organization under the care management system. At 52697
minimum, the medicaid prescribed drug formulary shall list 52698
prescribed drugs and shall specify the per unit price for each 52699
drug. The state pharmacy benefit manager shall price drugs on the 52700
formulary at the cheapest rate for the state. The formulary price 52701
is the total price ceiling, including any supplemental rebates or 52702
discounts received for the prescribed drug. 52703

(B) The state pharmacy benefit manager shall disclose 52704
quarterly and in writing to the department of medicaid any changes 52705
to the medicaid prescribed drug formulary. 52706

(C) If the centers for medicare and medicaid services (CMS) 52707
adopts rules to include the international pricing index model, as 52708
described in the advance notice of proposed rulemaking issued by 52709
CMS on October 30, 2018 (Federal Register Vol. 83, No. 210, pp. 52710
54546-54561), the medicaid director shall apply for a waiver 52711
component as needed and amend the state medicaid plan to implement 52712
the international pricing index model as the formulary under the 52713
care management system. 52714

(D) If those rules are adopted, the state pharmacy benefit 52715
manager shall use them as a model for the medicaid prescribed 52716
drugs formulary instead of the standards under division (A) of 52717
this section. At a minimum, the formulary shall contain all part B 52718

drugs that the CMS includes in the international pricing index 52719
model. 52720

The per unit price shall not be more than the target price 52721
for the prescribed drug derived from the international pricing 52722
index model described in Federal Register Vol. 83, No. 210, pp. 52723
54556. 52724

(E) The state pharmacy benefit manager shall review the 52725
medicaid prescribed drug formulary at least monthly and update it 52726
based on changes that CMS makes to the list of drugs included in 52727
the international pricing index model and the per unit prices 52728
described in division (D) of this section. 52729

(F) The state pharmacy benefit manager shall not make any 52730
payment for a prescribed drug included in the medicaid prescribed 52731
drug formulary in an amount that exceeds the per unit price for 52732
the drug as described in division (D) of this section. 52733

Sec. 5167.242. (A) The state pharmacy benefit manager shall 52734
provide to the medicaid director a written quarterly report 52735
containing the following information from the immediately 52736
preceding quarter: 52737

(1) The prices that the state pharmacy benefit manager paid 52738
drug manufacturers for prescribed drugs under the care management 52739
system. The price must include any rebates the state pharmacy 52740
benefit manager received from the drug manufacturer; 52741

(2) Any rebate amounts the state pharmacy benefit manager 52742
passed on to individual pharmacies; 52743

(3) The percentage of savings in drug prices that are passed 52744
on to participants in the care management system; 52745

(4) The information described in division (D) of section 52746
125.93 of the Revised Code; 52747

(5) Any other information required by the director. 52748

(B) The director may ask the state pharmacy benefit manager 52749
to provide additional information as necessary. 52750

(C) The director shall adopt rules under section 5167.02 of 52751
the Revised Code to establish the information that must be 52752
disclosed to the department by the state pharmacy benefit manager 52753
under this section. 52754

Sec. 5167.243. No person shall violate section 5167.24 or 52755
5167.241 of the Revised Code. Whoever violates those sections is 52756
subject to a civil penalty in an amount to be determined by the 52757
medicaid director in rules adopted under section 5167.02 of the 52758
Revised Code. 52759

Sec. 5167.26. For the purpose of determining the amount the 52760
department of medicaid pays hospitals under section 5168.09 of the 52761
Revised Code and the amount of disproportionate share hospital 52762
payments paid by the medicare program pursuant to section 1915 of 52763
the "Social Security Act," ~~section 1915,~~ 42 U.S.C. 1396n, a 52764
medicaid managed care organization shall keep detailed records for 52765
each hospital with which it contracts, including records regarding 52766
the cost to the hospital of providing hospital services for the 52767
organization, payments made by the organization to the hospital 52768
for the services, utilization of hospital services by ~~medicaid~~ 52769
~~recipients enrolled in the organization~~ organization's enrollees, 52770
and other utilization data required by the department. 52771

Sec. 5167.28. (A) Each medicaid managed care organization 52772
shall establish an employment connection incentive program to 52773
assist medicaid recipients enrolled in a medicaid MCO plan offered 52774
by the organization in obtaining and maintaining employment. 52775

(B) A medicaid recipient enrolled in a medicaid managed care 52776
organization's medicaid MCO plan may volunteer to participate in 52777
the organization's employment connection incentive program. No 52778

<u>recipient is required to participate.</u>	52779
<u>(C) Each medicaid managed care organization shall do both of</u>	52780
<u>the following for each medicaid recipient participating in the</u>	52781
<u>organization's employment connection incentive program:</u>	52782
<u>(1) Identify the barriers that the recipient has to achieving</u>	52783
<u>greater financial independence, including all of the following</u>	52784
<u>barriers:</u>	52785
<u>(a) Education;</u>	52786
<u>(b) Employment;</u>	52787
<u>(c) Physical and behavioral health care;</u>	52788
<u>(d) Transportation;</u>	52789
<u>(e) Child care;</u>	52790
<u>(f) Housing;</u>	52791
<u>(g) Legal problems, including criminal records;</u>	52792
<u>(h) Other barriers identified for the recipient.</u>	52793
<u>(2) Assist the recipient in overcoming the barriers</u>	52794
<u>identified for the recipient.</u>	52795
<u>(D) The assistance provided to a medicaid recipient pursuant</u>	52796
<u>to division (C)(2) of this section shall include assistance in</u>	52797
<u>obtaining and maintaining meaningful employment. Such assistance</u>	52798
<u>shall include all of the following as appropriate for the</u>	52799
<u>recipient:</u>	52800
<u>(1) Education programs, including the following types of</u>	52801
<u>education programs:</u>	52802
<u>(a) English as a second language;</u>	52803
<u>(b) Literacy;</u>	52804
<u>(c) Programs designed to lead to the attainment of the</u>	52805
<u>equivalent of a high school diploma;</u>	52806

<u>(d) Post-secondary.</u>	52807
<u>(2) Job training, placement, and retention programs;</u>	52808
<u>(3) Apprenticeship programs;</u>	52809
<u>(4) Mentoring programs;</u>	52810
<u>(5) Other activities the department of medicaid shall</u>	52811
<u>specify.</u>	52812
<u>(E) The department of medicaid shall establish criteria it</u>	52813
<u>shall use to determine the success that medicaid managed care</u>	52814
<u>organizations have with their employment connection incentive</u>	52815
<u>programs. The criteria shall include the length of time that a</u>	52816
<u>medicaid recipient who participated in a medicaid managed care</u>	52817
<u>organization's employment connective incentive program has ceased</u>	52818
<u>to be eligible for medicaid due to increased earnings resulting</u>	52819
<u>from employment that the program helped the recipient obtain or</u>	52820
<u>maintain.</u>	52821
<u>(F) The department shall provide incentive payments to</u>	52822
<u>medicaid managed care organizations according to their successes</u>	52823
<u>with their employment connection incentive programs. The</u>	52824
<u>department shall determine the amount of each payment and the</u>	52825
<u>times at which medicaid managed care organizations earn payments.</u>	52826
<u>The amount of a payment to be made to a medicaid managed care</u>	52827
<u>organization shall be based on the savings in the nonfederal share</u>	52828
<u>of the per recipient per month cost of the capitation payments to</u>	52829
<u>the organization resulting from the organization's success with</u>	52830
<u>its employment connection incentive program.</u>	52831
<u>Sec. 5167.29. (A) As used in this section:</u>	52832
<u>(1) "Covered health care" means a health care product,</u>	52833
<u>service, or procedure covered by a medicaid MCO plan.</u>	52834
<u>(2) "Emergency service" has the same meaning as in section</u>	52835
<u>1753.28 of the Revised Code.</u>	52836

(3) "High quality and efficient participating provider" means 52837
a participating provider to which both of the following apply: 52838

(a) The provider has a high rating under division (C) of this 52839
section. 52840

(b) The cost to a medicaid managed care organization for 52841
covered health care the provider furnishes to an enrollee is less 52842
than the cost the organization would have incurred if the enrollee 52843
had obtained the covered health care from another participating 52844
provider with which the enrollee initially scheduled an 52845
appointment for the covered health care. 52846

(4) "Participating provider" means a provider who is a member 52847
of a medicaid managed care organization's provider panel. 52848

(B) Each medicaid managed care organization shall establish 52849
and implement a program that incentivizes enrollees to obtain 52850
covered health care from high quality and efficient participating 52851
providers. The incentives shall be in the form of points awarded 52852
to enrollees under division (E) of this section which the 52853
organization shall enable the enrollees to redeem for merchandise 52854
available through the organization's internet web site. 52855

(C) As part of the program instituted under this section, a 52856
medicaid managed care organization shall do both of the following: 52857

(1) Rate participating providers based on quality metrics. 52858
The quality metrics for hospitals shall be the measures used for 52859
the medicare hospital value-based purchasing program. The 52860
department of medicaid shall establish the quality metrics for 52861
other types of providers. In rating participating providers, an 52862
organization shall award providers between one and five stars 52863
based on the providers' scores on the quality metrics. 52864

(2) Establish on the organization's internet web site a 52865
system under which enrollees rate and provide comments about 52866
participating providers after appointments with the providers. The 52867

system shall be similar to internet web sites that enable 52868
consumers to rate and provide comments about commercial products. 52869
The organization shall encourage enrollees to use the system after 52870
each appointment with a participating provider. The system shall 52871
enable all enrollees to see the ratings and comments that other 52872
enrollees have made for each participating provider. 52873

(D) A medicaid managed care organization shall provide an 52874
enrollee all of the following before any covered health care, 52875
other than an emergency service, is furnished to the enrollee by a 52876
participating provider with which the enrollee has scheduled an 52877
appointment for the covered health care: 52878

(1) A reasonable, good faith cost estimate for the covered 52879
health care described in section 3962.04 of the Revised Code, 52880
regardless of whether the provider also provides the cost estimate 52881
to the enrollee or the enrollee's representative; 52882

(2) The provider's quality rating under division (C)(1) of 52883
this section and average enrollee rating under division (C)(2) of 52884
this section; 52885

(3) The address of the organization's internet web site at 52886
which the enrollee may access the enrollee rating system 52887
established under division (C)(2) of this section so that the 52888
enrollee can read the ratings and comments made by other enrollees 52889
about the provider and other participating providers; 52890

(4) A list of high quality and efficient participating 52891
providers who could furnish the covered health care to the 52892
enrollee and the providers' quality ratings under division (C)(1) 52893
of this section and average enrollee ratings under division (C)(2) 52894
of this section. 52895

(E)(1) Subject to division (E)(2) of this section, a medicaid 52896
managed care organization shall award points to an enrollee if the 52897
enrollee cancels an appointment for covered health care with a 52898

participating provider that is not a high quality and efficient 52899
participating provider and instead obtains the covered health care 52900
from a high quality and efficient participating provider. The 52901
number of points awarded shall be sufficient to incentivize the 52902
enrollee to cancel the initial appointment and obtain the covered 52903
health care from the high quality and efficient participating 52904
provider. 52905

(2) A medicaid managed care organization shall monitor 52906
enrollees' behavior under the program to thwart abuse of the 52907
program. An enrollee found to have abused or attempted to abuse 52908
the program shall not be awarded points. 52909

(F) The department of medicaid shall monitor each medicaid 52910
managed care organization as the organization establishes and 52911
implements the program under this section and determine the 52912
effectiveness of each organization's program. 52913

Sec. 5167.35. (A) As used in this section: 52914

(1) "Mandatory services" has the same meaning as in section 52915
5164.01 of the Revised Code. 52916

(2) "Optional services" has the same meaning as in section 52917
5164.01 of the Revised Code. 52918

(3) "Specified states" means the following states: Illinois, 52919
Indiana, Michigan, Ohio, Pennsylvania, and West Virginia. 52920

(B) This section is subject to section 5166.50 of the Revised 52921
Code. 52922

(C) The department of medicaid shall establish the shared 52923
savings bonus program. Under the program, the department shall, 52924
subject to division (D) of this section, do both of the following 52925
before the beginning of each fiscal year: 52926

(1) Determine the average of the per recipient capitated 52927
payment rate, not including any shared savings bonus received 52928

under division (D) of this section, for each medicaid managed care organization for the three fiscal years immediately preceding the fiscal year for which the determination is made; 52929
52930
52931

(2) Determine the average per recipient cost to the medicaid programs in the specified states for the eligibility groups that are designated for participation in the care management system pursuant to section 5167.03 of the Revised Code for the three fiscal years immediately preceding the fiscal year for which the determination is made. 52932
52933
52934
52935
52936
52937

(D) In making the determinations under divisions (C)(1) and (2) of this section, the department shall include only the costs for mandatory services and the costs for those optional services that are covered by the medicaid program in this state and the medicaid programs in all of the specified states. 52938
52939
52940
52941
52942

(E)(1) Subject to division (E)(3) of this section, the amount of a medicaid managed care organization's shared savings bonus for a fiscal year shall be determined as follows: 52943
52944
52945

(a) Subtract the organization's three-year average determined under division (C)(1) of this section for the fiscal year from the three-year average determined under division (C)(2) of this section for the fiscal year; 52946
52947
52948
52949

(b) Subject to division (E)(2) of this section, subtract the organization's three-year average determined under division (C)(1) of this section for the fiscal year from the organization's initial three-year average determined under that division; 52950
52951
52952
52953

(c) Determine the sum of the differences determined under divisions (E)(1)(a) and (b) of this section; 52954
52955

(d) Multiply the sum determined under division (E)(1)(c) of this section by twenty per cent. 52956
52957

(2) The amount determined under division (E)(1)(b) of this 52958

section for a medicaid managed care organization for the first 52959
fiscal year that the determination is made for the organization 52960
shall be zero. 52961

(3) If the amount determined under division (E)(1)(c) of this 52962
section for a medicaid managed care organization for the first or 52963
second fiscal year for which the determination is made is a 52964
negative number, the organization's shared savings bonus for that 52965
fiscal year shall be zero. If the amount determined under that 52966
division for a medicaid managed care organization for the third or 52967
a subsequent fiscal year for which the determination is made is a 52968
negative number, the department shall terminate the organization's 52969
contract with the department and enter into a contract with 52970
another managed care organization under section 5167.10 of the 52971
Revised Code. The effective date of the contract termination shall 52972
be the same as the effective date of the contract with the other 52973
managed care organization so as to avoid a disruption in medicaid 52974
recipients' access to services under the care management system. 52975

Sec. 5167.36. (A) As used in this section: 52976

(1) "Assignment share percentage" means the percentage of 52977
medicaid recipients who are randomly assigned to enroll in a 52978
particular participating MCO's medicaid MCO plan under division 52979
(D) of this section. 52980

(2) "Participating MCO" means a medicaid managed care 52981
organization participating in the quality incentive program 52982
established under this section. 52983

(B) This section is subject to section 5166.50 of the Revised 52984
Code. 52985

(C) The department of medicaid shall establish the quality 52986
incentive program. Under the program, if a medicaid recipient 52987
participating in the care management system does not select a 52988

medicaid MCO plan in which to enroll, the department shall 52989
randomly assign the recipient to enroll in a medicaid MCO plan 52990
offered by one of the participating MCOs. The number of recipients 52991
randomly assigned to enroll in each participating MCO's medicaid 52992
MCO plan shall be determined in accordance with that participating 52993
MCO's assignment share percentage calculated under division (D) of 52994
this section for the year the enrollment takes place. 52995

All of the following shall participate in the quality 52996
incentive program: 52997

(1) Each medicaid managed care organization that has a 52998
contract under section 5167.10 of the Revised Code on the 52999
effective date of this section; 53000

(2) Other managed care organizations that become medicaid 53001
managed care organizations after the effective date of this 53002
section and are selected by the department. 53003

(D)(1) During the first calendar year that the quality 53004
incentive program is operated, the assignment share percentage 53005
shall be the same for all of the participating MCOs. Each year 53006
thereafter, each participating MCO shall be ranked according to 53007
the number of points it is awarded under division (E) of this 53008
section, and each participating MCO's assignment share percentage 53009
shall be adjusted as follows: 53010

(a) The assignment share percentage of the participating MCO 53011
ranked at the top shall be increased by twenty-five per cent. 53012

(b) The assignment share percentage of the participating MCO 53013
ranked at the bottom shall be decreased by twenty-five per cent. 53014

(c) The assignment share percentage of all of the other 53015
participating MCOs shall be increased or decreased in a 53016
corresponding, linear, and proportional manner based on their 53017
ranks. 53018

(2) If a medicaid managed care organization becomes a 53019
participating MCO after the other participating MCOs' assignment 53020
share percentages have been assigned, the department shall do both 53021
of the following: 53022

(a) Assign to the new participating MCO an initial assignment 53023
share percentage which shall be the percentage determined by 53024
dividing one hundred by the total number of participating MCOs; 53025

(b) Adjust the assignment share percentages of all of the 53026
other participating MCOs proportionally. 53027

(E)(1) The department shall award points annually to each 53028
participating MCO based on health and quality metrics taken from 53029
the previous calendar year. Subject to divisions (E)(2) and (3) of 53030
this section, the department shall determine how points are 53031
awarded to participating MCOs. The number of points awarded to a 53032
participating MCO based on quality metrics shall not be more than 53033
twenty per cent of the total number of points awarded to the 53034
participating MCO. 53035

(2) The health metrics used to determine the number of points 53036
awarded to a participating MCO shall include the following health 53037
measurements for the group of medicaid recipients who have been 53038
randomly assigned under division (C) of this section to enroll in 53039
a medicaid MCO plan offered by the participating MCO: 53040

(a) Smoking rate; 53041

(b) Infant mortality rate; 53042

(c) Hemoglobin a1c levels; 53043

(d) Obesity rate; 53044

(e) Incidence of relapse of alcohol or drug addiction; 53045

(f) Health measurements developed by the department in 53046
consultation with groups representing individuals with 53047
developmental disabilities. 53048

(3) The quality metrics used to determine the number of 53049
points awarded to a participating MCO shall include the following 53050
quality measurements as measured through a survey established by 53051
the department: 53052

(a) How promptly the participating MCO pays claims for 53053
services rendered to enrollees; 53054

(b) The participating MCO's responsiveness to provider and 53055
enrollee requests; 53056

(c) Provider user satisfaction; 53057

(d) The effectiveness of the participating MCO's program 53058
established under section 5167.29 of the Revised Code; 53059

(e) Any other measurements the department considers 53060
appropriate. 53061

(4) The department shall publish each participating MCO's 53062
point totals annually and provide the information to medicaid 53063
recipients before they enroll in a medicaid MCO plan. 53064

(F) If, for the second or a subsequent calendar year that the 53065
quality incentive program is operated, a participating MCO's 53066
assignment share percentage is decreased under division (D)(1) of 53067
this section to an amount that is equal to or less than fifty per 53068
cent of its assignment share percentage for the first calendar 53069
year that the program is operated, the department shall terminate 53070
the participating MCO's participation in the program. 53071

(G) A participating MCO shall not treat medicaid recipients 53072
who are randomly assigned to enroll in the participating MCO's 53073
medicaid MCO plan under division (C) of this section differently 53074
than how the participating MCO treats medicaid recipients who 53075
select the plan on their own. 53076

Sec. 5167.41. The department of medicaid may disenroll some 53077
or all medicaid recipients ~~enrolled in~~ from a medicaid MCO plan 53078

offered by a medicaid managed care organization if the department 53079
proposes to terminate or not to renew the contract entered into 53080
under section 5167.10 of the Revised Code and determines that the 53081
recipients' access to medically necessary services is jeopardized 53082
by the proposal to terminate or not to renew the contract. The 53083
disenrollment is not subject to Chapter 119. of the Revised Code, 53084
but the medicaid managed care organization may request a 53085
reconsideration of the disenrollment. Reconsiderations shall be 53086
requested and conducted in accordance with rules the medicaid 53087
director shall adopt under section 5167.02 of the Revised Code. 53088
The request for, or conduct of, a reconsideration regarding a 53089
proposed disenrollment shall not delay the disenrollment. 53090

Sec. 5168.03. The requirements of sections 5168.06 to 5168.09 53091
of the Revised Code apply only as long as the United States ~~health~~ 53092
~~care financing administration~~ centers for medicare and medicaid 53093
services determines that the assessment imposed under section 53094
5168.06 of the Revised Code is a permissible health care-related 53095
tax pursuant to the "Social Security Act," section 1903(w), 42 53096
U.S.C. 1396b(w). Whenever the department of medicaid is informed 53097
that the assessment is an impermissible health care-related tax, 53098
the department shall promptly refund to each hospital the amount 53099
of money currently in the hospital care assurance program fund 53100
created by section 5168.11 of the Revised Code that has been paid 53101
by the hospital under section 5168.06 or 5168.07 of the Revised 53102
Code, plus any investment earnings on that amount. 53103

53104

Sec. 5168.05. (A) Except as provided in division (C) of this 53105
section, each hospital, on or before the first day of July of each 53106
year or at a later date approved by the medicaid director, shall 53107
submit to the department of medicaid a financial statement for the 53108

preceding calendar year that accurately reflects the income, 53109
expenses, assets, liabilities, and net worth of the hospital, and 53110
accompanying notes. A hospital that has a fiscal year different 53111
from the calendar year shall file its financial statement within 53112
one hundred eighty days of the end of its fiscal year or at a 53113
later date approved by the director. The financial statement shall 53114
be prepared by an independent certified public accountant and 53115
reflect an official audit report prepared in a manner consistent 53116
with generally accepted accounting principles. The financial 53117
statement shall, to the extent that the hospital has sufficient 53118
financial records, show bad debt and charity care separately from 53119
courtesy care and contractual allowances. 53120

(B) Except as provided in division (C) of this section, each 53121
hospital, within one hundred eighty days after the end of the 53122
hospital's cost reporting period, shall submit to the department a 53123
cost report in a format prescribed in rules adopted under section 53124
5168.02 of the Revised Code. The department shall grant a hospital 53125
an extension of the one hundred eighty day period if the ~~health~~ 53126
~~care financing administration of the United States department of~~ 53127
~~health and human~~ centers for medicare and medicaid services 53128
extends the date by which the hospital must submit its cost report 53129
for the hospital's cost reporting period. 53130

(C) The director may adopt rules under section 5168.02 of the 53131
Revised Code specifying financial information that must be 53132
submitted by hospitals for which no financial statement or cost 53133
report is available. The rules shall specify deadlines for 53134
submitting the information. Each such hospital shall submit the 53135
information specified in the rules not later than the deadline 53136
specified in the rules. 53137

Sec. 5168.06. (A) For the purpose of distributing funds to 53138
hospitals under the medicaid program pursuant to sections 5168.01 53139

to 5168.14 of the Revised Code and depositing funds into the 53140
health care/medicaid support and recoveries fund created under 53141
section 5162.52 of the Revised Code, there is hereby imposed an 53142
assessment on all hospitals. Each hospital's assessment shall be 53143
based on total facility costs. All hospitals shall be assessed 53144
according to the rate or rates established each program year in 53145
rules adopted under section 5168.02 of the Revised Code. The 53146
department shall assess all hospitals uniformly and in a manner 53147
consistent with federal statutes and regulations. During any 53148
program year, the department shall not assess any hospital more 53149
than two per cent of the hospital's total facility costs. 53150

The department shall establish an assessment rate or rates 53151
each program year that will do both of the following: 53152

(1) Yield funds that, when combined with intergovernmental 53153
transfers and federal matching funds, will produce a program of 53154
sufficient size to pay a substantial portion of the indigent care 53155
provided by hospitals; 53156

(2) Yield funds that, when combined with intergovernmental 53157
transfers and federal matching funds, will produce amounts for 53158
distribution to disproportionate share hospitals that do not 53159
exceed, in the aggregate, the limits prescribed by the United 53160
States ~~health care financing administration~~ centers for medicare 53161
and medicaid services under the "Social Security Act," section 53162
1923(f), 42 U.S.C. 1396r-4(f). 53163

(B)(1) Except as provided in division (B)(3) of this section, 53164
each hospital shall pay its assessment in periodic installments in 53165
accordance with a schedule established in rules adopted under 53166
section 5168.02 of the Revised Code. 53167

(2) The installments shall be equal in amount, unless either 53168
of the following applies: 53169

(a) The department makes adjustments during a program year 53170

under division (D) of section 5168.08 of the Revised Code in the 53171
total amount of hospitals' assessments; 53172

(b) The medicaid director determines that adjustments in the 53173
amounts of installments are necessary for the administration of 53174
sections 5168.01 to 5168.14 of the Revised Code and that unequal 53175
installments will not create cash flow difficulties for hospitals. 53176

(3) The director may adopt rules under section 5168.02 of the 53177
Revised Code establishing alternate schedules for hospitals to pay 53178
assessments under this section in order to reduce hospitals' cash 53179
flow difficulties. 53180

Sec. 5168.07. (A) The department of medicaid may require 53181
governmental hospitals to make intergovernmental transfers each 53182
program year for the purpose of distributing funds to hospitals 53183
under the medicaid program pursuant to sections 5168.01 to 5168.14 53184
of the Revised Code and depositing funds into the health 53185
care/medicaid support and recoveries fund created under section 53186
5162.52 of the Revised Code. The department shall not require 53187
transfers in an amount that, when combined with hospital 53188
assessments paid under section 5168.06 of the Revised Code and 53189
federal matching funds, produce amounts for distribution to 53190
disproportionate share hospitals that, in the aggregate, exceed 53191
limits prescribed by the United States ~~health care financing~~ 53192
~~administration~~ centers for medicare and medicaid services under 53193
the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 53194

(B) Before or during each program year, the department shall 53195
notify each governmental hospital of the amount of the 53196
intergovernmental transfer it is required to make during the 53197
program year. Each governmental hospital shall make 53198
intergovernmental transfers as required by the department under 53199
this section in periodic installments, executed by electronic fund 53200
transfer, in accordance with a schedule established in rules 53201

adopted under section 5168.02 of the Revised Code. 53202

Sec. 5168.08. (A) Before or during each program year, the 53203
department of medicaid shall mail to each hospital by certified 53204
mail, return receipt requested, the preliminary determination of 53205
the amount that the hospital is assessed under section 5168.06 of 53206
the Revised Code during the program year. The preliminary 53207
determination of a hospital's assessment shall be calculated for a 53208
cost-reporting period that is specified in rules adopted under 53209
section 5168.02 of the Revised Code. 53210

The department shall consult with hospitals each year when 53211
determining the date on which it will mail the preliminary 53212
determinations in order to minimize hospitals' cash flow 53213
difficulties. 53214

If no hospital submits a request for reconsideration under 53215
division (B) of this section, the preliminary determination 53216
constitutes the final reconciliation of each hospital's assessment 53217
under section 5168.06 of the Revised Code. The final 53218
reconciliation is subject to adjustments under division (D) of 53219
this section. 53220

(B) Not later than fourteen days after the preliminary 53221
determinations are mailed, any hospital may submit to the 53222
department a written request to reconsider the preliminary 53223
determinations. The request shall be accompanied by written 53224
materials setting forth the basis for the reconsideration. If one 53225
or more hospitals submit a request, the department shall hold a 53226
public hearing not later than thirty days after the preliminary 53227
determinations are mailed to reconsider the preliminary 53228
determinations. The department shall mail to each hospital a 53229
written notice of the date, time, and place of the hearing at 53230
least ten days prior to the hearing. On the basis of the evidence 53231
submitted to the department or presented at the public hearing, 53232

the department shall reconsider and may adjust the preliminary 53233
determinations. The result of the reconsideration is the final 53234
reconciliation of the hospital's assessment under section 5168.06 53235
of the Revised Code. The final reconciliation is subject to 53236
adjustments under division (D) of this section. 53237

(C) The department shall mail to each hospital a written 53238
notice of its assessment for the program year under the final 53239
reconciliation. A hospital may appeal the final reconciliation of 53240
its assessment to the court of common pleas of Franklin county. 53241
While a judicial appeal is pending, the hospital shall pay, in 53242
accordance with the schedules required by division (B) of section 53243
5168.06 of the Revised Code, any amount of its assessment that is 53244
not in dispute into the hospital care assurance program fund 53245
created in section 5168.11 of the Revised Code. 53246

(D) In the course of any program year, the department may 53247
adjust the assessment rate or rates established in rules pursuant 53248
to section 5168.06 of the Revised Code or adjust the amounts of 53249
intergovernmental transfers required under section 5168.07 of the 53250
Revised Code and, as a result of the adjustment, adjust each 53251
hospital's assessment and intergovernmental transfer, to reflect 53252
refinements made by the United States ~~health care financing~~ 53253
~~administration~~ centers for medicare and medicaid services during 53254
that program year to the limits it prescribed under the "Social 53255
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When 53256
adjusted, the assessment rate or rates must comply with division 53257
(A) of section 5168.06 of the Revised Code. An adjusted 53258
intergovernmental transfer must comply with division (A) of 53259
section 5168.07 of the Revised Code. The department shall notify 53260
hospitals of adjustments made under this division and adjust for 53261
the remainder of the program year the installments paid by 53262
hospitals under sections 5168.06 and 5168.07 of the Revised Code 53263
in accordance with rules adopted under section 5168.02 of the 53264

Revised Code. 53265

Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the 53266
Revised Code: 53267

(A) "Basic health care services" means all of the services 53268
listed in division (A)(1) of section 1751.01 of the Revised Code. 53269

(B) "Care management system" ~~means the system established~~ 53270
~~under~~ has the same meaning as in section ~~5167.03~~ 5167.01 of the 53271
Revised Code. 53272

(C) "Dual eligible individual" has the same meaning as in 53273
section 5160.01 of the Revised Code. 53274

(D) "Franchise fee" means the fee imposed on health insuring 53275
corporation plans under section 5168.76 of the Revised Code. 53276

(E) "Health insuring corporation" has the same meaning as in 53277
section 1751.01 of the Revised Code, except it does not mean a 53278
corporation that, pursuant to a policy, contract, certificate, or 53279
agreement, pays for, reimburses, or provides, delivers, arranges 53280
for, or otherwise makes available, only supplemental health care 53281
services or only specialty health care services. 53282

(F) "Health insuring corporation plan" means a policy, 53283
contract, certificate, or agreement of a health insuring 53284
corporation under which the corporation pays for, reimburses, 53285
provides, delivers, arranges for, or otherwise makes available 53286
basic health care services. "Health insuring corporation plan" 53287
does not mean any of the following: 53288

(1) A policy, contract, certificate, or agreement under which 53289
a health insuring corporation pays for, reimburses, provides, 53290
delivers, arranges for, or otherwise makes available only 53291
supplemental health care services or only specialty health care 53292
services; 53293

(2) An approved health benefits plan described in 5 U.S.C. 53294

8903 or 8903a, if imposing the franchise fee on the plan would 53295
violate 5 U.S.C. 8909(f); 53296

(3) A medicare advantage plan authorized by Part C of Title 53297
XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 53298

(G) "Indirect guarantee percentage" means the percentage 53299
specified in section 1903(w)(4)(C)(ii) of the "Social Security 53300
Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in 53301
determining whether a health care class is indirectly held 53302
harmless for any portion of the costs of a broad-based 53303
health-care-related tax. If the indirect guarantee percentage 53304
changes during a fiscal year, the indirect guarantee percentage is 53305
the following: 53306

(1) For the part of the fiscal year before the change takes 53307
effect, the percentage in effect before the change; 53308

(2) For the part of the fiscal year beginning with the date 53309
the indirect guarantee percentage changes, the new percentage. 53310

(H) "Medicaid managed care organization" has the same meaning 53311
as in section 5167.01 of the Revised Code. 53312

(I) "Medicaid provider" has the same meaning as in section 53313
5164.01 of the Revised Code. 53314

(J) "Ohio medicaid member month" means a month in which a 53315
medicaid recipient residing in this state is enrolled in a health 53316
insuring corporation plan. 53317

(K) "Other Ohio member month" means a month in which a 53318
resident of this state who is not a medicaid recipient is enrolled 53319
in a health insuring corporation plan. 53320

(L) "Rate year" means the fiscal year for which a franchise 53321
fee is imposed. 53322

Sec. 5501.20. (A) As used in this section: 53323

(1) "Career professional service" means that part of the competitive classified service that consists of employees of the department of transportation who, regardless of job classification, meet both of the following qualifications:

(a) They are supervisors, professional employees who are not in a collective bargaining unit, confidential employees, or management level employees, all as defined in section 4117.01 of the Revised Code.

(b) They exercise authority that is not merely routine or clerical in nature and report only to a higher level unclassified employee or employee in the career professional service.

(2) "Demoted" means that an employee is placed in a position where the employee's wage rate equals, or is not more than twenty per cent less than, the employee's wage rate immediately prior to demotion or where the employee's job responsibilities are reduced, or both.

(3) "Employee in the career professional service with restoration rights" means an employee in the career professional service who has been in the classified civil service for at least two years and who has a cumulative total of at least ten years of continuous service with the department of transportation.

~~(B) Not later than the first day of July of each odd numbered year, the director of transportation shall adopt a rule in accordance with section 111.15 of the Revised Code that establishes a business plan for the department of transportation that states the department's mission, business objectives, and strategies and that establishes a procedure by which employees in the career professional service will be held accountable for their performance. The director shall adopt a rule that establishes a business plan for the department only once in each two years. Within sixty days after the effective date of a rule that~~

~~establishes a business plan for the department, the~~ The director 53355
shall adopt a rule in accordance with section 111.15 of the 53356
Revised Code that identifies specific positions within the 53357
department of transportation that are included in the career 53358
professional service. The director may amend the rule that 53359
identifies the specific positions included in the career 53360
professional service whenever the director determines necessary. 53361
Any rule adopted under this division is subject to review and 53362
invalidation by the joint committee on agency rule review as 53363
provided in division (D) of section 111.15 of the Revised Code. 53364
The director shall provide a copy of any rule adopted under this 53365
division to the director of budget and management. 53366

~~Except as otherwise provided in this section, an~~ An employee 53367
in the career professional service is subject to the provisions of 53368
Chapter 124. of the Revised Code that govern employees in the 53369
classified civil service. 53370

(C) ~~After an employee is appointed to a position in the~~ 53371
~~career professional service, the employee's direct supervisor~~ 53372
~~shall provide the employee appointed to that position with a~~ 53373
~~written performance action plan that describes the department's~~ 53374
~~expectations for that employee in fulfilling the mission, business~~ 53375
~~objectives, and strategies stated in the department's business~~ 53376
~~plan. No sooner than four months after being appointed to a~~ 53377
~~position in the career professional service, an employee appointed~~ 53378
~~to that position shall receive a written performance review based~~ 53379
~~on the employee's fulfillment of the mission, business objectives,~~ 53380
~~and strategies stated in the department's business plan. After the~~ 53381
~~initial performance review, the~~ An employee in the career 53382
professional service shall receive a written performance review at 53383
least once each year or as often as the director considers 53384
necessary. The department shall give an employee whose performance 53385
is unsatisfactory an opportunity to improve performance for a 53386

period of at least six months, by means of a written ~~corrective~~ 53387
~~action~~ performance improvement plan, before the department takes 53388
any disciplinary action under this section ~~or section 124.34 of~~ 53389
~~the Revised Code. The department shall base its performance review~~ 53390
~~forms on its business plan.~~ 53391

(D) An employee in the career professional service may be 53392
suspended, demoted, or removed ~~because of performance that hinders~~ 53393
~~or restricts the fulfillment of the department's business plan~~ 53394
pursuant to division (C) of this section or for disciplinary 53395
reasons under section 124.34 or 124.57 of the Revised Code. An 53396
employee in the career professional service may appeal only the 53397
employee's removal to the state personnel board of review. An 53398
employee in the career professional service may appeal a demotion 53399
or a suspension of more than three days pursuant to rules the 53400
director adopts in accordance with section 111.15 of the Revised 53401
Code. 53402

(E) An employee in the career professional service with 53403
restoration rights has restoration rights if demoted because of 53404
performance ~~that hinders or restricts fulfillment of the mission,~~ 53405
~~business objectives, or strategies stated in the department's~~ 53406
~~business plan~~, but not if involuntarily demoted or removed for any 53407
of the reasons described in section 124.34 or for a violation of 53408
section 124.57 of the Revised Code. The director shall demote an 53409
employee who has restoration rights of that nature to a position 53410
in the classified service that in the director's judgment is 53411
similar in nature to the position the employee held immediately 53412
prior to being appointed to the position in the career 53413
professional service. The director shall assign to an employee who 53414
is demoted to a position in the classified service as provided in 53415
this division a wage rate that equals, or that is not more than 53416
twenty per cent less than, the wage rate assigned to the employee 53417
in the career professional service immediately prior to the 53418

employee's demotion. 53419

Sec. 5501.91. (A) As used in this section, "port authority" 53420
means a port authority created under Chapter 4582. of the Revised 53421
Code. 53422

(B) There is hereby established the Ohio maritime assistance 53423
program, which the department of transportation shall administer. 53424
Under the program, a port authority may apply to the department 53425
for a grant to be used as prescribed in division (D) of this 53426
section. In order to be eligible for a grant under this section, a 53427
port authority is required to meet either of the following 53428
requirements: 53429

(1) At the time of application for a grant, the port 53430
authority owns an active marine cargo terminal located on the 53431
shore of Lake Erie or the Ohio river or on a Lake Erie tributary. 53432

(2) The grant application is for the planning and 53433
construction of a new marine cargo terminal located on the shore 53434
of Lake Erie or the Ohio river or on a Lake Erie tributary. 53435

(C)(1) Every applicant for a grant shall submit with its 53436
application a written business justification for the investment 53437
that indicates the operational and market need for the project in 53438
a form the director of transportation shall prescribe. 53439

(2) The department shall evaluate all grant applications 53440
according to the following criteria: 53441

(a) The degree to which the proposed project will increase 53442
the efficiency or capacity of maritime cargo terminal operations; 53443

(b) Whether the project will result in the handling of new 53444
types of cargo or an increase in cargo volume; 53445

(c) Whether the project will meet an identified supply chain 53446
need or benefit Ohio firms that export goods to foreign markets, 53447
or import goods to Ohio for use in manufacturing or for 53448

value-added distribution; 53449

(d) Any other criteria the director determines to be 53450
appropriate. 53451

(3) If a grant application does not meet the criteria 53452
specified in divisions (C)(2)(b) and (c) of this section, an 53453
applicant is not eligible for a grant under this section. 53454

(D) A port authority shall use a grant awarded under this 53455
section only for any of the following purposes: 53456

(1) Land acquisition and site development for marine cargo 53457
terminal and associated uses, including demolition and 53458
environmental remediation; 53459

(2) Construction of wharves, quay walls, bulkheads, jetties, 53460
revetments, breakwaters, shipping channels, dredge disposal 53461
facilities, projects for the beneficial use of dredge material, 53462
and other structures and improvements directly related to maritime 53463
commerce and harbor infrastructure; 53464

(3) Construction and repair of warehouses, transit sheds, 53465
railroad tracks, roadways, gates and gatehouses, fencing, bridges, 53466
offices, shipyards, and other improvements needed for marine cargo 53467
terminal and associated uses, including shipyards; 53468

(4) Acquisition of cargo handling equipment, including mobile 53469
shore cranes, stationary cranes, tow motors, fork lifts, yard 53470
tractors, craneways, conveyor and bulk material handling 53471
equipment, and all types of ship loading and unloading equipment; 53472

(5) Planning and design services and other services 53473
associated with construction. 53474

(E) A port authority shall pay a matching amount of at least 53475
one dollar for each grant dollar received for the proposed 53476
project. 53477

(F) The director of transportation, in accordance with 53478

Chapter 119. of the Revised Code, shall adopt rules governing the 53479
program established under this section, including the grant 53480
application, evaluation, award processes, and how the grant money 53481
may be spent by a port authority. 53482

Sec. 5502.63. (A) The division of criminal justice services 53483
in the department of public safety shall prepare a poster and a 53484
brochure that describe safe firearms practices. The poster and 53485
brochure shall contain typeface that is at least one-quarter inch 53486
tall. The division shall furnish copies of the poster and brochure 53487
free of charge to each federally licensed firearms dealer in this 53488
state. 53489

As used in this division, "federally licensed firearms 53490
dealer" means an importer, manufacturer, or dealer having a 53491
license to deal in destructive devices or their ammunition, issued 53492
and in effect pursuant to the federal "Gun Control Act of 1968," 53493
82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments or 53494
additions to that act or reenactments of that act. 53495

(B)(1) The division of criminal justice services shall create 53496
a poster that provides information regarding the national human 53497
trafficking resource center hotline. The poster shall be no 53498
smaller than eight and one-half inches by eleven inches in size 53499
and shall include a statement in substantially the following form: 53500

"If you or someone you know is being forced to engage in any 53501
activity and cannot leave - whether it is commercial sex, 53502
housework, farm work, or any other activity - call the National 53503
Human Trafficking Resource Center Hotline at 1-888-373-7888 to 53504
access help and services. 53505

Victims of human trafficking are protected under U.S. and 53506
Ohio law. 53507

The toll-free Hotline is: 53508

- Available 24 hours a day, 7 days a week 53509

- Operated by a non-profit, non-governmental organization 53510

- Anonymous & confidential 53511

- Accessible in 170 languages 53512

- Able to provide help, referral to services, training, 53513
and general information." 53514

The statement shall appear on each poster in English, 53515
Spanish, and, for each county, any other language required for 53516
voting materials in that county under section 1973aa-1a of the 53517
"Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as 53518
amended. In addition to the national human trafficking resource 53519
center hotline, the statement may contain any additional hotlines 53520
regarding human trafficking for access to help and services. 53521

(2) The division shall make the poster available for print on 53522
its public web site and shall make the poster available to and 53523
encourage its display at each of the following places: 53524

(a) A highway truck stop; 53525

(b) A hotel, as defined in section 3731.01 of the Revised 53526
Code; 53527

(c) An adult entertainment establishment, as defined in 53528
section 2907.39 of the Revised Code; 53529

(d) A beauty salon, as defined in section 4713.01 of the 53530
Revised Code; 53531

(e) An agricultural labor camp, as defined in section 3733.41 53532
of the Revised Code; 53533

(f) A hospital or urgent care center; 53534

(g) Any place where there is occurring a contest for the 53535
championship of a division, conference, or league of a 53536
professional athletic association or of a national collegiate 53537

athletic association division I intercollegiate sport or where 53538
there is occurring an athletic competition at which cash prizes 53539
are awarded to individuals or teams; 53540

(h) Any establishment operating as a massage parlor, massage 53541
spa, alternative health clinic, or similar entity by persons who 53542
do not hold a valid ~~certificate~~ license from the state medical 53543
board to practice massage therapy under Chapter 4731. of the 53544
Revised Code; 53545

(i) A fair. 53546

(3) As used in this section: 53547

(a) "Fair" means the annual exposition conducted by any 53548
county or independent agricultural society or the Ohio expositions 53549
commission. 53550

(b) "Highway truck stop" means a gas station with a sign that 53551
is visible from a highway, as defined in section 5501.01 of the 53552
Revised Code, that offers amenities to commercial vehicles. 53553

Sec. 5513.06. (A) The director of transportation may debar a 53554
vendor from consideration for contract awards upon a finding based 53555
upon a reasonable belief that the vendor has done any of the 53556
following: 53557

(1) Abused the solicitation process by repeatedly withdrawing 53558
bids before purchase orders or contracts are issued or failing to 53559
accept orders based upon firm bids; 53560

(2) Failed to substantially perform a contract according to 53561
its terms, conditions, and specifications within specified time 53562
limits; 53563

(3) Failed to cooperate in monitoring contract performance by 53564
refusing to provide information or documents required in a 53565
contract, failed to respond and correct matters related to 53566
complaints to the vendor, or accumulated repeated justified 53567

complaints regarding performance of a contract; 53568

(4) Attempted to influence a public employee to breach 53569
ethical conduct standards; 53570

(5) Colluded with other bidders to restrain competition by 53571
any means; 53572

(6) Been convicted of a criminal offense related to the 53573
application for or performance of any public or private contract, 53574
including, but not limited to, embezzlement, theft, forgery, 53575
bribery, falsification or destruction of records, receiving stolen 53576
property, and any other offense that directly reflects on the 53577
vendor's business integrity; 53578

(7) Been convicted under state or federal antitrust laws; 53579

(8) Deliberately or willfully submitted false or misleading 53580
information in connection with the application for or performance 53581
of a public contract; 53582

(9) Has been debarred by a state agency, another state, or by 53583
any agency or department of the federal government; 53584

(10) Violated any other responsible business practice or 53585
performed in an unsatisfactory manner as determined by the 53586
director. 53587

(B) When the director reasonably believes that grounds for 53588
debarment exist, the director shall send the vendor a notice of 53589
proposed debarment. If the vendor is a partnership, association, 53590
or corporation, the director also may debar from consideration for 53591
contract awards any partner of the partnership, or the officers 53592
and directors of the association or corporation, being debarred. 53593
When the director reasonably believes that grounds for debarment 53594
exist, the director shall send the individual involved a notice of 53595
proposed debarment. A notice of proposed debarment shall indicate 53596
the grounds for the debarment of the vendor or individual and the 53597

procedure for requesting a hearing. The notice and hearing shall 53598
be in accordance with Chapter 119. of the Revised Code. If the 53599
vendor or individual does not respond with a request for a hearing 53600
in the manner specified in Chapter 119. of the Revised Code, the 53601
director shall issue the debarment decision without a hearing and 53602
shall notify the vendor or individual of the decision by certified 53603
mail, return receipt requested. The debarment period may be of any 53604
length determined by the director and the director may modify or 53605
rescind the debarment at any time. During the period of debarment, 53606
the director shall not include on a bidder list or consider for a 53607
contract award any partnership, association, or corporation 53608
affiliated with a debarred individual. After the debarment period 53609
expires, the vendor or individual, and any partnership, 53610
association, or corporation affiliated with the individual, may 53611
reapply for inclusion on bidder lists through the regular 53612
application process if such entity or individual is not otherwise 53613
debarred. 53614

Sec. 5525.03. (A) All prospective bidders other than 53615
environmental remediators and specialty contractors for which 53616
there are no classes of work provided for in the rules adopted by 53617
the director of transportation shall apply for qualification on 53618
forms prescribed and furnished by the director. The application 53619
shall be accompanied by a certificate of compliance with 53620
affirmative action programs issued pursuant to section 9.47 of the 53621
Revised Code and dated no earlier than one hundred eighty days 53622
~~prior to~~ before the date fixed for the opening of bids for a 53623
particular project. ~~The~~ 53624

(B) The director shall act upon an application for 53625
qualification within thirty days after it is presented to the 53626
director. Upon the receipt of any application for qualification, 53627
the director shall examine the application to determine whether 53628
the applicant is competent and responsible and possesses the 53629

financial resources required by section 5525.04 of the Revised 53630
Code. If the applicant is found to possess the qualifications 53631
prescribed by sections 5525.02 to 5525.09 of the Revised Code and 53632
by rules adopted by the director, including a certificate of 53633
compliance with affirmative action programs, a certificate of 53634
qualification shall be issued to the applicant, which shall be 53635
valid for the period of one year or such shorter period of time as 53636
the director prescribes, unless revoked by the director for cause 53637
as defined by rules adopted by the director under section 5525.05 53638
of the Revised Code. ~~The~~ 53639

(C) The certificate of qualification shall contain a 53640
statement fixing the aggregate amount of work, for any or all 53641
owners, that the applicant may have under construction and 53642
uncompleted at any one time and may contain a statement limiting 53643
such bidder to the submission of bids upon a certain class of 53644
work. Subject to any restriction as to amount or class of work 53645
therein contained, the certificate of qualification shall 53646
authorize its holder to bid on all work on which bids are taken by 53647
the department of transportation during the period of time therein 53648
specified. ~~An~~ 53649

(D) An applicant who has received a certificate of 53650
qualification and desires to amend the certificate by the dollar 53651
amount or by the classes of work may submit to the director such 53652
documentation as the director considers appropriate. The director 53653
shall review the documentation submitted by the applicant and, 53654
within fifteen days, shall either amend the certificate of 53655
qualification or deny the request. If the director denies the 53656
request to amend the certificate, the applicant may appeal that 53657
decision to the ~~director's request is~~ director's prequalification 53658
review board in accordance with section 5525.07 of the Revised 53659
Code. Two or more persons, partnerships, or corporations may bid 53660
jointly on any one project, but only on condition that prior to 53661

the time bids are taken on the project the bidders make a joint 53662
application for qualification and obtain a joint certificate 53663
qualification. 53664

(E) The director may debar from participating in future 53665
contracts with the department any bidding company as well as any 53666
partner of a partnership, or the officers and directors of an 53667
association or corporation if the certificate of qualification of 53668
the company, partnership, association, or corporation is revoked 53669
or not renewed by the director. When the director reasonably 53670
believes that grounds for revocation and debarment exist, the 53671
director shall send the bidding company and any individual 53672
involved a notice of proposed revocation and debarment indicating 53673
the grounds for such action as established in rules adopted by the 53674
director under section 5525.05 of the Revised Code and the 53675
procedure for requesting a hearing. The notice and hearing shall 53676
be in accordance with Chapter 119. of the Revised Code. If the 53677
bidding company or individual does not respond with a request for 53678
a hearing in the manner specified in Chapter 119. of the Revised 53679
Code, the director shall revoke the certificate and issue the 53680
debarment decision without a hearing and shall notify the bidding 53681
company or individual of the decision by certified mail, return 53682
receipt requested. ~~The~~ 53683

(F) The debarment period may be of any length determined by 53684
the director and the director may modify or rescind the debarment 53685
at any time. During the period of debarment, the director shall 53686
not issue a certificate of qualification for any company, 53687
partnership, association, or corporation affiliated with a 53688
debarred individual. After the debarment period expires, the 53689
bidding company or individual, and any partnership, association, 53690
or corporation affiliated with the individual may make an 53691
application for qualification if such entity or individual is not 53692
otherwise debarred. 53693

Sec. 5537.17. (A) Each turnpike project open to traffic shall 53694
be maintained and kept in good condition and repair by the Ohio 53695
turnpike and infrastructure commission. The Ohio turnpike system 53696
shall be policed and operated by a force of police, toll 53697
collectors, and other employees and agents that the commission 53698
employs or contracts for. 53699

(B) All public or private property damaged or destroyed in 53700
carrying out the powers granted by this chapter shall be restored 53701
or repaired and placed in its original condition, as nearly as 53702
practicable, or adequate compensation or consideration made 53703
therefor out of moneys provided under this chapter. 53704

(C) All governmental agencies may lease, lend, grant, or 53705
convey to the commission at its request, upon terms that the 53706
proper authorities of the governmental agencies consider 53707
reasonable and fair and without the necessity for an 53708
advertisement, order of court, or other action or formality, other 53709
than the regular and formal action of the authorities concerned, 53710
any property that is necessary or convenient to the effectuation 53711
of the purposes of the commission, including public roads and 53712
other property already devoted to public use. 53713

(D) Each bridge constituting part of a turnpike project shall 53714
be inspected at least once each year by a professional engineer 53715
employed or retained by the commission. 53716

(E) ~~On or before the first day of July in each year, the~~ 53717
~~commission shall make an annual report of its activities for the~~ 53718
~~preceding calendar year to the governor and the general assembly.~~ 53719
~~Each such report shall set forth a complete operating and~~ 53720
~~financial statement covering the commission's operations and~~ 53721
~~funding of any turnpike projects and infrastructure projects~~ 53722
~~during the year.~~ The commission shall cause an audit of its books 53723
and accounts to be made at least once each year by certified 53724

public accountants approved by the auditor of state, and the cost 53725
thereof may be treated as a part of the cost of operations of the 53726
commission. ~~The auditor of state, at least once a year and without~~ 53727
~~previous notice to the commission, shall audit the accounts and~~ 53728
~~transactions of the commission~~ On or before the first day of July 53729
in each year, the commission shall submit a comprehensive annual 53730
financial report containing its audited financial statements for 53731
the preceding calendar year to the governor, the general assembly, 53732
and the director of budget and management. Each such report shall 53733
set forth a complete operating and financial statement covering 53734
the commission's operations and funding of any turnpike projects 53735
and infrastructure projects during the year. 53736

(F) The commission shall submit a copy of its ~~annual audit by~~ 53737
~~the auditor of state and~~ its proposed annual budget for each 53738
calendar or fiscal year to the governor, the presiding officers of 53739
each house of the general assembly, the director of budget and 53740
management, and the legislative service commission no later than 53741
the first day of that calendar or fiscal year. 53742

(G) Upon request of the chairperson of the appropriate 53743
standing committee or subcommittee of the senate and house of 53744
representatives that is primarily responsible for considering 53745
transportation budget matters, the commission shall appear at 53746
least one time before each committee or subcommittee during the 53747
period when that committee or subcommittee is considering the 53748
biennial appropriations for the department of transportation and 53749
shall provide testimony outlining its budgetary results for the 53750
last two calendar years, including a comparison of budget and 53751
actual revenue and expenditure amounts. The commission also shall 53752
address its current budget and long-term capital plan. 53753

(H) Not more than sixty nor less than thirty days before 53754
adopting its annual budget, the commission shall submit a copy of 53755
its proposed annual budget to the governor, the presiding officers 53756

of each house of the general assembly, the director of budget and 53757
management, and the legislative service commission. The office of 53758
budget and management shall review the proposed budget and may 53759
provide recommendations to the commission for its consideration. 53760

Sec. 5705.091. The board of county commissioners of each 53761
county shall establish a county developmental disabilities general 53762
fund. Notwithstanding section 5705.10 of the Revised Code, 53763
proceeds from levies under section 5705.222 and division (L) of 53764
section 5705.19 of the Revised Code shall be deposited to the 53765
credit of the county developmental disabilities general fund. 53766
Accounts shall be established within the county developmental 53767
disabilities general fund for each of the several particular 53768
purposes of the levies as specified in the resolutions under which 53769
the levies were approved, and proceeds from different levies that 53770
were approved for the same particular purpose shall be credited to 53771
accounts for that purpose. Other money received by the county for 53772
the purposes of Chapters 3323. and 5126. of the Revised Code and 53773
not required by state or federal law to be deposited to the credit 53774
of a different fund shall also be deposited to the credit of the 53775
county developmental disabilities general fund, in an account 53776
appropriate to the particular purpose for which the money was 53777
received. Unless otherwise provided by law, an unexpended balance 53778
at the end of a fiscal year in any account in the county 53779
developmental disabilities general fund shall be appropriated the 53780
next fiscal year to the same fund. 53781

A county board of developmental disabilities may request, by 53782
resolution, that the board of county commissioners establish a 53783
county developmental disabilities capital fund for money to be 53784
used for acquisition, construction, or improvement of capital 53785
facilities or acquisition of capital equipment used in providing 53786
services to persons with developmental disabilities. The county 53787
board of developmental disabilities shall transmit a certified 53788

copy of the resolution to the board of county commissioners. Upon 53789
receiving the resolution, the board of county commissioners shall 53790
establish a county developmental disabilities capital fund. 53791

A county board of developmental disabilities may request, by 53792
resolution, that the board of county commissioners establish a 53793
county developmental disability medicaid reserve fund. On receipt 53794
of the resolution, the board of county commissioners shall 53795
establish a county developmental disability medicaid reserve fund. 53796
Funds needed for the county board of developmental disabilities to 53797
pay for extraordinary costs, including, but not limited to, costs 53798
for services to individuals with developmental disabilities, or to 53799
ensure the availability of adequate funds in the event a tax levy 53800
for services for individuals with developmental disabilities 53801
fails, may be deposited into the fund. The county board of 53802
developmental disabilities shall use money in the fund for such 53803
purposes as needed. 53804

Sec. 5709.17. The following property shall be exempted from 53805
taxation: 53806

(A) Real estate held or occupied by an association or 53807
corporation, organized or incorporated under the laws of this 53808
state relative to soldiers' memorial associations or monumental 53809
building associations and that, in the opinion of the trustees, 53810
directors, or managers thereof, is necessary and proper to carry 53811
out the object intended for such association or corporation; 53812

(B) Real estate and tangible personal property held or 53813
occupied by a qualifying veterans' organization and used primarily 53814
for meetings and administration of the qualifying veterans' 53815
organization or for providing, on a not-for-profit basis, programs 53816
and supportive services to past or present members of the armed 53817
forces of the United States and their families, except real estate 53818
held by such an organization for the production of rental income 53819

in excess of thirty-six thousand dollars in a tax year, before 53820
accounting for any cost or expense incurred in the production of 53821
such income. For the purposes of this division, rental income 53822
includes only income arising directly from renting the real estate 53823
to others for consideration, but does not include income arising 53824
from renting the real estate to a qualifying veterans' 53825
organization. 53826

As used in this division, "qualifying veterans' organization" 53827
means an organization that is incorporated under the laws of this 53828
state or the United States and that meets either of the following 53829
requirements: 53830

(1) The organization qualifies for exemption from taxation 53831
under section 501(c)(19) or 501(c)(23) of the Internal Revenue 53832
Code. 53833

(2) The organization meets the criteria for exemption under 53834
section 501(c)(19) of the Internal Revenue Code and regulations 53835
adopted pursuant thereto, but is exempt from taxation under 53836
section 501(c)(4) of the Internal Revenue Code. 53837

(C) Tangible personal property held by a corporation 53838
chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in 53839
section 501(c)(3) of the Internal Revenue Code, and exempt from 53840
taxation under section 501(a) of the Internal Revenue Code shall 53841
be exempt from taxation if it is property obtained as described in 53842
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 53843

(D) Real estate held or occupied by a fraternal organization 53844
and used primarily for meetings of and the administration of the 53845
fraternal organization or for providing, on a not-for-profit 53846
basis, educational or health services, except real estate held by 53847
such an organization for the production of rental income in excess 53848
of thirty-six thousand dollars in a tax year before accounting for 53849
any cost or expense incurred in the production of such income. For 53850

the purposes of this division, rental income includes only income 53851
arising directly from renting the real estate to others for 53852
consideration, but does not include income arising from renting 53853
the real estate to any fraternal organization for use primarily 53854
for meetings of and the administration of such fraternal 53855
organization or for providing, on a not-for-profit basis, 53856
educational or health services. As used in this division, ~~"rental~~ 53857
~~income"~~ has the same meaning as in division (B) of this section, 53858
and "fraternal organization" means a domestic fraternal society, 53859
order, or association operating under the lodge, council, or 53860
grange system that qualifies for exemption from taxation under 53861
section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 53862
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 53863
that provides financial support for charitable purposes, as 53864
defined in division (B)(12) of section 5739.02 of the Revised 53865
Code; and that operates under a state governing body that has been 53866
operating in this state for at least eighty-five years. 53867

Sec. 5709.40. (A) As used in this section: 53868

(1) "Blighted area" and "impacted city" have the same 53869
meanings as in section 1728.01 of the Revised Code. 53870

(2) "Business day" means a day of the week excluding 53871
Saturday, Sunday, and a legal holiday as defined under section 53872
1.14 of the Revised Code. 53873

(3) "Housing renovation" means a project carried out for 53874
residential purposes. 53875

(4) "Improvement" means the increase in the assessed value of 53876
any real property that would first appear on the tax list and 53877
duplicate of real and public utility property after the effective 53878
date of an ordinance adopted under this section were it not for 53879
the exemption granted by that ordinance. 53880

(5) "Incentive district" means an area not more than three 53881
hundred acres in size enclosed by a continuous boundary in which a 53882
project is being, or will be, undertaken and having one or more of 53883
the following distress characteristics: 53884

(a) At least fifty-one per cent of the residents of the 53885
district have incomes of less than eighty per cent of the median 53886
income of residents of the political subdivision in which the 53887
district is located, as determined in the same manner specified 53888
under section 119(b) of the "Housing and Community Development Act 53889
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 53890

(b) The average rate of unemployment in the district during 53891
the most recent twelve-month period for which data are available 53892
is equal to at least one hundred fifty per cent of the average 53893
rate of unemployment for this state for the same period. 53894

(c) At least twenty per cent of the people residing in the 53895
district live at or below the poverty level as defined in the 53896
federal Housing and Community Development Act of 1974, 42 U.S.C. 53897
5301, as amended, and regulations adopted pursuant to that act. 53898

(d) The district is a blighted area. 53899

(e) The district is in a situational distress area as 53900
designated by the director of development services under division 53901
(F) of section 122.23 of the Revised Code. 53902

(f) As certified by the engineer for the political 53903
subdivision, the public infrastructure serving the district is 53904
inadequate to meet the development needs of the district as 53905
evidenced by a written economic development plan or urban renewal 53906
plan for the district that has been adopted by the legislative 53907
authority of the subdivision. 53908

(g) The district is comprised entirely of unimproved land 53909
that is located in a distressed area as defined in section 122.23 53910
of the Revised Code. 53911

(6) "Overlay" means an area of not more than three hundred 53912
acres that is a square, or that is a rectangle having two longer 53913
sides that are not more than twice the length of the two shorter 53914
sides, that the legislative authority of a municipal corporation 53915
delineates on a map of a proposed incentive district. 53916

(7) "Project" means development activities undertaken on one 53917
or more parcels, including, but not limited to, construction, 53918
expansion, and alteration of buildings or structures, demolition, 53919
remediation, and site development, and any building or structure 53920
that results from those activities. 53921

(8) "Public infrastructure improvement" includes, but is not 53922
limited to, public roads and highways; water and sewer lines; the 53923
continued maintenance of those public roads and highways and water 53924
and sewer lines; environmental remediation; land acquisition, 53925
including acquisition in aid of industry, commerce, distribution, 53926
or research; demolition, including demolition on private property 53927
when determined to be necessary for economic development purposes; 53928
stormwater and flood remediation projects, including such projects 53929
on private property when determined to be necessary for public 53930
health, safety, and welfare; the provision of gas, electric, and 53931
communications service facilities, including the provision of gas 53932
or electric service facilities owned by nongovernmental entities 53933
when such improvements are determined to be necessary for economic 53934
development purposes; and the enhancement of public waterways 53935
through improvements that allow for greater public access. 53936

(B) The legislative authority of a municipal corporation, by 53937
ordinance, may declare improvements to certain parcels of real 53938
property located in the municipal corporation to be a public 53939
purpose. Improvements with respect to a parcel that is used or to 53940
be used for residential purposes may be declared a public purpose 53941
under this division only if the parcel is located in a blighted 53942
area of an impacted city. For this purpose, "parcel that is used 53943

or to be used for residential purposes" means a parcel that, as 53944
improved, is used or to be used for purposes that would cause the 53945
tax commissioner to classify the parcel as residential property in 53946
accordance with rules adopted by the commissioner under section 53947
5713.041 of the Revised Code. Except ~~with the approval as~~ 53948
otherwise provided under division (D) of this section ~~of the board~~ 53949
~~of education of each city, local, or exempted village school~~ 53950
~~district within which the improvements are located~~ or section 53951
5709.51 of the Revised Code, not more than seventy-five per cent 53952
of an improvement thus declared to be a public purpose may be 53953
exempted from real property taxation for a period of not more than 53954
ten years. The ordinance shall specify the percentage of the 53955
improvement to be exempted from taxation and the life of the 53956
exemption. 53957

An ordinance adopted or amended under this division shall 53958
designate the specific public infrastructure improvements made, to 53959
be made, or in the process of being made by the municipal 53960
corporation that directly benefit, or that once made will directly 53961
benefit, the parcels for which improvements are declared to be a 53962
public purpose. The service payments provided for in section 53963
5709.42 of the Revised Code shall be used to finance the public 53964
infrastructure improvements designated in the ordinance, for the 53965
purpose described in division (D)(1) of this section or as 53966
provided in section 5709.43 of the Revised Code. 53967

(C)(1) The legislative authority of a municipal corporation 53968
may adopt an ordinance creating an incentive district and 53969
declaring improvements to parcels within the district to be a 53970
public purpose and, except as provided in division (C)(2) of this 53971
section, exempt from taxation as provided in this section, but no 53972
legislative authority of a municipal corporation that has a 53973
population that exceeds twenty-five thousand, as shown by the most 53974
recent federal decennial census, shall adopt an ordinance that 53975

creates an incentive district if the sum of the taxable value of 53976
real property in the proposed district for the preceding tax year 53977
and the taxable value of all real property in the municipal 53978
corporation that would have been taxable in the preceding year 53979
were it not for the fact that the property was in an existing 53980
incentive district and therefore exempt from taxation exceeds 53981
twenty-five per cent of the taxable value of real property in the 53982
municipal corporation for the preceding tax year. The ordinance 53983
shall delineate the boundary of the proposed district and 53984
specifically identify each parcel within the district. A proposed 53985
district may not include any parcel that is or has been exempted 53986
from taxation under division (B) of this section or that is or has 53987
been within another district created under this division. An 53988
ordinance may create more than one such district, and more than 53989
one ordinance may be adopted under division (C)(1) of this 53990
section. 53991

(2)(a) Not later than thirty days prior to adopting an 53992
ordinance under division (C)(1) of this section, if the municipal 53993
corporation intends to apply for exemptions from taxation under 53994
section 5709.911 of the Revised Code on behalf of owners of real 53995
property located within the proposed incentive district, the 53996
legislative authority of the municipal corporation shall conduct a 53997
public hearing on the proposed ordinance. Not later than thirty 53998
days prior to the public hearing, the legislative authority shall 53999
give notice of the public hearing and the proposed ordinance by 54000
first class mail to every real property owner whose property is 54001
located within the boundaries of the proposed incentive district 54002
that is the subject of the proposed ordinance. The notice shall 54003
include a map of the proposed incentive district on which the 54004
legislative authority of the municipal corporation shall have 54005
delineated an overlay. The notice shall inform the property owner 54006
of the owner's right to exclude the owner's property from the 54007
incentive district if the owner's entire parcel of property will 54008

not be located within the overlay, by submitting a written 54009
response in accordance with division (C)(2)(b) of this section. 54010
The notice also shall include information detailing the required 54011
contents of the response, the address to which the response may be 54012
mailed, and the deadline for submitting the response. 54013

(b) Any owner of real property located within the boundaries 54014
of an incentive district proposed under division (C)(1) of this 54015
section whose entire parcel of property is not located within the 54016
overlay may exclude the property from the proposed incentive 54017
district by submitting a written response to the legislative 54018
authority of the municipal corporation not later than forty-five 54019
days after the postmark date on the notice required under division 54020
(C)(2)(a) of this section. The response shall be sent by first 54021
class mail or delivered in person at a public hearing held by the 54022
legislative authority under division (C)(2)(a) of this section. 54023
The response shall conform to any content requirements that may be 54024
established by the municipal corporation and included in the 54025
notice provided under division (C)(2)(a) of this section. In the 54026
response, property owners may identify a parcel by street address, 54027
by the manner in which it is identified in the ordinance, or by 54028
other means allowing the identity of the parcel to be ascertained. 54029

(c) Before adopting an ordinance under division (C)(1) of 54030
this section, the legislative authority of a municipal corporation 54031
shall amend the ordinance to exclude any parcel located wholly or 54032
partly outside the overlay for which a written response has been 54033
submitted under division (C)(2)(b) of this section. A municipal 54034
corporation shall not apply for exemptions from taxation under 54035
section 5709.911 of the Revised Code for any such parcel, and 54036
service payments may not be required from the owner of the parcel. 54037
Improvements to a parcel excluded from an incentive district under 54038
this division may be exempted from taxation under division (B) of 54039
this section pursuant to an ordinance adopted under that division 54040

or under any other section of the Revised Code under which the 54041
parcel qualifies. 54042

(3)(a) An ordinance adopted under division (C)(1) of this 54043
section shall specify the life of the incentive district and the 54044
percentage of the improvements to be exempted, shall designate the 54045
public infrastructure improvements made, to be made, or in the 54046
process of being made, that benefit or serve, or, once made, will 54047
benefit or serve parcels in the district. The ordinance also shall 54048
identify one or more specific projects being, or to be, undertaken 54049
in the district that place additional demand on the public 54050
infrastructure improvements designated in the ordinance. The 54051
project identified may, but need not be, the project under 54052
division (C)(3)(b) of this section that places real property in 54053
use for commercial or industrial purposes. Except as otherwise 54054
permitted under that division, the service payments provided for 54055
in section 5709.42 of the Revised Code shall be used to finance 54056
the designated public infrastructure improvements, for the purpose 54057
described in division (D)(1), (E), or (F) of this section, or as 54058
provided in section 5709.43 of the Revised Code. 54059

An ordinance adopted under division (C)(1) of this section on 54060
or after March 30, 2006, shall not designate police or fire 54061
equipment as public infrastructure improvements, and no service 54062
payment provided for in section 5709.42 of the Revised Code and 54063
received by the municipal corporation under the ordinance shall be 54064
used for police or fire equipment. 54065

(b) An ordinance adopted under division (C)(1) of this 54066
section may authorize the use of service payments provided for in 54067
section 5709.42 of the Revised Code for the purpose of housing 54068
renovations within the incentive district, provided that the 54069
ordinance also designates public infrastructure improvements that 54070
benefit or serve the district, and that a project within the 54071
district places real property in use for commercial or industrial 54072

purposes. Service payments may be used to finance or support 54073
loans, deferred loans, and grants to persons for the purpose of 54074
housing renovations within the district. The ordinance shall 54075
designate the parcels within the district that are eligible for 54076
housing renovation. The ordinance shall state separately the 54077
amounts or the percentages of the expected aggregate service 54078
payments that are designated for each public infrastructure 54079
improvement and for the general purpose of housing renovations. 54080

(4) Except with the approval of the board of education of 54081
each city, local, or exempted village school district within the 54082
territory of which the incentive district is or will be located, 54083
and subject to division (E) of this section, the life of an 54084
incentive district shall not exceed ten years, and the percentage 54085
of improvements to be exempted shall not exceed seventy-five per 54086
cent. With approval of the board of education, the life of a 54087
district may be not more than thirty years, and the percentage of 54088
improvements to be exempted may be not more than one hundred per 54089
cent. The approval of a board of education shall be obtained in 54090
the manner provided in division (D) of this section. 54091

(D)(1) If the ordinance declaring improvements to a parcel to 54092
be a public purpose or creating an incentive district specifies 54093
that payments in lieu of taxes provided for in section 5709.42 of 54094
the Revised Code shall be paid to the city, local, or exempted 54095
village, and joint vocational school district in which the parcel 54096
or incentive district is located in the amount of the taxes that 54097
would have been payable to the school district if the improvements 54098
had not been exempted from taxation, the percentage of the 54099
improvement that may be exempted from taxation may exceed 54100
seventy-five per cent, and the exemption may be granted for up to 54101
thirty years, without the approval of the board of education as 54102
otherwise required under division (D)(2) of this section. 54103

(2) Improvements with respect to a parcel may be exempted 54104

from taxation under division (B) of this section, and improvements 54105
to parcels within an incentive district may be exempted from 54106
taxation under division (C) of this section, for up to ten years 54107
or, with the approval under this paragraph of the board of 54108
education of the city, local, or exempted village school district 54109
within which the parcel or district is located, for up to thirty 54110
years. The percentage of the improvement exempted from taxation 54111
may, with such approval, exceed seventy-five per cent, but shall 54112
not exceed one hundred per cent. Not later than forty-five 54113
business days prior to adopting an ordinance under this section 54114
declaring improvements to be a public purpose that is subject to 54115
approval by a board of education under this division, the 54116
legislative authority shall deliver to the board of education a 54117
notice stating its intent to adopt an ordinance making that 54118
declaration. The notice regarding improvements with respect to a 54119
parcel under division (B) of this section shall identify the 54120
parcels for which improvements are to be exempted from taxation, 54121
provide an estimate of the true value in money of the 54122
improvements, specify the period for which the improvements would 54123
be exempted from taxation and the percentage of the improvement 54124
that would be exempted, and indicate the date on which the 54125
legislative authority intends to adopt the ordinance. The notice 54126
regarding improvements to parcels within an incentive district 54127
under division (C) of this section shall delineate the boundaries 54128
of the district, specifically identify each parcel within the 54129
district, identify each anticipated improvement in the district, 54130
provide an estimate of the true value in money of each such 54131
improvement, specify the life of the district and the percentage 54132
of improvements that would be exempted, and indicate the date on 54133
which the legislative authority intends to adopt the ordinance. 54134
The board of education, by resolution adopted by a majority of the 54135
board, may approve the exemption for the period or for the 54136
exemption percentage specified in the notice; may disapprove the 54137

exemption for the number of years in excess of ten, may disapprove 54138
the exemption for the percentage of the improvement to be exempted 54139
in excess of seventy-five per cent, or both; or may approve the 54140
exemption on the condition that the legislative authority and the 54141
board negotiate an agreement providing for compensation to the 54142
school district equal in value to a percentage of the amount of 54143
taxes exempted in the eleventh and subsequent years of the 54144
exemption period or, in the case of exemption percentages in 54145
excess of seventy-five per cent, compensation equal in value to a 54146
percentage of the taxes that would be payable on the portion of 54147
the improvement in excess of seventy-five per cent were that 54148
portion to be subject to taxation, or other mutually agreeable 54149
compensation. If an agreement is negotiated between the 54150
legislative authority and the board to compensate the school 54151
district for all or part of the taxes exempted, including 54152
agreements for payments in lieu of taxes under section 5709.42 of 54153
the Revised Code, the legislative authority shall compensate the 54154
joint vocational school district within which the parcel or 54155
district is located at the same rate and under the same terms 54156
received by the city, local, or exempted village school district. 54157

(3) The board of education shall certify its resolution to 54158
the legislative authority not later than fourteen days prior to 54159
the date the legislative authority intends to adopt the ordinance 54160
as indicated in the notice. If the board of education and the 54161
legislative authority negotiate a mutually acceptable compensation 54162
agreement, the ordinance may declare the improvements a public 54163
purpose for the number of years specified in the ordinance or, in 54164
the case of exemption percentages in excess of seventy-five per 54165
cent, for the exemption percentage specified in the ordinance. In 54166
either case, if the board and the legislative authority fail to 54167
negotiate a mutually acceptable compensation agreement, the 54168
ordinance may declare the improvements a public purpose for not 54169
more than ten years, and shall not exempt more than seventy-five 54170

per cent of the improvements from taxation. If the board fails to 54171
certify a resolution to the legislative authority within the time 54172
prescribed by this division, the legislative authority thereupon 54173
may adopt the ordinance and may declare the improvements a public 54174
purpose for up to thirty years, or, in the case of exemption 54175
percentages proposed in excess of seventy-five per cent, for the 54176
exemption percentage specified in the ordinance. The legislative 54177
authority may adopt the ordinance at any time after the board of 54178
education certifies its resolution approving the exemption to the 54179
legislative authority, or, if the board approves the exemption on 54180
the condition that a mutually acceptable compensation agreement be 54181
negotiated, at any time after the compensation agreement is agreed 54182
to by the board and the legislative authority. 54183

(4) If a board of education has adopted a resolution waiving 54184
its right to approve exemptions from taxation under this section 54185
and the resolution remains in effect, approval of exemptions by 54186
the board is not required under division (D) of this section. If a 54187
board of education has adopted a resolution allowing a legislative 54188
authority to deliver the notice required under division (D) of 54189
this section fewer than forty-five business days prior to the 54190
legislative authority's adoption of the ordinance, the legislative 54191
authority shall deliver the notice to the board not later than the 54192
number of days prior to such adoption as prescribed by the board 54193
in its resolution. If a board of education adopts a resolution 54194
waiving its right to approve agreements or shortening the 54195
notification period, the board shall certify a copy of the 54196
resolution to the legislative authority. If the board of education 54197
rescinds such a resolution, it shall certify notice of the 54198
rescission to the legislative authority. 54199

(5) If the legislative authority is not required by division 54200
(D) of this section to notify the board of education of the 54201
legislative authority's intent to declare improvements to be a 54202

public purpose, the legislative authority shall comply with the 54203
notice requirements imposed under section 5709.83 of the Revised 54204
Code, unless the board has adopted a resolution under that section 54205
waiving its right to receive such a notice. 54206

(6) Nothing in division (D) of this section prohibits the 54207
legislative authority of a municipal corporation from amending the 54208
ordinance or resolution under section 5709.51 of the Revised Code 54209
to extend the term of the exemption. 54210

(E)(1) If a proposed ordinance under division (C)(1) of this 54211
section exempts improvements with respect to a parcel within an 54212
incentive district for more than ten years, or the percentage of 54213
the improvement exempted from taxation exceeds seventy-five per 54214
cent, not later than forty-five business days prior to adopting 54215
the ordinance the legislative authority of the municipal 54216
corporation shall deliver to the board of county commissioners of 54217
the county within which the incentive district will be located a 54218
notice that states its intent to adopt an ordinance creating an 54219
incentive district. The notice shall include a copy of the 54220
proposed ordinance, identify the parcels for which improvements 54221
are to be exempted from taxation, provide an estimate of the true 54222
value in money of the improvements, specify the period of time for 54223
which the improvements would be exempted from taxation, specify 54224
the percentage of the improvements that would be exempted from 54225
taxation, and indicate the date on which the legislative authority 54226
intends to adopt the ordinance. 54227

(2) The board of county commissioners, by resolution adopted 54228
by a majority of the board, may object to the exemption for the 54229
number of years in excess of ten, may object to the exemption for 54230
the percentage of the improvement to be exempted in excess of 54231
seventy-five per cent, or both. If the board of county 54232
commissioners objects, the board may negotiate a mutually 54233
acceptable compensation agreement with the legislative authority. 54234

In no case shall the compensation provided to the board exceed the 54235
property taxes forgone due to the exemption. If the board of 54236
county commissioners objects, and the board and legislative 54237
authority fail to negotiate a mutually acceptable compensation 54238
agreement, the ordinance adopted under division (C)(1) of this 54239
section shall provide to the board compensation in the eleventh 54240
and subsequent years of the exemption period equal in value to not 54241
more than fifty per cent of the taxes that would be payable to the 54242
county or, if the board's objection includes an objection to an 54243
exemption percentage in excess of seventy-five per cent, 54244
compensation equal in value to not more than fifty per cent of the 54245
taxes that would be payable to the county, on the portion of the 54246
improvement in excess of seventy-five per cent, were that portion 54247
to be subject to taxation. The board of county commissioners shall 54248
certify its resolution to the legislative authority not later than 54249
thirty days after receipt of the notice. 54250

(3) If the board of county commissioners does not object or 54251
fails to certify its resolution objecting to an exemption within 54252
thirty days after receipt of the notice, the legislative authority 54253
may adopt the ordinance, and no compensation shall be provided to 54254
the board of county commissioners. If the board timely certifies 54255
its resolution objecting to the ordinance, the legislative 54256
authority may adopt the ordinance at any time after a mutually 54257
acceptable compensation agreement is agreed to by the board and 54258
the legislative authority, or, if no compensation agreement is 54259
negotiated, at any time after the legislative authority agrees in 54260
the proposed ordinance to provide compensation to the board of 54261
fifty per cent of the taxes that would be payable to the county in 54262
the eleventh and subsequent years of the exemption period or on 54263
the portion of the improvement in excess of seventy-five per cent, 54264
were that portion to be subject to taxation. 54265

(F) Service payments in lieu of taxes that are attributable 54266

to any amount by which the effective tax rate of either a renewal 54267
levy with an increase or a replacement levy exceeds the effective 54268
tax rate of the levy renewed or replaced, or that are attributable 54269
to an additional levy, for a levy authorized by the voters for any 54270
of the following purposes on or after January 1, 2006, and which 54271
are provided pursuant to an ordinance creating an incentive 54272
district under division (C)(1) of this section that is adopted on 54273
or after January 1, 2006, or a later date as specified in this 54274
division, shall be distributed to the appropriate taxing authority 54275
as required under division (C) of section 5709.42 of the Revised 54276
Code in an amount equal to the amount of taxes from that 54277
additional levy or from the increase in the effective tax rate of 54278
such renewal or replacement levy that would have been payable to 54279
that taxing authority from the following levies were it not for 54280
the exemption authorized under division (C) of this section: 54281

(1) A tax levied under division (L) of section 5705.19 or 54282
section 5705.191 or 5705.222 of the Revised Code for community 54283
developmental disabilities programs and services pursuant to 54284
Chapter 5126. of the Revised Code; 54285

(2) A tax levied under division (Y) of section 5705.19 of the 54286
Revised Code for providing or maintaining senior citizens services 54287
or facilities; 54288

(3) A tax levied under section 5705.22 of the Revised Code 54289
for county hospitals; 54290

(4) A tax levied by a joint-county district or by a county 54291
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 54292
for alcohol, drug addiction, and mental health services or 54293
facilities; 54294

(5) A tax levied under section 5705.23 of the Revised Code 54295
for library purposes; 54296

(6) A tax levied under section 5705.24 of the Revised Code 54297

for the support of children services and the placement and care of 54298
children; 54299

(7) A tax levied under division (Z) of section 5705.19 of the 54300
Revised Code for the provision and maintenance of zoological park 54301
services and facilities under section 307.76 of the Revised Code; 54302

(8) A tax levied under section 511.27 or division (H) of 54303
section 5705.19 of the Revised Code for the support of township 54304
park districts; 54305

(9) A tax levied under division (A), (F), or (H) of section 54306
5705.19 of the Revised Code for parks and recreational purposes of 54307
a joint recreation district organized pursuant to division (B) of 54308
section 755.14 of the Revised Code; 54309

(10) A tax levied under section 1545.20 or 1545.21 of the 54310
Revised Code for park district purposes; 54311

(11) A tax levied under section 5705.191 of the Revised Code 54312
for the purpose of making appropriations for public assistance; 54313
human or social services; public relief; public welfare; public 54314
health and hospitalization; and support of general hospitals; 54315

(12) A tax levied under section 3709.29 of the Revised Code 54316
for a general health district program. 54317

(13) A tax levied by a township under section 505.39, 54318
division (I) of section 5705.19, or division (JJ) of section 54319
5705.19 of the Revised Code to the extent the proceeds are used 54320
for the purposes described in division (I) of that section, for 54321
the purpose of funding fire, emergency medical, and ambulance 54322
services as described in that section and those divisions. 54323
Division (F)(13) of this section applies only if the township 54324
levying the tax provides fire, emergency medical, or ambulance 54325
services in the incentive district, and only to incentive 54326
districts created by an ordinance adopted on or after the 54327
effective date of the amendment of this section by H.B. 69 of the 54328

132nd general assembly, March 23, 2018. The board of township 54329
trustees may, by resolution, waive the application of this 54330
division or negotiate with the municipal corporation that created 54331
the district for a lesser amount of payments in lieu of taxes. 54332

(G) An exemption from taxation granted under this section 54333
commences with the tax year specified in the ordinance so long as 54334
the year specified in the ordinance commences after the effective 54335
date of the ordinance. If the ordinance specifies a year 54336
commencing before the effective date of the resolution or 54337
specifies no year whatsoever, the exemption commences with the tax 54338
year in which an exempted improvement first appears on the tax 54339
list and duplicate of real and public utility property and that 54340
commences after the effective date of the ordinance. In lieu of 54341
stating a specific year, the ordinance may provide that the 54342
exemption commences in the tax year in which the value of an 54343
improvement exceeds a specified amount or in which the 54344
construction of one or more improvements is completed, provided 54345
that such tax year commences after the effective date of the 54346
ordinance. With respect to the exemption of improvements to 54347
parcels under division (B) of this section, the ordinance may 54348
allow for the exemption to commence in different tax years on a 54349
parcel-by-parcel basis, with a separate exemption term specified 54350
for each parcel. 54351

Except as otherwise provided in this division or section 54352
5709.51 of the Revised Code, the exemption ends on the date 54353
specified in the ordinance as the date the improvement ceases to 54354
be a public purpose or the incentive district expires, or ends on 54355
the date on which the public infrastructure improvements and 54356
housing renovations are paid in full from the municipal public 54357
improvement tax increment equivalent fund established under 54358
division (A) of section 5709.43 of the Revised Code, whichever 54359
occurs first. The exemption of an improvement with respect to a 54360

parcel or within an incentive district may end on a later date, as 54361
specified in the ordinance, if the legislative authority and the 54362
board of education of the city, local, or exempted village school 54363
district within which the parcel or district is located have 54364
entered into a compensation agreement under section 5709.82 of the 54365
Revised Code with respect to the improvement, and the board of 54366
education has approved the term of the exemption under division 54367
(D)(2) of this section, but in no case shall the improvement be 54368
exempted from taxation for more than thirty years. Exemptions 54369
shall be claimed and allowed in the same manner as in the case of 54370
other real property exemptions. If an exemption status changes 54371
during a year, the procedure for the apportionment of the taxes 54372
for that year is the same as in the case of other changes in tax 54373
exemption status during the year. 54374

(H) Additional municipal financing of public infrastructure 54375
improvements and housing renovations may be provided by any 54376
methods that the municipal corporation may otherwise use for 54377
financing such improvements or renovations. If the municipal 54378
corporation issues bonds or notes to finance the public 54379
infrastructure improvements and housing renovations and pledges 54380
money from the municipal public improvement tax increment 54381
equivalent fund to pay the interest on and principal of the bonds 54382
or notes, the bonds or notes are not subject to Chapter 133. of 54383
the Revised Code. 54384

(I) The municipal corporation, not later than fifteen days 54385
after the adoption of an ordinance under this section, shall 54386
submit to the director of development services a copy of the 54387
ordinance. On or before the thirty-first day of March of each 54388
year, the municipal corporation shall submit a status report to 54389
the director of development services. The report shall indicate, 54390
in the manner prescribed by the director, the progress of the 54391
project during each year that an exemption remains in effect, 54392

including a summary of the receipts from service payments in lieu 54393
of taxes; expenditures of money from the funds created under 54394
section 5709.43 of the Revised Code; a description of the public 54395
infrastructure improvements and housing renovations financed with 54396
such expenditures; and a quantitative summary of changes in 54397
employment and private investment resulting from each project. 54398

(J) Nothing in this section shall be construed to prohibit a 54399
legislative authority from declaring to be a public purpose 54400
improvements with respect to more than one parcel. 54401

(K) If a parcel is located in a new community district in 54402
which the new community authority imposes a community development 54403
charge on the basis of rentals received from leases of real 54404
property as described in division (L)(2) of section 349.01 of the 54405
Revised Code, the parcel may not be exempted from taxation under 54406
this section. 54407

Sec. 5709.41. (A) As used in this section: 54408

(1) "Business day" means a day of the week excluding 54409
Saturday, Sunday, and a legal holiday as defined under section 54410
1.14 of the Revised Code. 54411

(2) "Improvement" means the increase in assessed value of any 54412
parcel of property subsequent to the acquisition of the parcel by 54413
a municipal corporation engaged in urban redevelopment. 54414

(B) The legislative authority of a municipal corporation, by 54415
ordinance, may declare to be a public purpose any improvement to a 54416
parcel of real property if both of the following apply: 54417

(1) The municipal corporation held fee title to the parcel 54418
prior to the adoption of the ordinance; 54419

(2) The parcel is leased, or the fee of the parcel is 54420
conveyed, to any person either before or after adoption of the 54421
ordinance. 54422

Improvements used or to be used for residential purposes may 54423
be declared a public purpose under this section only if the parcel 54424
is located in a blighted area of an impacted city as those terms 54425
are defined in section 1728.01 of the Revised Code. For this 54426
purpose, "parcel that is used or to be used for residential 54427
purposes" means a parcel that, as improved, is used or to be used 54428
for purposes that would cause the tax commissioner to classify the 54429
parcel as residential property in accordance with rules adopted by 54430
the commissioner under section 5713.041 of the Revised Code. 54431

(C) Except as otherwise provided in division (C)(1), (2), or 54432
(3) of this section, not more than seventy-five per cent of an 54433
improvement thus declared to be a public purpose may be exempted 54434
from real property taxation. The ordinance shall specify the 54435
percentage of the improvement to be exempted from taxation. If a 54436
parcel is located in a new community district in which the new 54437
community authority imposes a community development charge on the 54438
basis of rentals received from leases of real property as 54439
described in division (L)(2) of section 349.01 of the Revised 54440
Code, the parcel may not be exempted from taxation under this 54441
section. 54442

(1) If the ordinance declaring improvements to a parcel to be 54443
a public purpose specifies that payments in lieu of taxes provided 54444
for in section 5709.42 of the Revised Code shall be paid to the 54445
city, local, or exempted village school district in which the 54446
parcel is located in the amount of the taxes that would have been 54447
payable to the school district if the improvements had not been 54448
exempted from taxation, the percentage of the improvement that may 54449
be exempted from taxation may exceed seventy-five per cent, and 54450
the exemption may be granted for up to thirty years, without the 54451
approval of the board of education as otherwise required under 54452
division (C)(2) of this section. 54453

(2) Improvements may be exempted from taxation for up to ten 54454

years or, with the approval of the board of education of the city, 54455
local, or exempted village school district within the territory of 54456
which the improvements are or will be located, for up to thirty 54457
years. The percentage of the improvement exempted from taxation 54458
may, with such approval, exceed seventy-five per cent, but shall 54459
not exceed one hundred per cent. Not later than forty-five 54460
business days prior to adopting an ordinance under this section, 54461
the legislative authority shall deliver to the board of education 54462
a notice stating its intent to declare improvements to be a public 54463
purpose under this section. The notice shall describe the parcel 54464
and the improvements, provide an estimate of the true value in 54465
money of the improvements, specify the period for which the 54466
improvements would be exempted from taxation and the percentage of 54467
the improvements that would be exempted, and indicate the date on 54468
which the legislative authority intends to adopt the ordinance. 54469
The board of education, by resolution adopted by a majority of the 54470
board, may approve the exemption for the period or for the 54471
exemption percentage specified in the notice, may disapprove the 54472
exemption for the number of years in excess of ten, may disapprove 54473
the exemption for the percentage of the improvements to be 54474
exempted in excess of seventy-five per cent, or both, or may 54475
approve the exemption on the condition that the legislative 54476
authority and the board negotiate an agreement providing for 54477
compensation to the school district equal in value to a percentage 54478
of the amount of taxes exempted in the eleventh and subsequent 54479
years of the exemption period, or, in the case of exemption 54480
percentages in excess of seventy-five per cent, compensation equal 54481
in value to a percentage of the taxes that would be payable on the 54482
portion of the improvement in excess of seventy-five per cent were 54483
that portion to be subject to taxation. The board of education 54484
shall certify its resolution to the legislative authority not 54485
later than fourteen days prior to the date the legislative 54486
authority intends to adopt the ordinance as indicated in the 54487

notice. If the board of education approves the exemption on the 54488
condition that a compensation agreement be negotiated, the board 54489
in its resolution shall propose a compensation percentage. If the 54490
board of education and the legislative authority negotiate a 54491
mutually acceptable compensation agreement, the ordinance may 54492
declare the improvements a public purpose for the number of years 54493
specified in the ordinance or, in the case of exemption 54494
percentages in excess of seventy-five per cent, for the exemption 54495
percentage specified in the ordinance. In either case, if the 54496
board and the legislative authority fail to negotiate a mutually 54497
acceptable compensation agreement, the ordinance may declare the 54498
improvements a public purpose for not more than ten years, but 54499
shall not exempt more than seventy-five per cent of the 54500
improvements from taxation. If the board fails to certify a 54501
resolution to the legislative authority within the time prescribed 54502
by this division, the legislative authority thereupon may adopt 54503
the ordinance and may declare the improvements a public purpose 54504
for up to thirty years. The legislative authority may adopt the 54505
ordinance at any time after the board of education certifies its 54506
resolution approving the exemption to the legislative authority, 54507
or, if the board approves the exemption on the condition that a 54508
mutually acceptable compensation agreement be negotiated, at any 54509
time after the compensation agreement is agreed to by the board 54510
and the legislative authority. If a mutually acceptable 54511
compensation agreement is negotiated between the legislative 54512
authority and the board, including agreements for payments in lieu 54513
of taxes under section 5709.42 of the Revised Code, the 54514
legislative authority shall compensate the joint vocational school 54515
district within the territory of which the improvements are or 54516
will be located at the same rate and under the same terms received 54517
by the city, local, or exempted village school district. 54518

(3) If a board of education has adopted a resolution waiving 54519
its right to approve exemptions from taxation and the resolution 54520

remains in effect, approval of exemptions by the board is not 54521
required under this division. If a board of education has adopted 54522
a resolution allowing a legislative authority to deliver the 54523
notice required under this division fewer than forty-five business 54524
days prior to the legislative authority's adoption of the 54525
ordinance, the legislative authority shall deliver the notice to 54526
the board not later than the number of days prior to such adoption 54527
as prescribed by the board in its resolution. If a board of 54528
education adopts a resolution waiving its right to approve 54529
exemptions or shortening the notification period, the board shall 54530
certify a copy of the resolution to the legislative authority. If 54531
the board of education rescinds such a resolution, it shall 54532
certify notice of the rescission to the legislative authority. 54533

(4) If the legislative authority is not required by division 54534
(C)(1), (2), or (3) of this section to notify the board of 54535
education of the legislative authority's intent to declare 54536
improvements to be a public purpose, the legislative authority 54537
shall comply with the notice requirements imposed under section 54538
5709.83 of the Revised Code, unless the board has adopted a 54539
resolution under that section waiving its right to receive such a 54540
notice. 54541

(5) Nothing in division (C) of this section prohibits the 54542
legislative authority of a municipal corporation from amending the 54543
ordinance or resolution under section 5709.51 of the Revised Code 54544
to extend the term of the exemption. 54545

(D) The exemption commences on the effective date of the 54546
ordinance and ends on the date specified in the ordinance as the 54547
date the improvement ceases to be a public purpose. The exemption 54548
shall be claimed and allowed in the same or a similar manner as in 54549
the case of other real property exemptions. If an exemption status 54550
changes during a tax year, the procedure for the apportionment of 54551
the taxes for that year is the same as in the case of other 54552

changes in tax exemption status during the year. 54553

(E) A municipal corporation, not later than fifteen days 54554
after the adoption of an ordinance granting a tax exemption under 54555
this section, shall submit to the director of development services 54556
a copy of the ordinance. On or before the thirty-first day of 54557
March each year, the municipal corporation shall submit a status 54558
report to the director of development outlining the progress of 54559
the project during each year that the exemption remains in effect. 54560

Sec. 5709.51. (A) The legislative authority of a municipal 54561
corporation, a board of township trustees, or a board of county 54562
commissioners may amend an ordinance or resolution adopted in 54563
accordance with division (B) of section 5709.40, section 5709.41, 54564
division (B) of section 5709.73, or division (A) of section 54565
5709.78 of the Revised Code, as applicable, to extend the 54566
exemption from taxation of improvements to the parcel or parcels 54567
designated in the ordinance or resolution for an additional period 54568
of not more than thirty years if all of the following conditions 54569
are met: 54570

(1) The service payments made pursuant to section 5709.42, 54571
5709.74, or 5709.79 of the Revised Code by the owner or owners of 54572
the parcel or parcels designated in the ordinance or resolution 54573
exceeded one million five hundred thousand dollars in the calendar 54574
year preceding the adoption of the amendment. 54575

(2) The service payments described in division (A)(1) of this 54576
section did not exceed one million five hundred thousand dollars 54577
in any calendar year before the calendar year immediately 54578
preceding the adoption of the amendment. This condition applies 54579
only to amendments adopted under this section on or after January 54580
1, 2021. 54581

(3) The amendment extending the exemption provides for 54582
compensation to the city, local, or exempted village school 54583

district in which the parcel or parcels are located equal in value 54584
to the amount of taxes that would be payable to the school 54585
district if the improvements had not been exempted from taxation 54586
for the additional period. 54587

(B) Not later than fifteen days after amending an ordinance 54588
or resolution under this section, the legislative authority of the 54589
municipal corporation, board of township trustees, or board of 54590
county commissioners shall send a copy of the amendment to the 54591
director of development services. 54592

Sec. 5709.73. (A) As used in this section and section 5709.74 54593
of the Revised Code: 54594

(1) "Business day" means a day of the week excluding 54595
Saturday, Sunday, and a legal holiday as defined in section 1.14 54596
of the Revised Code. 54597

(2) "Further improvements" or "improvements" means the 54598
increase in the assessed value of real property that would first 54599
appear on the tax list and duplicate of real and public utility 54600
property after the effective date of a resolution adopted under 54601
this section were it not for the exemption granted by that 54602
resolution. For purposes of division (B) of this section, 54603
"improvements" do not include any property used or to be used for 54604
residential purposes. For this purpose, "property that is used or 54605
to be used for residential purposes" means property that, as 54606
improved, is used or to be used for purposes that would cause the 54607
tax commissioner to classify the property as residential property 54608
in accordance with rules adopted by the commissioner under section 54609
5713.041 of the Revised Code. 54610

(3) "Housing renovation" means a project carried out for 54611
residential purposes. 54612

(4) "Incentive district" has the same meaning as in section 54613

5709.40 of the Revised Code, except that a blighted area is in the 54614
unincorporated area of a township. 54615

(5) "Overlay" has the same meaning as in section 5709.40 of 54616
the Revised Code, except that the overlay is delineated by the 54617
board of township trustees. 54618

(6) "Project" and "public infrastructure improvement" have 54619
the same meanings as in section 5709.40 of the Revised Code. 54620

(B) A board of township trustees may, by unanimous vote, 54621
adopt a resolution that declares to be a public purpose any public 54622
infrastructure improvements made that are necessary for the 54623
development of certain parcels of land located in the 54624
unincorporated area of the township. Except ~~with the approval as~~ 54625
~~otherwise provided~~ under division (D) of this section ~~of the board~~ 54626
~~of education of each city, local, or exempted village school~~ 54627
~~district within which the improvements are located or section~~ 54628
~~5709.51 of the Revised Code~~, the resolution may exempt from real 54629
property taxation not more than seventy-five per cent of further 54630
improvements to a parcel of land that directly benefits from the 54631
public infrastructure improvements, for a period of not more than 54632
ten years. The resolution shall specify the percentage of the 54633
further improvements to be exempted and the life of the exemption. 54634

(C)(1) A board of township trustees may adopt, by unanimous 54635
vote, a resolution creating an incentive district and declaring 54636
improvements to parcels within the district to be a public purpose 54637
and, except as provided in division (C)(2) of this section, exempt 54638
from taxation as provided in this section, but no board of 54639
township trustees of a township that has a population that exceeds 54640
twenty-five thousand, as shown by the most recent federal 54641
decennial census, shall adopt a resolution that creates an 54642
incentive district if the sum of the taxable value of real 54643
property in the proposed district for the preceding tax year and 54644
the taxable value of all real property in the township that would 54645

have been taxable in the preceding year were it not for the fact 54646
that the property was in an existing incentive district and 54647
therefore exempt from taxation exceeds twenty-five per cent of the 54648
taxable value of real property in the township for the preceding 54649
tax year. The district shall be located within the unincorporated 54650
area of the township and shall not include any territory that is 54651
included within a district created under division (B) of section 54652
5709.78 of the Revised Code. The resolution shall delineate the 54653
boundary of the proposed district and specifically identify each 54654
parcel within the district. A proposed district may not include 54655
any parcel that is or has been exempted from taxation under 54656
division (B) of this section or that is or has been within another 54657
district created under this division. A resolution may create more 54658
than one such district, and more than one resolution may be 54659
adopted under division (C)(1) of this section. 54660

(2)(a) Not later than thirty days prior to adopting a 54661
resolution under division (C)(1) of this section, if the township 54662
intends to apply for exemptions from taxation under section 54663
5709.911 of the Revised Code on behalf of owners of real property 54664
located within the proposed incentive district, the board shall 54665
conduct a public hearing on the proposed resolution. Not later 54666
than thirty days prior to the public hearing, the board shall give 54667
notice of the public hearing and the proposed resolution by first 54668
class mail to every real property owner whose property is located 54669
within the boundaries of the proposed incentive district that is 54670
the subject of the proposed resolution. The notice shall include a 54671
map of the proposed incentive district on which the board of 54672
township trustees shall have delineated an overlay. The notice 54673
shall inform the property owner of the owner's right to exclude 54674
the owner's property from the incentive district if both of the 54675
following conditions are met: 54676

(i) The owner's entire parcel of property will not be located 54677

within the overlay. 54678

(ii) The owner has submitted a statement to the board of 54679
county commissioners of the county in which the parcel is located 54680
indicating the owner's intent to seek a tax exemption for 54681
improvements to the owner's parcel under division (A) or (B) of 54682
section 5709.78 of the Revised Code within the next five years. 54683

When both of the preceding conditions are met, the owner may 54684
exclude the owner's property from the incentive district by 54685
submitting a written response in accordance with division 54686
(C)(2)(b) of this section. The notice also shall include 54687
information detailing the required contents of the response, the 54688
address to which the response may be mailed, and the deadline for 54689
submitting the response. 54690

(b) Any owner of real property located within the boundaries 54691
of an incentive district proposed under division (C)(1) of this 54692
section who meets the conditions specified in divisions 54693
(C)(2)(a)(i) and (ii) of this section may exclude the property 54694
from the proposed incentive district by submitting a written 54695
response to the board not later than forty-five days after the 54696
postmark date on the notice required under division (C)(2)(a) of 54697
this section. The response shall include a copy of the statement 54698
submitted under division (C)(2)(a)(ii) of this section. The 54699
response shall be sent by first class mail or delivered in person 54700
at a public hearing held by the board under division (C)(2)(a) of 54701
this section. The response shall conform to any content 54702
requirements that may be established by the board and included in 54703
the notice provided under division (C)(2)(a) of this section. In 54704
the response, property owners may identify a parcel by street 54705
address, by the manner in which it is identified in the 54706
resolution, or by other means allowing the identity of the parcel 54707
to be ascertained. 54708

(c) Before adopting a resolution under division (C)(1) of 54709

this section, the board shall amend the resolution to exclude any 54710
parcel for which a written response has been submitted under 54711
division (C)(2)(b) of this section. A township shall not apply for 54712
exemptions from taxation under section 5709.911 of the Revised 54713
Code for any such parcel, and service payments may not be required 54714
from the owner of the parcel. Improvements to a parcel excluded 54715
from an incentive district under this division may be exempted 54716
from taxation under division (B) of this section pursuant to a 54717
resolution adopted under that division or under any other section 54718
of the Revised Code under which the parcel qualifies. 54719

(3)(a) A resolution adopted under division (C)(1) of this 54720
section shall specify the life of the incentive district and the 54721
percentage of the improvements to be exempted, shall designate the 54722
public infrastructure improvements made, to be made, or in the 54723
process of being made, that benefit or serve, or, once made, will 54724
benefit or serve parcels in the district. The resolution also 54725
shall identify one or more specific projects being, or to be, 54726
undertaken in the district that place additional demand on the 54727
public infrastructure improvements designated in the resolution. 54728
The project identified may, but need not be, the project under 54729
division (C)(3)(b) of this section that places real property in 54730
use for commercial or industrial purposes. 54731

A resolution adopted under division (C)(1) of this section on 54732
or after March 30, 2006, shall not designate police or fire 54733
equipment as public infrastructure improvements, and, except as 54734
provided in division (F) of this section, no service payment 54735
provided for in section 5709.74 of the Revised Code and received 54736
by the township under the resolution shall be used for police or 54737
fire equipment. 54738

(b) A resolution adopted under division (C)(1) of this 54739
section may authorize the use of service payments provided for in 54740
section 5709.74 of the Revised Code for the purpose of housing 54741

renovations within the incentive district, provided that the 54742
resolution also designates public infrastructure improvements that 54743
benefit or serve the district, and that a project within the 54744
district places real property in use for commercial or industrial 54745
purposes. Service payments may be used to finance or support 54746
loans, deferred loans, and grants to persons for the purpose of 54747
housing renovations within the district. The resolution shall 54748
designate the parcels within the district that are eligible for 54749
housing renovations. The resolution shall state separately the 54750
amount or the percentages of the expected aggregate service 54751
payments that are designated for each public infrastructure 54752
improvement and for the purpose of housing renovations. 54753

(4) Except with the approval of the board of education of 54754
each city, local, or exempted village school district within the 54755
territory of which the incentive district is or will be located, 54756
and subject to division (E) of this section, the life of an 54757
incentive district shall not exceed ten years, and the percentage 54758
of improvements to be exempted shall not exceed seventy-five per 54759
cent. With approval of the board of education, the life of a 54760
district may be not more than thirty years, and the percentage of 54761
improvements to be exempted may be not more than one hundred per 54762
cent. The approval of a board of education shall be obtained in 54763
the manner provided in division (D) of this section. 54764

(D) Improvements with respect to a parcel may be exempted 54765
from taxation under division (B) of this section, and improvements 54766
to parcels within an incentive district may be exempted from 54767
taxation under division (C) of this section, for up to ten years 54768
or, with the approval of the board of education of the city, 54769
local, or exempted village school district within which the parcel 54770
or district is located, for up to thirty years. The percentage of 54771
the improvements exempted from taxation may, with such approval, 54772
exceed seventy-five per cent, but shall not exceed one hundred per 54773

cent. Not later than forty-five business days prior to adopting a 54774
resolution under this section declaring improvements to be a 54775
public purpose that is subject to approval by a board of education 54776
under this division, the board of township trustees shall deliver 54777
to the board of education a notice stating its intent to adopt a 54778
resolution making that declaration. The notice regarding 54779
improvements with respect to a parcel under division (B) of this 54780
section shall identify the parcels for which improvements are to 54781
be exempted from taxation, provide an estimate of the true value 54782
in money of the improvements, specify the period for which the 54783
improvements would be exempted from taxation and the percentage of 54784
the improvements that would be exempted, and indicate the date on 54785
which the board of township trustees intends to adopt the 54786
resolution. The notice regarding improvements made under division 54787
(C) of this section to parcels within an incentive district shall 54788
delineate the boundaries of the district, specifically identify 54789
each parcel within the district, identify each anticipated 54790
improvement in the district, provide an estimate of the true value 54791
in money of each such improvement, specify the life of the 54792
district and the percentage of improvements that would be 54793
exempted, and indicate the date on which the board of township 54794
trustees intends to adopt the resolution. The board of education, 54795
by resolution adopted by a majority of the board, may approve the 54796
exemption for the period or for the exemption percentage specified 54797
in the notice; may disapprove the exemption for the number of 54798
years in excess of ten, may disapprove the exemption for the 54799
percentage of the improvements to be exempted in excess of 54800
seventy-five per cent, or both; or may approve the exemption on 54801
the condition that the board of township trustees and the board of 54802
education negotiate an agreement providing for compensation to the 54803
school district equal in value to a percentage of the amount of 54804
taxes exempted in the eleventh and subsequent years of the 54805
exemption period or, in the case of exemption percentages in 54806

excess of seventy-five per cent, compensation equal in value to a 54807
percentage of the taxes that would be payable on the portion of 54808
the improvements in excess of seventy-five per cent were that 54809
portion to be subject to taxation, or other mutually agreeable 54810
compensation. 54811

The board of education shall certify its resolution to the 54812
board of township trustees not later than fourteen days prior to 54813
the date the board of township trustees intends to adopt the 54814
resolution as indicated in the notice. If the board of education 54815
and the board of township trustees negotiate a mutually acceptable 54816
compensation agreement, the resolution may declare the 54817
improvements a public purpose for the number of years specified in 54818
the resolution or, in the case of exemption percentages in excess 54819
of seventy-five per cent, for the exemption percentage specified 54820
in the resolution. In either case, if the board of education and 54821
the board of township trustees fail to negotiate a mutually 54822
acceptable compensation agreement, the resolution may declare the 54823
improvements a public purpose for not more than ten years, and 54824
shall not exempt more than seventy-five per cent of the 54825
improvements from taxation. If the board of education fails to 54826
certify a resolution to the board of township trustees within the 54827
time prescribed by this section, the board of township trustees 54828
thereupon may adopt the resolution and may declare the 54829
improvements a public purpose for up to thirty years or, in the 54830
case of exemption percentages proposed in excess of seventy-five 54831
per cent, for the exemption percentage specified in the 54832
resolution. The board of township trustees may adopt the 54833
resolution at any time after the board of education certifies its 54834
resolution approving the exemption to the board of township 54835
trustees, or, if the board of education approves the exemption on 54836
the condition that a mutually acceptable compensation agreement be 54837
negotiated, at any time after the compensation agreement is agreed 54838
to by the board of education and the board of township trustees. 54839

If a mutually acceptable compensation agreement is negotiated 54840
between the board of township trustees and the board of education, 54841
including agreements for payments in lieu of taxes under section 54842
5709.74 of the Revised Code, the board of township trustees shall 54843
compensate the joint vocational school district within which the 54844
parcel or district is located at the same rate and under the same 54845
terms received by the city, local, or exempted village school 54846
district. 54847

If a board of education has adopted a resolution waiving its 54848
right to approve exemptions from taxation under this section and 54849
the resolution remains in effect, approval of such exemptions by 54850
the board of education is not required under division (D) of this 54851
section. If a board of education has adopted a resolution allowing 54852
a board of township trustees to deliver the notice required under 54853
division (D) of this section fewer than forty-five business days 54854
prior to adoption of the resolution by the board of township 54855
trustees, the board of township trustees shall deliver the notice 54856
to the board of education not later than the number of days prior 54857
to the adoption as prescribed by the board of education in its 54858
resolution. If a board of education adopts a resolution waiving 54859
its right to approve exemptions or shortening the notification 54860
period, the board of education shall certify a copy of the 54861
resolution to the board of township trustees. If the board of 54862
education rescinds the resolution, it shall certify notice of the 54863
rescission to the board of township trustees. 54864

If the board of township trustees is not required by division 54865
(D) of this section to notify the board of education of the board 54866
of township trustees' intent to declare improvements to be a 54867
public purpose, the board of township trustees shall comply with 54868
the notice requirements imposed under section 5709.83 of the 54869
Revised Code before taking formal action to adopt the resolution 54870
making that declaration, unless the board of education has adopted 54871

a resolution under that section waiving its right to receive the 54872
notice. 54873

Nothing in this division prohibits the board of township 54874
trustees from amending the resolution under section 5709.51 of the 54875
Revised Code to extend the term of the exemption. 54876

(E)(1) If a proposed resolution under division (C)(1) of this 54877
section exempts improvements with respect to a parcel within an 54878
incentive district for more than ten years, or the percentage of 54879
the improvement exempted from taxation exceeds seventy-five per 54880
cent, not later than forty-five business days prior to adopting 54881
the resolution the board of township trustees shall deliver to the 54882
board of county commissioners of the county within which the 54883
incentive district is or will be located a notice that states its 54884
intent to adopt a resolution creating an incentive district. The 54885
notice shall include a copy of the proposed resolution, identify 54886
the parcels for which improvements are to be exempted from 54887
taxation, provide an estimate of the true value in money of the 54888
improvements, specify the period of time for which the 54889
improvements would be exempted from taxation, specify the 54890
percentage of the improvements that would be exempted from 54891
taxation, and indicate the date on which the board of township 54892
trustees intends to adopt the resolution. 54893

(2) The board of county commissioners, by resolution adopted 54894
by a majority of the board, may object to the exemption for the 54895
number of years in excess of ten, may object to the exemption for 54896
the percentage of the improvement to be exempted in excess of 54897
seventy-five per cent, or both. If the board of county 54898
commissioners objects, the board may negotiate a mutually 54899
acceptable compensation agreement with the board of township 54900
trustees. In no case shall the compensation provided to the board 54901
of county commissioners exceed the property taxes foregone due to 54902
the exemption. If the board of county commissioners objects, and 54903

the board of county commissioners and board of township trustees 54904
fail to negotiate a mutually acceptable compensation agreement, 54905
the resolution adopted under division (C)(1) of this section shall 54906
provide to the board of county commissioners compensation in the 54907
eleventh and subsequent years of the exemption period equal in 54908
value to not more than fifty per cent of the taxes that would be 54909
payable to the county or, if the board of county commissioner's 54910
objection includes an objection to an exemption percentage in 54911
excess of seventy-five per cent, compensation equal in value to 54912
not more than fifty per cent of the taxes that would be payable to 54913
the county, on the portion of the improvement in excess of 54914
seventy-five per cent, were that portion to be subject to 54915
taxation. The board of county commissioners shall certify its 54916
resolution to the board of township trustees not later than thirty 54917
days after receipt of the notice. 54918

(3) If the board of county commissioners does not object or 54919
fails to certify its resolution objecting to an exemption within 54920
thirty days after receipt of the notice, the board of township 54921
trustees may adopt its resolution, and no compensation shall be 54922
provided to the board of county commissioners. If the board of 54923
county commissioners timely certifies its resolution objecting to 54924
the trustees' resolution, the board of township trustees may adopt 54925
its resolution at any time after a mutually acceptable 54926
compensation agreement is agreed to by the board of county 54927
commissioners and the board of township trustees, or, if no 54928
compensation agreement is negotiated, at any time after the board 54929
of township trustees agrees in the proposed resolution to provide 54930
compensation to the board of county commissioners of fifty per 54931
cent of the taxes that would be payable to the county in the 54932
eleventh and subsequent years of the exemption period or on the 54933
portion of the improvement in excess of seventy-five per cent, 54934
were that portion to be subject to taxation. 54935

(F) Service payments in lieu of taxes that are attributable 54936
to any amount by which the effective tax rate of either a renewal 54937
levy with an increase or a replacement levy exceeds the effective 54938
tax rate of the levy renewed or replaced, or that are attributable 54939
to an additional levy, for a levy authorized by the voters for any 54940
of the following purposes on or after January 1, 2006, and which 54941
are provided pursuant to a resolution creating an incentive 54942
district under division (C)(1) of this section that is adopted on 54943
or after January 1, 2006, or a later date as specified in this 54944
division, shall be distributed to the appropriate taxing authority 54945
as required under division (C) of section 5709.74 of the Revised 54946
Code in an amount equal to the amount of taxes from that 54947
additional levy or from the increase in the effective tax rate of 54948
such renewal or replacement levy that would have been payable to 54949
that taxing authority from the following levies were it not for 54950
the exemption authorized under division (C) of this section: 54951

(1) A tax levied under division (L) of section 5705.19 or 54952
section 5705.191 or 5705.222 of the Revised Code for community 54953
developmental disabilities programs and services pursuant to 54954
Chapter 5126. of the Revised Code; 54955

(2) A tax levied under division (Y) of section 5705.19 of the 54956
Revised Code for providing or maintaining senior citizens services 54957
or facilities; 54958

(3) A tax levied under section 5705.22 of the Revised Code 54959
for county hospitals; 54960

(4) A tax levied by a joint-county district or by a county 54961
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 54962
for alcohol, drug addiction, and mental health services or 54963
families; 54964

(5) A tax levied under section 5705.23 of the Revised Code 54965
for library purposes; 54966

(6) A tax levied under section 5705.24 of the Revised Code 54967
for the support of children services and the placement and care of 54968
children; 54969

(7) A tax levied under division (Z) of section 5705.19 of the 54970
Revised Code for the provision and maintenance of zoological park 54971
services and facilities under section 307.76 of the Revised Code; 54972

(8) A tax levied under section 511.27 or division (H) of 54973
section 5705.19 of the Revised Code for the support of township 54974
park districts; 54975

(9) A tax levied under division (A), (F), or (H) of section 54976
5705.19 of the Revised Code for parks and recreational purposes of 54977
a joint recreation district organized pursuant to division (B) of 54978
section 755.14 of the Revised Code; 54979

(10) A tax levied under section 1545.20 or 1545.21 of the 54980
Revised Code for park district purposes; 54981

(11) A tax levied under section 5705.191 of the Revised Code 54982
for the purpose of making appropriations for public assistance; 54983
human or social services; public relief; public welfare; public 54984
health and hospitalization; and support of general hospitals; 54985

(12) A tax levied under section 3709.29 of the Revised Code 54986
for a general health district program; 54987

(13) A tax levied by a township under section 505.39, 505.51, 54988
or division (I), (J), (U), or (JJ) of section 5705.19 of the 54989
Revised Code for the purpose of funding fire, police, emergency 54990
medical, or ambulance services as described in those sections. 54991
Division (F)(13) of this section applies only to incentive 54992
districts created by a resolution adopted on or after March 22, 54993
2019, the effective date of the amendment of this section by H.B. 54994
500 of the 132nd general assembly, and only if that resolution 54995
specifies that division (F) of this section shall apply to such a 54996
tax. 54997

(G) An exemption from taxation granted under this section 54998
commences with the tax year specified in the resolution so long as 54999
the year specified in the resolution commences after the effective 55000
date of the resolution. If the resolution specifies a year 55001
commencing before the effective date of the resolution or 55002
specifies no year whatsoever, the exemption commences with the tax 55003
year in which an exempted improvement first appears on the tax 55004
list and duplicate of real and public utility property and that 55005
commences after the effective date of the resolution. In lieu of 55006
stating a specific year, the resolution may provide that the 55007
exemption commences in the tax year in which the value of an 55008
improvement exceeds a specified amount or in which the 55009
construction of one or more improvements is completed, provided 55010
that such tax year commences after the effective date of the 55011
resolution. With respect to the exemption of improvements to 55012
parcels under division (B) of this section, the resolution may 55013
allow for the exemption to commence in different tax years on a 55014
parcel-by-parcel basis, with a separate exemption term specified 55015
for each parcel. 55016

Except as otherwise provided in this division and section 55017
5709.51 of the Revised Code, the exemption ends on the date 55018
specified in the resolution as the date the improvement ceases to 55019
be a public purpose or the incentive district expires, or ends on 55020
the date on which the public infrastructure improvements and 55021
housing renovations are paid in full from the township public 55022
improvement tax increment equivalent fund established under 55023
section 5709.75 of the Revised Code, whichever occurs first. The 55024
exemption of an improvement with respect to a parcel or within an 55025
incentive district may end on a later date, as specified in the 55026
resolution, if the board of township trustees and the board of 55027
education of the city, local, or exempted village school district 55028
within which the parcel or district is located have entered into a 55029
compensation agreement under section 5709.82 of the Revised Code 55030

with respect to the improvement and the board of education has 55031
approved the term of the exemption under division (D) of this 55032
section, but in no case shall the improvement be exempted from 55033
taxation for more than thirty years. The board of township 55034
trustees may, by majority vote, adopt a resolution permitting the 55035
township to enter into such agreements as the board finds 55036
necessary or appropriate to provide for the construction or 55037
undertaking of public infrastructure improvements and housing 55038
renovations. Any exemption shall be claimed and allowed in the 55039
same or a similar manner as in the case of other real property 55040
exemptions. If an exemption status changes during a tax year, the 55041
procedure for the apportionment of the taxes for that year is the 55042
same as in the case of other changes in tax exemption status 55043
during the year. 55044

(H) The board of township trustees may issue the notes of the 55045
township to finance all costs pertaining to the construction or 55046
undertaking of public infrastructure improvements and housing 55047
renovations made pursuant to this section. The notes shall be 55048
signed by the board and attested by the signature of the township 55049
fiscal officer, shall bear interest not to exceed the rate 55050
provided in section 9.95 of the Revised Code, and are not subject 55051
to Chapter 133. of the Revised Code. The resolution authorizing 55052
the issuance of the notes shall pledge the funds of the township 55053
public improvement tax increment equivalent fund established 55054
pursuant to section 5709.75 of the Revised Code to pay the 55055
interest on and principal of the notes. The notes, which may 55056
contain a clause permitting prepayment at the option of the board, 55057
shall be offered for sale on the open market or given to the 55058
vendor or contractor if no sale is made. 55059

(I) The township, not later than fifteen days after the 55060
adoption of a resolution under this section, shall submit to the 55061
director of development services a copy of the resolution. On or 55062

before the thirty-first day of March of each year, the township 55063
shall submit a status report to the director of development 55064
services. The report shall indicate, in the manner prescribed by 55065
the director, the progress of the project during each year that 55066
the exemption remains in effect, including a summary of the 55067
receipts from service payments in lieu of taxes; expenditures of 55068
money from the fund created under section 5709.75 of the Revised 55069
Code; a description of the public infrastructure improvements and 55070
housing renovations financed with the expenditures; and a 55071
quantitative summary of changes in private investment resulting 55072
from each project. 55073

(J) Nothing in this section shall be construed to prohibit a 55074
board of township trustees from declaring to be a public purpose 55075
improvements with respect to more than one parcel. 55076

If a parcel is located in a new community district in which 55077
the new community authority imposes a community development charge 55078
on the basis of rentals received from leases of real property as 55079
described in division (L)(2) of section 349.01 of the Revised 55080
Code, the parcel may not be exempted from taxation under this 55081
section. 55082

(K) A board of township trustees that adopted a resolution 55083
under this section prior to July 21, 1994, may amend that 55084
resolution to include any additional public infrastructure 55085
improvement. A board of township trustees that seeks by the 55086
amendment to utilize money from its township public improvement 55087
tax increment equivalent fund for land acquisition in aid of 55088
industry, commerce, distribution, or research, demolition on 55089
private property, or stormwater and flood remediation projects may 55090
do so provided that the board currently is a party to a 55091
hold-harmless agreement with the board of education of the city, 55092
local, or exempted village school district within the territory of 55093
which are located the parcels that are subject to an exemption. 55094

For the purposes of this division, a "hold-harmless agreement" 55095
means an agreement under which the board of township trustees 55096
agrees to compensate the school district for one hundred per cent 55097
of the tax revenue that the school district would have received 55098
from further improvements to parcels designated in the resolution 55099
were it not for the exemption granted by the resolution. 55100

(L) Notwithstanding the limitation prescribed by division (D) 55101
of this section on the number of years that improvements to a 55102
parcel or parcels may be exempted from taxation, a board of 55103
trustees of a township with a population of fifteen thousand or 55104
more may amend a resolution originally adopted under this section 55105
before December 31, 1994, to extend the exemption of improvements 55106
to the parcel or parcels included in such resolution for an 55107
additional period not to exceed fifteen years. The amendment shall 55108
not increase the percentage of improvements to the parcel or 55109
parcels exempted from taxation. Before adopting an amendment 55110
authorized under this division, the board of township trustees 55111
shall obtain the approval of each board of education of the city, 55112
local, or exempted village school district within which the 55113
exempted parcels are located in the manner required under division 55114
(D) of this section, except that (1) the board of education may 55115
approve the exemption on the condition that the board of township 55116
trustees and the board of education negotiate an agreement 55117
providing for compensation to the school district equal in value 55118
to the amount of taxes the district forgoes in each year the 55119
exemption is extended pursuant to this division or any other 55120
mutually agreeable compensation and (2) if the board of education 55121
fails to certify a resolution approving the amendment to the board 55122
of township trustees within the time prescribed by division (D) of 55123
this section, the board of township trustees shall not adopt the 55124
amendment authorized under this division. 55125

No approval under this division shall be required from a 55126

board of education that has adopted a resolution waiving its right 55127
to approve exemptions from taxation pursuant to division (D) of 55128
this section. If the board of education has adopted such a 55129
resolution, the board of township trustees shall comply with the 55130
notice requirements imposed under section 5709.83 of the Revised 55131
Code before taking formal action to adopt an amendment authorized 55132
under this division unless the board of education has adopted a 55133
resolution under that section waiving its right to receive the 55134
notice. Not later than fourteen days before adopting an amendment 55135
authorized under this division, the board of township trustees 55136
shall deliver a notice identical to a notice required under 55137
section 5709.83 of the Revised Code to the board of county 55138
commissioners of each county in which the exempted parcels are 55139
located. 55140

Sec. 5709.78. (A) A board of county commissioners may, by 55141
resolution, declare improvements to certain parcels of real 55142
property located in the unincorporated territory of the county to 55143
be a public purpose. Except ~~with the approval as otherwise~~ 55144
~~provided~~ under division (C) of this section ~~of the board of~~ 55145
~~education of each city, local, or exempted village school district~~ 55146
~~within which the improvements are located~~ or section 5709.51 of 55147
the Revised Code, not more than seventy-five per cent of an 55148
improvement thus declared to be a public purpose may be exempted 55149
from real property taxation, for a period of not more than ten 55150
years. The resolution shall specify the percentage of the 55151
improvement to be exempted and the life of the exemption. 55152

A resolution adopted under this division shall designate the 55153
specific public infrastructure improvements made, to be made, or 55154
in the process of being made by the county that directly benefit, 55155
or that once made will directly benefit, the parcels for which 55156
improvements are declared to be a public purpose. The service 55157
payments provided for in section 5709.79 of the Revised Code shall 55158

be used to finance the public infrastructure improvements 55159
designated in the resolution, or as provided in section 5709.80 of 55160
the Revised Code. 55161

(B)(1) A board of county commissioners may adopt a resolution 55162
creating an incentive district and declaring improvements to 55163
parcels within the district to be a public purpose and, except as 55164
provided in division (B)(2) of this section, exempt from taxation 55165
as provided in this section, but no board of county commissioners 55166
of a county that has a population that exceeds twenty-five 55167
thousand, as shown by the most recent federal decennial census, 55168
shall adopt a resolution that creates an incentive district if the 55169
sum of the taxable value of real property in the proposed district 55170
for the preceding tax year and the taxable value of all real 55171
property in the county that would have been taxable in the 55172
preceding year were it not for the fact that the property was in 55173
an existing incentive district and therefore exempt from taxation 55174
exceeds twenty-five per cent of the taxable value of real property 55175
in the county for the preceding tax year. The district shall be 55176
located within the unincorporated territory of the county and 55177
shall not include any territory that is included within a district 55178
created under division (C) of section 5709.73 of the Revised Code. 55179
The resolution shall delineate the boundary of the proposed 55180
district and specifically identify each parcel within the 55181
district. A proposed district may not include any parcel that is 55182
or has been exempted from taxation under division (A) of this 55183
section or that is or has been within another district created 55184
under this division. A resolution may create more than one such 55185
district, and more than one resolution may be adopted under 55186
division (B)(1) of this section. 55187

(2)(a) Not later than thirty days prior to adopting a 55188
resolution under division (B)(1) of this section, if the county 55189
intends to apply for exemptions from taxation under section 55190

5709.911 of the Revised Code on behalf of owners of real property 55191
located within the proposed incentive district, the board of 55192
county commissioners shall conduct a public hearing on the 55193
proposed resolution. Not later than thirty days prior to the 55194
public hearing, the board shall give notice of the public hearing 55195
and the proposed resolution by first class mail to every real 55196
property owner whose property is located within the boundaries of 55197
the proposed incentive district that is the subject of the 55198
proposed resolution. The board also shall provide the notice by 55199
first class mail to the clerk of each township in which the 55200
proposed incentive district will be located. The notice shall 55201
include a map of the proposed incentive district on which the 55202
board of county commissioners shall have delineated an overlay. 55203
The notice shall inform property owners of the owner's right to 55204
exclude the owner's property from the incentive district if both 55205
of the following conditions are met: 55206

(i) The owner's entire parcel of property will not be located 55207
within the overlay. 55208

(ii) The owner has submitted a statement to the board of 55209
township trustees of the township in which the parcel is located 55210
indicating the owner's intent to seek a tax exemption for 55211
improvements to the owner's parcel under division (B) or (C) of 55212
section 5709.73 of the Revised Code within the next five years. 55213

When both of the preceding conditions are met, the owner may 55214
exclude the owner's property from the incentive district by 55215
submitting a written response in accordance with division 55216
(B)(2)(b) of this section. The notice also shall include 55217
information detailing the required contents of the response, the 55218
address to which the response may be mailed, and the deadline for 55219
submitting the response. 55220

(b) Any owner of real property located within the boundaries 55221
of an incentive district proposed under division (B) (1) of this 55222

section who meets the conditions specified in divisions 55223
(B)(2)(a)(i) and (ii) of this section may exclude the property 55224
from the proposed incentive district by submitting a written 55225
response to the board not later than forty-five days after the 55226
postmark date on the notice required under division (B)(2)(a) of 55227
this section. The response shall include a copy of the statement 55228
submitted under division (B)(2)(a)(ii) of this section. The 55229
response shall be sent by first class mail or delivered in person 55230
at a public hearing held by the board under division (B)(2)(a) of 55231
this section. The response shall conform to any content 55232
requirements that may be established by the board and included in 55233
the notice provided under division (B)(2)(a) of this section. In 55234
the response, property owners may identify a parcel by street 55235
address, by the manner in which it is identified in the 55236
resolution, or by other means allowing the identity of the parcel 55237
to be ascertained. 55238

(c) Before adopting a resolution under division (B)(1) of 55239
this section, the board shall amend the resolution to exclude any 55240
parcel for which a written response has been submitted under 55241
division (B)(2)(b) of this section. A county shall not apply for 55242
exemptions from taxation under section 5709.911 of the Revised 55243
Code for any such parcel, and service payments may not be required 55244
from the owner of the parcel. Improvements to a parcel excluded 55245
from an incentive district under this division may be exempted 55246
from taxation under division (A) of this section pursuant to a 55247
resolution adopted under that division or under any other section 55248
of the Revised Code under which the parcel qualifies. 55249

(3)(a) A resolution adopted under division (B)(1) of this 55250
section shall specify the life of the incentive district and the 55251
percentage of the improvements to be exempted, shall designate the 55252
public infrastructure improvements made, to be made, or in the 55253
process of being made, that benefit or serve, or, once made, will 55254

benefit or serve parcels in the district. The resolution also 55255
shall identify one or more specific projects being, or to be, 55256
undertaken in the district that place additional demand on the 55257
public infrastructure improvements designated in the resolution. 55258
The project identified may, but need not be, the project under 55259
division (B)(3)(b) of this section that places real property in 55260
use for commercial or industrial purposes. 55261

A resolution adopted under division (B)(1) of this section on 55262
or after March 30, 2006, shall not designate police or fire 55263
equipment as public infrastructure improvements, and no service 55264
payment provided for in section 5709.79 of the Revised Code and 55265
received by the county under the resolution shall be used for 55266
police or fire equipment. 55267

(b) A resolution adopted under division (B)(1) of this 55268
section may authorize the use of service payments provided for in 55269
section 5709.79 of the Revised Code for the purpose of housing 55270
renovations within the incentive district, provided that the 55271
resolution also designates public infrastructure improvements that 55272
benefit or serve the district, and that a project within the 55273
district places real property in use for commercial or industrial 55274
purposes. Service payments may be used to finance or support 55275
loans, deferred loans, and grants to persons for the purpose of 55276
housing renovations within the district. The resolution shall 55277
designate the parcels within the district that are eligible for 55278
housing renovations. The resolution shall state separately the 55279
amount or the percentages of the expected aggregate service 55280
payments that are designated for each public infrastructure 55281
improvement and for the purpose of housing renovations. 55282

(4) Except with the approval of the board of education of 55283
each city, local, or exempted village school district within the 55284
territory of which the incentive district is or will be located, 55285
and subject to division (D) of this section, the life of an 55286

incentive district shall not exceed ten years, and the percentage 55287
of improvements to be exempted shall not exceed seventy-five per 55288
cent. With approval of the board of education, the life of a 55289
district may be not more than thirty years, and the percentage of 55290
improvements to be exempted may be not more than one hundred per 55291
cent. The approval of a board of education shall be obtained in 55292
the manner provided in division (C) of this section. 55293

(C)(1) Improvements with respect to a parcel may be exempted 55294
from taxation under division (A) of this section, and improvements 55295
to parcels within an incentive district may be exempted from 55296
taxation under division (B) of this section, for up to ten years 55297
or, with the approval of the board of education of each city, 55298
local, or exempted village school district within which the parcel 55299
or district is located, for up to thirty years. The percentage of 55300
the improvements exempted from taxation may, with such approval, 55301
exceed seventy-five per cent, but shall not exceed one hundred per 55302
cent. Not later than forty-five business days prior to adopting a 55303
resolution under this section declaring improvements to be a 55304
public purpose that is subject to the approval of a board of 55305
education under this division, the board of county commissioners 55306
shall deliver to the board of education a notice stating its 55307
intent to adopt a resolution making that declaration. The notice 55308
regarding improvements with respect to a parcel under division (A) 55309
of this section shall identify the parcels for which improvements 55310
are to be exempted from taxation, provide an estimate of the true 55311
value in money of the improvements, specify the period for which 55312
the improvements would be exempted from taxation and the 55313
percentage of the improvements that would be exempted, and 55314
indicate the date on which the board of county commissioners 55315
intends to adopt the resolution. The notice regarding improvements 55316
to parcels within an incentive district under division (B) of this 55317
section shall delineate the boundaries of the district, 55318
specifically identify each parcel within the district, identify 55319

each anticipated improvement in the district, provide an estimate 55320
of the true value in money of each such improvement, specify the 55321
life of the district and the percentage of improvements that would 55322
be exempted, and indicate the date on which the board of county 55323
commissioners intends to adopt the resolution. The board of 55324
education, by resolution adopted by a majority of the board, may 55325
approve the exemption for the period or for the exemption 55326
percentage specified in the notice; may disapprove the exemption 55327
for the number of years in excess of ten, may disapprove the 55328
exemption for the percentage of the improvements to be exempted in 55329
excess of seventy-five per cent, or both; or may approve the 55330
exemption on the condition that the board of county commissioners 55331
and the board of education negotiate an agreement providing for 55332
compensation to the school district equal in value to a percentage 55333
of the amount of taxes exempted in the eleventh and subsequent 55334
years of the exemption period or, in the case of exemption 55335
percentages in excess of seventy-five per cent, compensation equal 55336
in value to a percentage of the taxes that would be payable on the 55337
portion of the improvements in excess of seventy-five per cent 55338
were that portion to be subject to taxation, or other mutually 55339
agreeable compensation. 55340

(2) The board of education shall certify its resolution to 55341
the board of county commissioners not later than fourteen days 55342
prior to the date the board of county commissioners intends to 55343
adopt its resolution as indicated in the notice. If the board of 55344
education and the board of county commissioners negotiate a 55345
mutually acceptable compensation agreement, the resolution of the 55346
board of county commissioners may declare the improvements a 55347
public purpose for the number of years specified in that 55348
resolution or, in the case of exemption percentages in excess of 55349
seventy-five per cent, for the exemption percentage specified in 55350
the resolution. In either case, if the board of education and the 55351
board of county commissioners fail to negotiate a mutually 55352

acceptable compensation agreement, the resolution may declare the 55353
improvements a public purpose for not more than ten years, and 55354
shall not exempt more than seventy-five per cent of the 55355
improvements from taxation. If the board of education fails to 55356
certify a resolution to the board of county commissioners within 55357
the time prescribed by this section, the board of county 55358
commissioners thereupon may adopt the resolution and may declare 55359
the improvements a public purpose for up to thirty years or, in 55360
the case of exemption percentages proposed in excess of 55361
seventy-five per cent, for the exemption percentage specified in 55362
the resolution. The board of county commissioners may adopt the 55363
resolution at any time after the board of education certifies its 55364
resolution approving the exemption to the board of county 55365
commissioners, or, if the board of education approves the 55366
exemption on the condition that a mutually acceptable compensation 55367
agreement be negotiated, at any time after the compensation 55368
agreement is agreed to by the board of education and the board of 55369
county commissioners. If a mutually acceptable compensation 55370
agreement is negotiated between the board of county commissioners 55371
and the board of education, including agreements for payments in 55372
lieu of taxes under section 5709.79 of the Revised Code, the board 55373
of county commissioners shall compensate the joint vocational 55374
school district within which the parcel or district is located at 55375
the same rate and under the same terms received by the city, 55376
local, or exempted village school district. 55377

(3) If a board of education has adopted a resolution waiving 55378
its right to approve exemptions from taxation under this section 55379
and the resolution remains in effect, approval of such exemptions 55380
by the board of education is not required under division (C) of 55381
this section. If a board of education has adopted a resolution 55382
allowing a board of county commissioners to deliver the notice 55383
required under division (C) of this section fewer than forty-five 55384
business days prior to approval of the resolution by the board of 55385

county commissioners, the board of county commissioners shall 55386
deliver the notice to the board of education not later than the 55387
number of days prior to such approval as prescribed by the board 55388
of education in its resolution. If a board of education adopts a 55389
resolution waiving its right to approve exemptions or shortening 55390
the notification period, the board of education shall certify a 55391
copy of the resolution to the board of county commissioners. If 55392
the board of education rescinds such a resolution, it shall 55393
certify notice of the rescission to the board of county 55394
commissioners. 55395

(4) Nothing in division (C) of this section prohibits the 55396
board of county commissioners from amending the resolution under 55397
section 5709.51 of the Revised Code to extend the term of the 55398
exemption. 55399

(D)(1) If a proposed resolution under division (B)(1) of this 55400
section exempts improvements with respect to a parcel within an 55401
incentive district for more than ten years, or the percentage of 55402
the improvement exempted from taxation exceeds seventy-five per 55403
cent, not later than forty-five business days prior to adopting 55404
the resolution the board of county commissioners shall deliver to 55405
the board of township trustees of any township within which the 55406
incentive district is or will be located a notice that states its 55407
intent to adopt a resolution creating an incentive district. The 55408
notice shall include a copy of the proposed resolution, identify 55409
the parcels for which improvements are to be exempted from 55410
taxation, provide an estimate of the true value in money of the 55411
improvements, specify the period of time for which the 55412
improvements would be exempted from taxation, specify the 55413
percentage of the improvements that would be exempted from 55414
taxation, and indicate the date on which the board intends to 55415
adopt the resolution. 55416

(2) The board of township trustees, by resolution adopted by 55417

a majority of the board, may object to the exemption for the 55418
number of years in excess of ten, may object to the exemption for 55419
the percentage of the improvement to be exempted in excess of 55420
seventy-five per cent, or both. If the board of township trustees 55421
objects, the board of township trustees may negotiate a mutually 55422
acceptable compensation agreement with the board of county 55423
commissioners. In no case shall the compensation provided to the 55424
board of township trustees exceed the property taxes forgone due 55425
to the exemption. If the board of township trustees objects, and 55426
the board of township trustees and the board of county 55427
commissioners fail to negotiate a mutually acceptable compensation 55428
agreement, the resolution adopted under division (B)(1) of this 55429
section shall provide to the board of township trustees 55430
compensation in the eleventh and subsequent years of the exemption 55431
period equal in value to not more than fifty per cent of the taxes 55432
that would be payable to the township or, if the board of township 55433
trustee's objection includes an objection to an exemption 55434
percentage in excess of seventy-five per cent, compensation equal 55435
in value to not more than fifty per cent of the taxes that would 55436
be payable to the township on the portion of the improvement in 55437
excess of seventy-five per cent, were that portion to be subject 55438
to taxation. The board of township trustees shall certify its 55439
resolution to the board of county commissioners not later than 55440
thirty days after receipt of the notice. 55441

(3) If the board of township trustees does not object or 55442
fails to certify a resolution objecting to an exemption within 55443
thirty days after receipt of the notice, the board of county 55444
commissioners may adopt its resolution, and no compensation shall 55445
be provided to the board of township trustees. If the board of 55446
township trustees certifies its resolution objecting to the 55447
commissioners' resolution, the board of county commissioners may 55448
adopt its resolution at any time after a mutually acceptable 55449
compensation agreement is agreed to by the board of county 55450

commissioners and the board of township trustees. If the board of 55451
township trustees certifies a resolution objecting to the 55452
commissioners' resolution, the board of county commissioners may 55453
adopt its resolution at any time after a mutually acceptable 55454
compensation agreement is agreed to by the board of county 55455
commissioners and the board of township trustees, or, if no 55456
compensation agreement is negotiated, at any time after the board 55457
of county commissioners in the proposed resolution to provide 55458
compensation to the board of township trustees of fifty per cent 55459
of the taxes that would be payable to the township in the eleventh 55460
and subsequent years of the exemption period or on the portion of 55461
the improvement in excess of seventy-five per cent, were that 55462
portion to be subject to taxation. 55463

(E) Service payments in lieu of taxes that are attributable 55464
to any amount by which the effective tax rate of either a renewal 55465
levy with an increase or a replacement levy exceeds the effective 55466
tax rate of the levy renewed or replaced, or that are attributable 55467
to an additional levy, for a levy authorized by the voters for any 55468
of the following purposes on or after January 1, 2006, and which 55469
are provided pursuant to a resolution creating an incentive 55470
district under division (B)(1) of this section that is adopted on 55471
or after January 1, 2006, shall be distributed to the appropriate 55472
taxing authority as required under division (D) of section 5709.79 55473
of the Revised Code in an amount equal to the amount of taxes from 55474
that additional levy or from the increase in the effective tax 55475
rate of such renewal or replacement levy that would have been 55476
payable to that taxing authority from the following levies were it 55477
not for the exemption authorized under division (B) of this 55478
section: 55479

(1) A tax levied under division (L) of section 5705.19 or 55480
section 5705.191 or 5705.222 of the Revised Code for community 55481
developmental disabilities programs and services pursuant to 55482

Chapter 5126. of the Revised Code;	55483
(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;	55484 55485 55486
(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;	55487 55488
(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;	55489 55490 55491 55492
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	55493 55494
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	55495 55496 55497
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	55498 55499 55500
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	55501 55502 55503
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	55504 55505 55506 55507
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	55508 55509
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public	55510 55511 55512

health and hospitalization; and support of general hospitals; 55513

(12) A tax levied under section 3709.29 of the Revised Code 55514
for a general health district program. 55515

(F) An exemption from taxation granted under this section 55516
commences with the tax year specified in the resolution so long as 55517
the year specified in the resolution commences after the effective 55518
date of the resolution. If the resolution specifies a year 55519
commencing before the effective date of the resolution or 55520
specifies no year whatsoever, the exemption commences with the tax 55521
year in which an exempted improvement first appears on the tax 55522
list and duplicate of real and public utility property and that 55523
commences after the effective date of the resolution. In lieu of 55524
stating a specific year, the resolution may provide that the 55525
exemption commences in the tax year in which the value of an 55526
improvement exceeds a specified amount or in which the 55527
construction of one or more improvements is completed, provided 55528
that such tax year commences after the effective date of the 55529
resolution. With respect to the exemption of improvements to 55530
parcels under division (A) of this section, the resolution may 55531
allow for the exemption to commence in different tax years on a 55532
parcel-by-parcel basis, with a separate exemption term specified 55533
for each parcel. 55534

Except as otherwise provided in this division, the exemption 55535
ends on the date specified in the resolution as the date the 55536
improvement ceases to be a public purpose or the incentive 55537
district expires, or ends on the date on which the county can no 55538
longer require annual service payments in lieu of taxes under 55539
section 5709.79 of the Revised Code, whichever occurs first. The 55540
exemption of an improvement with respect to a parcel or within an 55541
incentive district may end on a later date, as specified in the 55542
resolution, if the board of commissioners and the board of 55543
education of the city, local, or exempted village school district 55544

within which the parcel or district is located have entered into a 55545
compensation agreement under section 5709.82 of the Revised Code 55546
with respect to the improvement, and the board of education has 55547
approved the term of the exemption under division (C)(1) of this 55548
section, but in no case shall the improvement be exempted from 55549
taxation for more than thirty years. Exemptions shall be claimed 55550
and allowed in the same or a similar manner as in the case of 55551
other real property exemptions. If an exemption status changes 55552
during a tax year, the procedure for the apportionment of the 55553
taxes for that year is the same as in the case of other changes in 55554
tax exemption status during the year. 55555

(G) If the board of county commissioners is not required by 55556
this section to notify the board of education of the board of 55557
county commissioners' intent to declare improvements to be a 55558
public purpose, the board of county commissioners shall comply 55559
with the notice requirements imposed under section 5709.83 of the 55560
Revised Code before taking formal action to adopt the resolution 55561
making that declaration, unless the board of education has adopted 55562
a resolution under that section waiving its right to receive such 55563
a notice. 55564

(H) The county, not later than fifteen days after the 55565
adoption of a resolution under this section, shall submit to the 55566
director of development services a copy of the resolution. On or 55567
before the thirty-first day of March of each year, the county 55568
shall submit a status report to the director of development 55569
services. The report shall indicate, in the manner prescribed by 55570
the director, the progress of the project during each year that an 55571
exemption remains in effect, including a summary of the receipts 55572
from service payments in lieu of taxes; expenditures of money from 55573
the fund created under section 5709.80 of the Revised Code; a 55574
description of the public infrastructure improvements and housing 55575
renovations financed with such expenditures; and a quantitative 55576

summary of changes in employment and private investment resulting 55577
from each project. 55578

(I) Nothing in this section shall be construed to prohibit a 55579
board of county commissioners from declaring to be a public 55580
purpose improvements with respect to more than one parcel. 55581

(J) If a parcel is located in a new community district in 55582
which the new community authority imposes a community development 55583
charge on the basis of rentals received from leases of real 55584
property as described in division (L)(2) of section 349.01 of the 55585
Revised Code, the parcel may not be exempted from taxation under 55586
this section. 55587

Sec. 5713.08. (A) The county auditor shall make a list of all 55588
real and personal property in the auditor's county that is 55589
exempted from taxation. Such list shall show the name of the 55590
owner, the value of the property exempted, and a statement in 55591
brief form of the ground on which such exemption has been granted. 55592
It shall be corrected annually by adding thereto the items of 55593
property which have been exempted during the year, and by striking 55594
therefrom the items which in the opinion of the auditor have lost 55595
their right of exemption and which have been reentered on the 55596
taxable list, but no property shall be struck from the exempt 55597
property list solely because the property has been conveyed to a 55598
single member limited liability company with a nonprofit purpose 55599
from its nonprofit member or because the property has been 55600
conveyed by a single member limited liability company with a 55601
nonprofit purpose to its nonprofit member. No additions shall be 55602
made to such exempt lists and no additional items of property 55603
shall be exempted from taxation without the consent of the tax 55604
commissioner as is provided for in section 5715.27 of the Revised 55605
Code or without the consent of the housing officer under section 55606
3735.67 of the Revised Code, except for property exempted by the 55607

auditor under that section, property owned by a community school 55608
and subject to the exemption authorized under division (A)(1) of 55609
section 5709.07 of the Revised Code for tax years after the tax 55610
year for which the commissioner grants an application under 55611
section 5715.27 of the Revised Code, as described in division (I) 55612
of that section, or qualifying agricultural real property, as 55613
defined in section 5709.28 of the Revised Code, that is enrolled 55614
in an agriculture security area that is exempt under that section. 55615
The 55616

The commissioner may revise at any time the list in every 55617
county so that no property is improperly or illegally exempted 55618
from taxation. The auditor shall follow the orders of the 55619
commissioner given under this section. An abstract of such list 55620
shall be filed annually with the commissioner, on a form approved 55621
by the commissioner, and a copy thereof shall be kept on file in 55622
the office of each auditor for public inspection. 55623

An application for exemption of property shall include a 55624
certificate executed by the county treasurer certifying one of the 55625
following: 55626

(1) That all taxes, interest, and penalties levied and 55627
assessed against the property sought to be exempted have been paid 55628
in full for all of the tax years preceding the tax year for which 55629
the application for exemption is filed, except for such taxes, 55630
interest, and penalties that may be remitted under division (C) of 55631
this section; 55632

(2) That the applicant has entered into a valid delinquent 55633
tax contract with the county treasurer pursuant to division (A) of 55634
section 323.31 of the Revised Code to pay all of the delinquent 55635
taxes, interest, and penalties charged against the property, 55636
except for such taxes, interest, and penalties that may be 55637
remitted under division (C) of this section. If the auditor 55638
receives notice under section 323.31 of the Revised Code that such 55639

a written delinquent tax contract has become void, the auditor 55640
shall strike such property from the list of exempted property and 55641
reenter such property on the taxable list. If property is removed 55642
from the exempt list because a written delinquent tax contract has 55643
become void, current taxes shall first be extended against that 55644
property on the general tax list and duplicate of real and public 55645
utility property for the tax year in which the auditor receives 55646
the notice required by division (A) of section 323.31 of the 55647
Revised Code that the delinquent tax contract has become void or, 55648
if that notice is not timely made, for the tax year in which falls 55649
the latest date by which the treasurer is required by such section 55650
to give such notice. A county auditor shall not remove from any 55651
tax list and duplicate the amount of any unpaid delinquent taxes, 55652
assessments, interest, or penalties owed on property that is 55653
placed on the exempt list pursuant to this division. 55654

(3) That a tax certificate has been issued under section 55655
5721.32 or 5721.33 of the Revised Code with respect to the 55656
property that is the subject of the application, and the tax 55657
certificate is outstanding. 55658

(B) If the treasurer's certificate is not included with the 55659
application or the certificate reflects unpaid taxes, penalties, 55660
and interest that may not be remitted, the tax commissioner or 55661
county auditor with whom the application was filed shall notify 55662
the property owner of that fact, and the applicant shall be given 55663
sixty days from the date that notification was mailed in which to 55664
provide the tax commissioner or county auditor with a corrected 55665
treasurer's certificate. If a corrected treasurer's certificate is 55666
not received within the time permitted, the tax commissioner or 55667
county auditor does not have authority to consider the tax 55668
exemption application. 55669

(C) Any taxes, interest, and penalties which have become a 55670
lien after the property was first used for the exempt purpose, but 55671

in no case prior to the date of acquisition of the title to the 55672
property by the applicant, may be remitted by the commissioner or 55673
county auditor, except as is provided in division (A) of section 55674
5713.081 of the Revised Code. 55675

(D) Real property acquired by the state in fee simple is 55676
exempt from taxation from the date of acquisition of title or date 55677
of possession, whichever is the earlier date, provided that all 55678
taxes, interest, and penalties as provided in the apportionment 55679
provisions of section 319.20 of the Revised Code have been paid to 55680
the date of acquisition of title or date of possession by the 55681
state, whichever is earlier. The proportionate amount of taxes 55682
that are a lien but not yet determined, assessed, and levied for 55683
the year in which the property is acquired, shall be remitted by 55684
the county auditor for the balance of the year from date of 55685
acquisition of title or date of possession, whichever is earlier. 55686
This section shall not be construed to authorize the exemption of 55687
such property from taxation or the remission of taxes, interest, 55688
and penalties thereon until all private use has terminated. 55689

Sec. 5715.27. (A)(1) Except as provided in division (A)(2) of 55690
this section and in section 3735.67 of the Revised Code, the 55691
owner, a vendee in possession under a purchase agreement or a land 55692
contract, the beneficiary of a trust, or a lessee for an initial 55693
term of not less than thirty years of any property may file an 55694
application with the tax commissioner, on forms prescribed by the 55695
commissioner, requesting that such property be exempted from 55696
taxation and that taxes, interest, and penalties be remitted as 55697
provided in division (C) of section 5713.08 of the Revised Code. 55698

(2) If the property that is the subject of the application 55699
for exemption is any of the following, the application shall be 55700
filed with the county auditor of the county in which the property 55701
is listed for taxation: 55702

(a) A public road or highway; 55703

(b) Property belonging to the federal government of the 55704
United States; 55705

(c) Additions or other improvements to an existing building 55706
or structure that belongs to the state or a political subdivision, 55707
as defined in section 5713.081 of the Revised Code, and that is 55708
exempted from taxation as property used exclusively for a public 55709
purpose. 55710

(B) The board of education of any school district may request 55711
the tax commissioner or county auditor to provide it with 55712
notification of applications for exemption from taxation for 55713
property located within that district. If so requested, the 55714
commissioner or auditor shall send to the board on a monthly basis 55715
reports that contain sufficient information to enable the board to 55716
identify each property that is the subject of an exemption 55717
application, including, but not limited to, the name of the 55718
property owner or applicant, the address of the property, and the 55719
auditor's parcel number. The commissioner or auditor shall mail 55720
the reports by the fifteenth day of the month following the end of 55721
the month in which the commissioner or auditor receives the 55722
applications for exemption. 55723

(C) A board of education that has requested notification 55724
under division (B) of this section may, with respect to any 55725
application for exemption of property located in the district and 55726
included in the commissioner's or auditor's most recent report 55727
provided under that division, file a statement with the 55728
commissioner or auditor and with the applicant indicating its 55729
intent to submit evidence and participate in any hearing on the 55730
application. The statements shall be filed prior to the first day 55731
of the third month following the end of the month in which that 55732
application was docketed by the commissioner or auditor. A 55733
statement filed in compliance with this division entitles the 55734

district to submit evidence and to participate in any hearing on 55735
the property and makes the district a party for purposes of 55736
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 55737
the commissioner's or auditor's decision to the board of tax 55738
appeals. 55739

(D) The commissioner or auditor shall not hold a hearing on 55740
or grant or deny an application for exemption of property in a 55741
school district whose board of education has requested 55742
notification under division (B) of this section until the end of 55743
the period within which the board may submit a statement with 55744
respect to that application under division (C) of this section. 55745
The commissioner or auditor may act upon an application at any 55746
time prior to that date upon receipt of a written waiver from each 55747
such board of education, or, in the case of exemptions authorized 55748
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 55749
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 55750
of the Revised Code, upon the request of the property owner. 55751
Failure of a board of education to receive the report required in 55752
division (B) of this section shall not void an action of the 55753
commissioner or auditor with respect to any application. The 55754
commissioner or auditor may extend the time for filing a statement 55755
under division (C) of this section. 55756

(E) A complaint may also be filed with the commissioner or 55757
auditor by any person, board, or officer authorized by section 55758
5715.19 of the Revised Code to file complaints with the county 55759
board of revision against the continued exemption of any property 55760
granted exemption by the commissioner or auditor under this 55761
section. 55762

(F) An application for exemption and a complaint against 55763
exemption shall be filed prior to the thirty-first day of December 55764
of the tax year for which exemption is requested or for which the 55765
liability of the property to taxation in that year is requested. 55766

The commissioner or auditor shall consider such application or 55767
complaint in accordance with procedures established by the 55768
commissioner, determine whether the property is subject to 55769
taxation or exempt therefrom, and, if the commissioner makes the 55770
determination, certify the determination to the auditor. Upon 55771
making the determination or receiving the commissioner's 55772
determination, the auditor shall correct the tax list and 55773
duplicate accordingly. If a tax certificate has been sold under 55774
section 5721.32 or 5721.33 of the Revised Code with respect to 55775
property for which an exemption has been requested, the tax 55776
commissioner or auditor shall also certify the findings to the 55777
county treasurer of the county in which the property is located. 55778

(G) Applications and complaints, and documents of any kind 55779
related to applications and complaints, filed with the tax 55780
commissioner or county auditor under this section are public 55781
records within the meaning of section 149.43 of the Revised Code. 55782

(H) If the commissioner or auditor determines that the use of 55783
property or other facts relevant to the taxability of property 55784
that is the subject of an application for exemption or a complaint 55785
under this section has changed while the application or complaint 55786
was pending, the commissioner or auditor may make the 55787
determination under division (F) of this section separately for 55788
each tax year beginning with the year in which the application or 55789
complaint was filed or the year for which remission of taxes under 55790
division (C) of section 5713.08 of the Revised Code was requested, 55791
and including each subsequent tax year during which the 55792
application or complaint is pending before the commissioner or 55793
auditor. 55794

(I) If the tax commissioner grants an application filed by a 55795
community school under this section for the exemption authorized 55796
under division (A)(1) of section 5709.07 of the Revised Code, any 55797
property that is the subject of that application shall be exempt 55798

from property tax for each succeeding tax year regardless of 55799
whether the community school files an application under this 55800
section with respect to such property. The community school, on or 55801
before the thirty-first day of December of each such succeeding 55802
tax year, shall submit a statement to the commissioner attesting 55803
that the property that is the subject of that initial application 55804
qualifies for the exemption authorized under division (A)(1) of 55805
section 5709.07 of the Revised Code for that succeeding tax year. 55806
If the community school fails to file such a statement for a tax 55807
year or if the commissioner otherwise discovers that the property 55808
no longer qualifies for that exemption, the commissioner shall 55809
order the county auditor to return the property to the tax list. 55810

Sec. 5726.04. (A) The tax levied on a financial institution 55811
under this chapter shall be the greater of the following: 55812

(1) A minimum tax equal to one thousand dollars; 55813

(2) The product of the total Ohio equity capital of the 55814
financial institution, as determined under this section, 55815
multiplied by eight mills for each dollar of the first two hundred 55816
million dollars of total Ohio equity capital, by four mills for 55817
each dollar of total Ohio equity capital greater than two hundred 55818
million and less than one billion three hundred million dollars, 55819
and by two and one-half mills for each dollar of total Ohio equity 55820
capital equal to or greater than one billion three hundred million 55821
dollars. 55822

(B) If the reporting person for a financial institution files 55823
an FR Y-9 or call report, the total equity capital of the 55824
financial institution shall equal the total equity capital shown 55825
on the reporting person's FR Y-9 or call report as of the end of 55826
the taxable year. The total equity capital of all other financial 55827
institutions shall be reported as of the end of the taxable year 55828
in accordance with generally accepted accounting principles. 55829

(C) For the purposes of this section, "total Ohio equity capital" means the product of (1) the total equity capital of a financial institution as of the end of a taxable year to the extent that the total equity capital does not exceed fourteen per cent of the financial institution's total assets shown on the reporting person's FR-Y9 or call report as of the end of the taxable year, multiplied by (2) the Ohio apportionment ratio calculated for the financial institution under section 5726.05 of the Revised Code, except as provided in section 5726.041 of the Revised Code.

(D) All payments received from the tax levied under this chapter shall be credited to the general revenue fund.

~~(E)(1) As used in this division:~~

~~(a) "First target tax amount" means two hundred million dollars.~~

~~(b) "Second target tax amount" means one hundred six per cent of the first target tax amount or, if applicable, the first target tax amount as adjusted under division (E)(2) or (3) of this section.~~

~~(c) "Amount of taxes collected" means the amount of taxes received by the tax commissioner from the tax levied under this chapter for a tax year, plus the total amount of the tax credit authorized by section 5726.57 of the Revised Code claimed on tax year 2014 reports, less any amounts refunded to taxpayers for the same tax year.~~

~~(2) If, for the tax year beginning on January 1, 2014, the total amount of taxes collected from all taxpayers under this chapter is greater than one hundred ten per cent of the first target tax amount, the tax commissioner shall decrease each tax rate provided in division (A)(2) of this section by a percentage equal to the percentage by which the amount of taxes collected~~

~~exceeded the first target tax amount.~~ 55861

~~(3) If, for the tax year beginning on January 1, 2014, the~~ 55862
~~total amount of taxes collected from all taxpayers under this~~ 55863
~~chapter is less than ninety per cent of the first target tax~~ 55864
~~amount, the tax commissioner shall increase the tax rate for each~~ 55865
~~dollar of total Ohio equity capital equal to or greater than one~~ 55866
~~billion three hundred million dollars as provided in division~~ 55867
~~(A)(2) of this section by a percentage equal to a fraction, the~~ 55868
~~denominator of which is the aggregate sum of each dollar of each~~ 55869
~~taxpayer's Ohio equity capital greater than or equal to one~~ 55870
~~billion three hundred million dollars, as reported by each~~ 55871
~~taxpayer for tax year 2014, multiplied by the tax rate for each~~ 55872
~~dollar of total Ohio equity capital greater than or equal to one~~ 55873
~~billion three hundred million dollars provided under division~~ 55874
~~(A)(2) of this section, and the numerator of which is the sum of~~ 55875
~~the denominator and the difference obtained by subtracting the~~ 55876
~~amount of taxes collected under this chapter in tax year 2014 from~~ 55877
~~ninety per cent of the first target tax amount.~~ 55878

~~(4) If, for the tax year beginning on January 1, 2016, the~~ 55879
~~total amount of taxes collected from all taxpayers under this~~ 55880
~~chapter is greater than one hundred ten per cent of the second~~ 55881
~~target tax amount, the tax commissioner shall decrease each tax~~ 55882
~~rate in effect on January 1, 2016, by a percentage equal to the~~ 55883
~~percentage by which the amount of taxes collected exceeded the~~ 55884
~~second target tax amount.~~ 55885

~~(5) If, for the tax year beginning on January 1, 2016, the~~ 55886
~~total amount of taxes collected from all taxpayers under this~~ 55887
~~chapter is less than ninety per cent of the second target tax~~ 55888
~~amount, the tax commissioner shall increase the tax rate for each~~ 55889
~~dollar of total Ohio equity capital equal to or greater than one~~ 55890
~~billion three hundred million dollars as provided in division~~ 55891
~~(A)(2) of this section by a percentage equal to a fraction, the~~ 55892

~~denominator of which is the aggregate sum of each dollar of each taxpayer's Ohio equity capital greater than or equal to one billion three hundred million dollars, as reported by each taxpayer for tax year 2016, multiplied by the tax rate for each dollar of total Ohio equity capital greater than or equal to one billion three hundred million dollars provided under division (A)(2) of this section, and the numerator of which is the sum of the denominator and the difference obtained by subtracting the amount of taxes collected under this chapter in tax year 2016 from ninety per cent of the second target tax amount.~~

~~(6) Tax rates adjusted pursuant to division (E)(2), (3), (4), or (5) of this section shall be rounded to the nearest one-tenth of one mill per dollar. The tax commissioner shall publish the new tax rates by journal entry and provide notice of the new tax rates to taxpayers. The new tax rates adjusted pursuant to division (E)(2) or (3) of this section shall apply to tax years beginning on or after January 1, 2015. The new tax rates adjusted pursuant to division (E)(4) or (5) of this section shall apply to tax years beginning on or after January 1, 2017.~~

Sec. 5733.40. As used in sections 5733.40 and 5733.41 and Chapter 5747. of the Revised Code:

(A)(1) "Adjusted qualifying amount" means either of the following:

(a) The sum of each qualifying investor's distributive share of the income, gain, expense, or loss of a qualifying pass-through entity for the qualifying taxable year of the qualifying pass-through entity multiplied by the apportionment fraction defined in division (B) of this section, subject to section 5733.401 of the Revised Code and divisions (A)(2) to (7) of this section;

(b) The sum of each qualifying beneficiary's share of the

qualifying net income and qualifying net gain distributed by a 55924
qualifying trust for the qualifying taxable year of the qualifying 55925
trust multiplied by the apportionment fraction defined in division 55926
(B) of this section, subject to section 5733.401 of the Revised 55927
Code and divisions (A)(2) to (7) of this section. 55928

(2) The sum shall exclude any amount which, pursuant to the 55929
Constitution of the United States, the Constitution of Ohio, or 55930
any federal law is not subject to a tax on or measured by net 55931
income. 55932

(3) For the purposes of Chapters 5733. and 5747. of the 55933
Revised Code, the profit or net income of the qualifying entity 55934
shall be increased by disallowing all amounts representing 55935
expenses, other than amounts described in division (A)(7) of this 55936
section, that the qualifying entity paid to or incurred with 55937
respect to direct or indirect transactions with one or more 55938
related members, excluding the cost of goods sold calculated in 55939
accordance with section 263A of the Internal Revenue Code and 55940
United States department of the treasury regulations issued 55941
thereunder. Nothing in division (A)(3) of this section shall be 55942
construed to limit solely to this chapter the application of 55943
section 263A of the Internal Revenue Code and United States 55944
department of the treasury regulations issued thereunder. 55945

(4) For the purposes of Chapters 5733. and 5747. of the 55946
Revised Code, the profit or net income of the qualifying entity 55947
shall be increased by disallowing all recognized losses, other 55948
than losses from sales of inventory the cost of which is 55949
calculated in accordance with section 263A of the Internal Revenue 55950
Code and United States department of the treasury regulations 55951
issued thereunder, with respect to all direct or indirect 55952
transactions with one or more related members. For the purposes of 55953
Chapters 5733. and 5747. of the Revised Code, losses from the 55954
sales of such inventory shall be allowed only to the extent 55955

calculated in accordance with section 482 of the Internal Revenue 55956
Code and United States department of the treasury regulations 55957
issued thereunder. Nothing in division (A)(4) of this section 55958
shall be construed to limit solely to this section the application 55959
of section 263A and section 482 of the Internal Revenue Code and 55960
United States department of the treasury regulations issued 55961
thereunder. 55962

(5) The sum shall be increased or decreased by an amount 55963
equal to the qualifying investor's or qualifying beneficiary's 55964
distributive or proportionate share of the amount that the 55965
qualifying entity would be required to add or deduct under 55966
divisions (A)(20) and (21) of section 5747.01 of the Revised Code 55967
if the qualifying entity were a taxpayer for the purposes of 55968
Chapter 5747. of the Revised Code. 55969

(6) The sum shall be computed without regard to section 55970
5733.051 or division (D) of section 5733.052 of the Revised Code. 55971

(7) For the purposes of Chapters 5733. and 5747. of the 55972
Revised Code, guaranteed payments or compensation paid to 55973
investors by a qualifying entity that is not subject to the tax 55974
imposed by section 5733.06 of the Revised Code shall be considered 55975
a distributive share of income of the qualifying entity. Division 55976
(A)(7) of this section applies only to such payments or such 55977
compensation paid to an investor who at any time during the 55978
qualifying entity's taxable year holds at least a twenty per cent 55979
direct or indirect interest in the profits or capital of the 55980
qualifying entity. For the purposes of this division, guaranteed 55981
payments and compensation shall be considered to be paid to an 55982
investor by a qualifying entity if the qualifying entity in which 55983
the investor holds at least a twenty per cent direct or indirect 55984
interest is a client employer of a professional employer 55985
organization, as those terms are defined in section 4125.01 of the 55986
Revised Code, and the guaranteed payments or compensation are paid 55987

to the investor by that professional employer organization. 55988

(B) "Apportionment fraction" means: 55989

(1) With respect to a qualifying pass-through entity other 55990
than a financial institution, the fraction calculated pursuant to 55991
division (B)(2) of section 5733.05 of the Revised Code as if the 55992
qualifying pass-through entity were a corporation subject to the 55993
tax imposed by section 5733.06 of the Revised Code; 55994

(2) With respect to a qualifying pass-through entity that is 55995
a financial institution, the fraction calculated pursuant to 55996
division (C) of section 5733.056 of the Revised Code as if the 55997
qualifying pass-through entity were a financial institution 55998
subject to the tax imposed by section 5733.06 of the Revised Code. 55999

(3) With respect to a qualifying trust, the fraction 56000
calculated pursuant to division (B)(2) of section 5733.05 of the 56001
Revised Code as if the qualifying trust were a corporation subject 56002
to the tax imposed by section 5733.06 of the Revised Code, except 56003
that the property, payroll, and sales fractions shall be 56004
calculated by including in the numerator and denominator of the 56005
fractions only the property, payroll, and sales, respectively, 56006
directly related to the production of income or gain from 56007
acquisition, ownership, use, maintenance, management, or 56008
disposition of tangible personal property located in this state at 56009
any time during the qualifying trust's qualifying taxable year or 56010
of real property located in this state. 56011

(C) "Qualifying beneficiary" means any individual that, 56012
during the qualifying taxable year of a qualifying trust, is a 56013
beneficiary of that trust, but does not include an individual who 56014
is a resident taxpayer for the purposes of Chapter 5747. of the 56015
Revised Code for the entire qualifying taxable year of the 56016
qualifying trust. 56017

(D) "Fiscal year" means an accounting period ending on any 56018

day other than the thirty-first day of December. 56019

(E) "Individual" means a natural person. 56020

(F) "Month" means a calendar month. 56021

(G) "Partnership" has the same meaning as in section 5747.01 56022
of the Revised Code. 56023

(H) "Investor" means any person that, during any portion of a 56024
taxable year of a qualifying pass-through entity, is a partner, 56025
member, shareholder, or investor in that qualifying pass-through 56026
entity. 56027

(I) Except as otherwise provided in section 5733.402 or 56028
5747.401 of the Revised Code, "qualifying investor" means any 56029
investor except those described in divisions (I)(1) to ~~(9)~~(11) of 56030
this section. 56031

(1) An investor satisfying one of the descriptions under 56032
section 501(a) or (c) of the Internal Revenue Code, a partnership 56033
with equity securities registered with the United States 56034
securities and exchange commission under section 12 of the 56035
"Securities Exchange Act of 1934," as amended, or an investor 56036
described in division (F) of section 3334.01, or division (A) or 56037
(C) of section 5733.09 of the Revised Code for the entire 56038
qualifying taxable year of the qualifying pass-through entity. 56039

(2) An investor who is either an individual or an estate and 56040
is a resident taxpayer for the purposes of section 5747.01 of the 56041
Revised Code for the entire qualifying taxable year of the 56042
qualifying pass-through entity. 56043

(3) An investor who is an individual for whom the qualifying 56044
pass-through entity makes a good faith and reasonable effort to 56045
comply fully and timely with the filing and payment requirements 56046
set forth in division (D) of section 5747.08 of the Revised Code 56047
and section 5747.09 of the Revised Code with respect to the 56048

individual's adjusted qualifying amount for the entire qualifying 56049
taxable year of the qualifying pass-through entity. 56050

(4) An investor that is another qualifying pass-through 56051
entity having only investors described in division (I)(1), (2), 56052
(3), ~~or (6)~~, (10), or (11) of this section during the three-year 56053
period beginning twelve months prior to the first day of the 56054
qualifying taxable year of the qualifying pass-through entity. 56055

(5) An investor that is another pass-through entity having no 56056
investors other than individuals and estates during the qualifying 56057
taxable year of the qualifying pass-through entity in which it is 56058
an investor, and that makes a good faith and reasonable effort to 56059
comply fully and timely with the filing and payment requirements 56060
set forth in division (D) of section 5747.08 of the Revised Code 56061
and section 5747.09 of the Revised Code with respect to investors 56062
that are not resident taxpayers of this state for the purposes of 56063
Chapter 5747. of the Revised Code for the entire qualifying 56064
taxable year of the qualifying pass-through entity in which it is 56065
an investor. 56066

(6) An investor that is a financial institution required to 56067
calculate the tax in accordance with division (E) of section 56068
5733.06 of the Revised Code on the first day of January of the 56069
calendar year immediately following the last day of the financial 56070
institution's calendar or fiscal year in which ends the taxpayer's 56071
taxable year. 56072

(7) An investor other than an individual that satisfies all 56073
the following: 56074

(a) The investor submits a written statement to the 56075
qualifying pass-through entity stating that the investor 56076
irrevocably agrees that the investor has nexus with this state 56077
under the Constitution of the United States and is subject to and 56078
liable for the tax calculated under division (A) or (B) of section 56079

5733.06 of the Revised Code with respect to the investor's 56080
adjusted qualifying amount for the entire qualifying taxable year 56081
of the qualifying pass-through entity. The statement is subject to 56082
the penalties of perjury, shall be retained by the qualifying 56083
pass-through entity for no fewer than seven years, and shall be 56084
delivered to the tax commissioner upon request. 56085

(b) The investor makes a good faith and reasonable effort to 56086
comply timely and fully with all the reporting and payment 56087
requirements set forth in Chapter 5733. of the Revised Code with 56088
respect to the investor's adjusted qualifying amount for the 56089
entire qualifying taxable year of the qualifying pass-through 56090
entity. 56091

(c) Neither the investor nor the qualifying pass-through 56092
entity in which it is an investor, before, during, or after the 56093
qualifying pass-through entity's qualifying taxable year, carries 56094
out any transaction or transactions with one or more related 56095
members of the investor or the qualifying pass-through entity 56096
resulting in a reduction or deferral of tax imposed by Chapter 56097
5733. of the Revised Code with respect to all or any portion of 56098
the investor's adjusted qualifying amount for the qualifying 56099
pass-through entity's taxable year, or that constitute a sham, 56100
lack economic reality, or are part of a series of transactions the 56101
form of which constitutes a step transaction or transactions or 56102
does not reflect the substance of those transactions. 56103

(8) Any other investor that the tax commissioner may 56104
designate by rule. The tax commissioner may adopt rules including 56105
a rule defining "qualifying investor" or "qualifying beneficiary" 56106
and governing the imposition of the withholding tax imposed by 56107
section 5747.41 of the Revised Code with respect to an individual 56108
who is a resident taxpayer for the purposes of Chapter 5747. of 56109
the Revised Code for only a portion of the qualifying taxable year 56110
of the qualifying entity. 56111

(9) An investor that is a trust or fund the beneficiaries of 56112
which, during the qualifying taxable year of the qualifying 56113
pass-through entity, are limited to the following: 56114

(a) A person that is or may be the beneficiary of a trust 56115
subject to Subchapter D of Chapter 1 of Subtitle A of the Internal 56116
Revenue Code. 56117

(b) A person that is or may be the beneficiary of or the 56118
recipient of payments from a trust or fund that is a nuclear 56119
decommissioning reserve fund, a designated settlement fund, or any 56120
other trust or fund established to resolve and satisfy claims that 56121
may otherwise be asserted by the beneficiary or a member of the 56122
beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2) 56123
of the Internal Revenue Code apply to the determination of whether 56124
such a person satisfies division (I)(9) of this section. 56125

(c) A person who is or may be the beneficiary of a trust 56126
that, under its governing instrument, is not required to 56127
distribute all of its income currently. Division (I)(9)(c) of this 56128
section applies only if the trust, prior to the due date for 56129
filing the qualifying pass-through entity's return for taxes 56130
imposed by section 5733.41 and sections 5747.41 to 5747.453 of the 56131
Revised Code, irrevocably agrees in writing that for the taxable 56132
year during or for which the trust distributes any of its income 56133
to any of its beneficiaries, the trust is a qualifying trust and 56134
will pay the estimated tax, and will withhold and pay the withheld 56135
tax, as required under sections 5747.40 to 5747.453 of the Revised 56136
Code. 56137

For the purposes of division (I)(9) of this section, a trust 56138
or fund shall be considered to have a beneficiary other than 56139
persons described under divisions (I)(9)(a) to (c) of this section 56140
if a beneficiary would not qualify under those divisions under the 56141
doctrines of "economic reality," "sham transaction," "step 56142
doctrine," or "substance over form." A trust or fund described in 56143

division (I)(9) of this section bears the burden of establishing 56144
by a preponderance of the evidence that any transaction giving 56145
rise to the tax benefits provided under division (I)(9) of this 56146
section does not have as a principal purpose a claim of those tax 56147
benefits. Nothing in this section shall be construed to limit 56148
solely to this section the application of the doctrines referred 56149
to in this paragraph. 56150

(10) An investor who is an individual and a nonresident of 56151
this state for the purposes of Chapter 5747. of the Revised Code, 56152
if the investor submits a written statement to the qualifying 56153
pass-through entity stating that the investor irrevocably agrees 56154
that the investor has nexus with this state under the Constitution 56155
of the United States and is subject to and liable for the tax 56156
levied under section 5747.02 of the Revised Code, and if the 56157
investor makes a good faith and reasonable effort to comply fully 56158
and timely with the filing and payment requirements for 56159
individuals set forth in Chapter 5747. of the Revised Code with 56160
respect to the investor's adjusted qualifying amount for the 56161
entire qualifying taxable year of the qualifying pass-through 56162
entity in which the individual is an investor. The statement is 56163
subject to the penalties of perjury, shall be retained by the 56164
qualifying pass-through entity for not fewer than seven years, and 56165
shall be delivered to the tax commissioner upon request. 56166

(11) Any investor that is not described in divisions (A)(1) 56167
to (10) of this section, that submits a written statement to the 56168
qualifying pass-through entity in which it is in an investor 56169
stating that the investor irrevocably agrees that the investor has 56170
nexus with this state under the Constitution of the United States, 56171
and that makes a good faith and reasonable effort to comply fully 56172
and timely with the filing and payment requirements set forth in 56173
section 5733.41 and sections 5747.41 to 5747.453 of the Revised 56174
Code, to the extent such requirements apply to the investor, with 56175

respect to the investor's adjusted qualifying amount for the 56176
entire qualifying taxable year of the qualifying pass-through 56177
entity in which it is an investor. 56178

(J) "Qualifying net gain" means any recognized net gain with 56179
respect to the acquisition, ownership, use, maintenance, 56180
management, or disposition of tangible personal property located 56181
in this state at any time during a trust's qualifying taxable year 56182
or real property located in this state. 56183

(K) "Qualifying net income" means any recognized income, net 56184
of related deductible expenses, other than distributions 56185
deductions with respect to the acquisition, ownership, use, 56186
maintenance, management, or disposition of tangible personal 56187
property located in this state at any time during the trust's 56188
qualifying taxable year or real property located in this state. 56189

(L) "Qualifying entity" means a qualifying pass-through 56190
entity or a qualifying trust. 56191

(M) "Qualifying trust" means a trust subject to subchapter J 56192
of the Internal Revenue Code that, during any portion of the 56193
trust's qualifying taxable year, has income or gain from the 56194
acquisition, management, ownership, use, or disposition of 56195
tangible personal property located in this state at any time 56196
during the trust's qualifying taxable year or real property 56197
located in this state. "Qualifying trust" does not include a 56198
person described in section 501(c) of the Internal Revenue Code or 56199
a person described in division (C) of section 5733.09 of the 56200
Revised Code. 56201

(N) "Qualifying pass-through entity" means a pass-through 56202
entity as defined in section 5733.04 of the Revised Code, 56203
excluding: a person described in section 501(c) of the Internal 56204
Revenue Code; a partnership with equity securities registered with 56205
the United States securities and exchange commission under section 56206

12 of the Securities Exchange Act of 1934, as amended; or a person 56207
described in division (C) of section 5733.09 of the Revised Code. 56208

(O) "Quarter" means the first three months, the second three 56209
months, the third three months, or the last three months of a 56210
qualifying entity's qualifying taxable year. 56211

(P) "Related member" has the same meaning as in division 56212
(A)(6) of section 5733.042 of the Revised Code without regard to 56213
division (B) of that section. However, for the purposes of 56214
divisions (A)(3) and (4) of this section only, "related member" 56215
has the same meaning as in division (A)(6) of section 5733.042 of 56216
the Revised Code without regard to division (B) of that section, 56217
but shall be applied by substituting "forty per cent" for "twenty 56218
per cent" wherever "twenty per cent" appears in division (A) of 56219
that section. 56220

(Q) "Return" or "report" means the notifications and reports 56221
required to be filed pursuant to sections 5747.42 to 5747.45 of 56222
the Revised Code for the purpose of reporting the tax imposed 56223
under section 5733.41 or 5747.41 of the Revised Code, and included 56224
declarations of estimated tax when so required. 56225

(R) "Qualifying taxable year" means the calendar year or the 56226
qualifying entity's fiscal year ending during the calendar year, 56227
or fractional part thereof, for which the adjusted qualifying 56228
amount is calculated pursuant to sections 5733.40 and 5733.41 or 56229
sections 5747.40 to 5747.453 of the Revised Code. 56230

(S) "Distributive share" includes the sum of the income, 56231
gain, expense, or loss of a disregarded entity or qualified 56232
subchapter S subsidiary. 56233

Sec. 5733.41. The purpose of the tax imposed by this section 56234
is to complement and to reinforce the tax imposed under section 56235
5733.06 of the Revised Code. 56236

For the same purposes for which the tax is levied under 56237
section 5733.06 of the Revised Code, there is hereby levied a tax 56238
on every qualifying pass-through entity having at least one 56239
qualifying investor that is not an individual. The tax imposed by 56240
this section is imposed on the sum of the adjusted qualifying 56241
amounts of the qualifying pass-through entity's qualifying 56242
investors that are not individuals as follows: for qualifying 56243
investors subject to division (G)(2) of section 5733.01 of the 56244
Revised Code, at six and eight-tenths per cent for the entity's 56245
taxable year ending in 2005, at five and one-tenth per cent for 56246
the entity's taxable year ending in 2006, at three and four-tenths 56247
per cent for the entity's taxable year ending in 2007, at one and 56248
seven-tenths per cent for the entity's taxable year ending in 56249
2008, and at zero per cent for the entity's taxable year ending in 56250
2009 or in subsequent years; and for all other qualifying 56251
investors that are not individuals, at the rate of ~~eight and~~ 56252
~~one-half~~ three per cent. 56253

The tax imposed by this section applies only if the 56254
qualifying entity has nexus with this state under the Constitution 56255
of the United States for any portion of the qualifying entity's 56256
qualifying taxable year, and the sum of the qualifying entity's 56257
adjusted qualifying amounts exceeds one thousand dollars for the 56258
qualifying entity's qualifying taxable year. This section does not 56259
apply to a pass-through entity if all of the partners, 56260
shareholders, members, or investors of the pass-through entity are 56261
taxpayers for the purposes of section 5733.04 of the Revised Code 56262
without regard to section 5733.09 of the Revised Code for the 56263
entire qualifying taxable year of the pass-through entity. 56264

If, prior to the due date of the return, a qualifying 56265
pass-through entity receives from an investor a written 56266
representation, under penalties of perjury, that the investor is 56267
described in division (I)(1), (2), (6), (7), (8), ~~or~~ (9), (10), or 56268

(11) of section 5733.40 of the Revised Code for the qualifying 56269
pass-through entity's entire qualifying taxable year, the 56270
qualifying pass-through entity is not required to withhold or pay 56271
the taxes or estimated taxes imposed under this section or 56272
sections 5747.41 to 5747.453 of the Revised Code with respect to 56273
that investor for that qualifying taxable year, and is not subject 56274
to any interest or interest penalties for failure to withhold or 56275
pay those taxes or estimated taxes with respect to that investor 56276
for that qualifying taxable year. 56277

If, prior to the due date of the return, a qualifying trust 56278
receives from a beneficiary of that trust a written 56279
representation, under penalties of perjury, that the beneficiary 56280
is a resident taxpayer for the purposes of Chapter 5747. of the 56281
Revised Code for the qualifying trust's entire qualifying taxable 56282
year, the qualifying trust is not required to withhold or pay the 56283
taxes or estimated taxes imposed under this section or sections 56284
5747.41 to 5747.453 of the Revised Code with respect to that 56285
beneficiary for that qualifying taxable year, and is not subject 56286
to any interest or interest penalties for failure to withhold or 56287
pay those taxes or estimated taxes with respect to that 56288
beneficiary for that qualifying taxable year. 56289

The tax commissioner may adopt rules for the purpose of the 56290
tax levied by this section or section 5747.41 of the Revised Code, 56291
including a rule defining "qualifying investor" or "qualifying 56292
beneficiary," and a rule requiring or permitting a qualifying 56293
entity to combine its income with related members and to pay the 56294
tax and estimated tax on a combined basis. 56295

Sections 5747.10 to 5747.19 and 5747.42 to 5747.453 of the 56296
Revised Code apply to a qualifying entity subject to the tax 56297
imposed under this section. 56298

The levy of the tax under this section does not prevent a 56299
municipal corporation or a joint economic development district 56300

created under section 715.70, 715.71, or 715.72 of the Revised 56301
Code from levying a tax on income. 56302

Sec. 5739.01. As used in this chapter: 56303

(A) "Person" includes individuals, receivers, assignees, 56304
trustees in bankruptcy, estates, firms, partnerships, 56305
associations, joint-stock companies, joint ventures, clubs, 56306
societies, corporations, the state and its political subdivisions, 56307
and combinations of individuals of any form. 56308

(B) "Sale" and "selling" include all of the following 56309
transactions for a consideration in any manner, whether absolutely 56310
or conditionally, whether for a price or rental, in money or by 56311
exchange, and by any means whatsoever: 56312

(1) All transactions by which title or possession, or both, 56313
of tangible personal property, is or is to be transferred, or a 56314
license to use or consume tangible personal property is or is to 56315
be granted; 56316

(2) All transactions by which lodging by a hotel is or is to 56317
be furnished to transient guests; 56318

(3) All transactions by which: 56319

(a) An item of tangible personal property is or is to be 56320
repaired, except property, the purchase of which would not be 56321
subject to the tax imposed by section 5739.02 of the Revised Code; 56322

(b) An item of tangible personal property is or is to be 56323
installed, except property, the purchase of which would not be 56324
subject to the tax imposed by section 5739.02 of the Revised Code 56325
or property that is or is to be incorporated into and will become 56326
a part of a production, transmission, transportation, or 56327
distribution system for the delivery of a public utility service; 56328

(c) The service of washing, cleaning, waxing, polishing, or 56329
painting a motor vehicle is or is to be furnished; 56330

(d) Until August 1, 2003, industrial laundry cleaning 56331
services are or are to be provided and, on and after August 1, 56332
2003, laundry and dry cleaning services are or are to be provided; 56333

(e) Automatic data processing, computer services, or 56334
electronic information services are or are to be provided for use 56335
in business when the true object of the transaction is the receipt 56336
by the consumer of automatic data processing, computer services, 56337
or electronic information services rather than the receipt of 56338
personal or professional services to which automatic data 56339
processing, computer services, or electronic information services 56340
are incidental or supplemental. Notwithstanding any other 56341
provision of this chapter, such transactions that occur between 56342
members of an affiliated group are not sales. An "affiliated 56343
group" means two or more persons related in such a way that one 56344
person owns or controls the business operation of another member 56345
of the group. In the case of corporations with stock, one 56346
corporation owns or controls another if it owns more than fifty 56347
per cent of the other corporation's common stock with voting 56348
rights. 56349

(f) Telecommunications service, including prepaid calling 56350
service, prepaid wireless calling service, or ancillary service, 56351
is or is to be provided, but not including coin-operated telephone 56352
service; 56353

(g) Landscaping and lawn care service is or is to be 56354
provided; 56355

(h) Private investigation and security service is or is to be 56356
provided; 56357

(i) Information services or tangible personal property is 56358
provided or ordered by means of a nine hundred telephone call; 56359

(j) Building maintenance and janitorial service is or is to 56360
be provided; 56361

(k) Employment service is or is to be provided;	56362
(l) Employment placement service is or is to be provided;	56363
(m) Exterminating service is or is to be provided;	56364
(n) Physical fitness facility service is or is to be provided;	56365 56366
(o) Recreation and sports club service is or is to be provided;	56367 56368
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	56369 56370
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	56371 56372 56373 56374 56375 56376 56377 56378
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft <u>Transportation service</u> is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	56379 56380 56381 56382 56383 56384 56385 56386
(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.	56387 56388 56389 56390
(t) On and after August 1, 2003, snow removal service is or	56391

is to be provided. As used in this division, "snow removal 56392
service" means the removal of snow by any mechanized means, but 56393
does not include the providing of such service by a person that 56394
has less than five thousand dollars in sales of such service 56395
during the calendar year. 56396

(u) Electronic publishing service is or is to be provided to 56397
a consumer for use in business, except that such transactions 56398
occurring between members of an affiliated group, as defined in 56399
division (B)(3)(e) of this section, are not sales. 56400

(4) All transactions by which printed, imprinted, 56401
overprinted, lithographic, multilithic, blueprinted, photostatic, 56402
or other productions or reproductions of written or graphic matter 56403
are or are to be furnished or transferred; 56404

(5) The production or fabrication of tangible personal 56405
property for a consideration for consumers who furnish either 56406
directly or indirectly the materials used in the production of 56407
fabrication work; and include the furnishing, preparing, or 56408
serving for a consideration of any tangible personal property 56409
consumed on the premises of the person furnishing, preparing, or 56410
serving such tangible personal property. Except as provided in 56411
section 5739.03 of the Revised Code, a construction contract 56412
pursuant to which tangible personal property is or is to be 56413
incorporated into a structure or improvement on and becoming a 56414
part of real property is not a sale of such tangible personal 56415
property. The construction contractor is the consumer of such 56416
tangible personal property, provided that the sale and 56417
installation of carpeting, the sale and installation of 56418
agricultural land tile, the sale and erection or installation of 56419
portable grain bins, or the provision of landscaping and lawn care 56420
service and the transfer of property as part of such service is 56421
never a construction contract. 56422

As used in division (B)(5) of this section: 56423

(a) "Agricultural land tile" means fired clay or concrete 56424
tile, or flexible or rigid perforated plastic pipe or tubing, 56425
incorporated or to be incorporated into a subsurface drainage 56426
system appurtenant to land used or to be used primarily in 56427
production by farming, agriculture, horticulture, or floriculture. 56428
The term does not include such materials when they are or are to 56429
be incorporated into a drainage system appurtenant to a building 56430
or structure even if the building or structure is used or to be 56431
used in such production. 56432

(b) "Portable grain bin" means a structure that is used or to 56433
be used by a person engaged in farming or agriculture to shelter 56434
the person's grain and that is designed to be disassembled without 56435
significant damage to its component parts. 56436

(6) All transactions in which all of the shares of stock of a 56437
closely held corporation are transferred, or an ownership interest 56438
in a pass-through entity, as defined in section 5733.04 of the 56439
Revised Code, is transferred, if the corporation or pass-through 56440
entity is not engaging in business and its entire assets consist 56441
of boats, planes, motor vehicles, or other tangible personal 56442
property operated primarily for the use and enjoyment of the 56443
shareholders or owners; 56444

(7) All transactions in which a warranty, maintenance or 56445
service contract, or similar agreement by which the vendor of the 56446
warranty, contract, or agreement agrees to repair or maintain the 56447
tangible personal property of the consumer is or is to be 56448
provided; 56449

(8) The transfer of copyrighted motion picture films used 56450
solely for advertising purposes, except that the transfer of such 56451
films for exhibition purposes is not a sale; 56452

(9) On and after August 1, 2003, all transactions by which 56453
tangible personal property is or is to be stored, except such 56454

property that the consumer of the storage holds for sale in the 56455
regular course of business; 56456

(10) All transactions in which "guaranteed auto protection" 56457
is provided whereby a person promises to pay to the consumer the 56458
difference between the amount the consumer receives from motor 56459
vehicle insurance and the amount the consumer owes to a person 56460
holding title to or a lien on the consumer's motor vehicle in the 56461
event the consumer's motor vehicle suffers a total loss under the 56462
terms of the motor vehicle insurance policy or is stolen and not 56463
recovered, if the protection and its price are included in the 56464
purchase or lease agreement; 56465

(11)(a) Except as provided in division (B)(11)(b) of this 56466
section, on and after October 1, 2009, all transactions by which 56467
health care services are paid for, reimbursed, provided, 56468
delivered, arranged for, or otherwise made available by a medicaid 56469
health insuring corporation pursuant to the corporation's contract 56470
with the state. 56471

(b) If the centers for medicare and medicaid services of the 56472
United States department of health and human services determines 56473
that the taxation of transactions described in division (B)(11)(a) 56474
of this section constitutes an impermissible health care-related 56475
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 56476
1396b(w), and regulations adopted thereunder, the medicaid 56477
director shall notify the tax commissioner of that determination. 56478
Beginning with the first day of the month following that 56479
notification, the transactions described in division (B)(11)(a) of 56480
this section are not sales for the purposes of this chapter or 56481
Chapter 5741. of the Revised Code. The tax commissioner shall 56482
order that the collection of taxes under sections 5739.02, 56483
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 56484
5741.023 of the Revised Code shall cease for transactions 56485
occurring on or after that date. 56486

(12) All transactions by which a specified digital product is provided for permanent use or less than permanent use, regardless of whether continued payment is required.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

The transportation network company, and not the transportation network company driver, is the vendor in the case of transactions for transportation network company services under division (B)(3)(r) of this section.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale

is or is to be made or given, to whom the service described in 56518
division (B)(3)(f) or (i) of this section is charged, or to whom 56519
the admission is granted. 56520

(2) Physicians, dentists, hospitals, and blood banks operated 56521
by nonprofit institutions and persons licensed to practice 56522
veterinary medicine, surgery, and dentistry are consumers of all 56523
tangible personal property and services purchased by them in 56524
connection with the practice of medicine, dentistry, the rendition 56525
of hospital or blood bank service, or the practice of veterinary 56526
medicine, surgery, and dentistry. In addition to being consumers 56527
of drugs administered by them or by their assistants according to 56528
their direction, veterinarians also are consumers of drugs that 56529
under federal law may be dispensed only by or upon the order of a 56530
licensed veterinarian or physician, when transferred by them to 56531
others for a consideration to provide treatment to animals as 56532
directed by the veterinarian. 56533

(3) A person who performs a facility management, or similar 56534
service contract for a contractee is a consumer of all tangible 56535
personal property and services purchased for use in connection 56536
with the performance of such contract, regardless of whether title 56537
to any such property vests in the contractee. The purchase of such 56538
property and services is not subject to the exception for resale 56539
under division (E) of this section. 56540

(4)(a) In the case of a person who purchases printed matter 56541
for the purpose of distributing it or having it distributed to the 56542
public or to a designated segment of the public, free of charge, 56543
that person is the consumer of that printed matter, and the 56544
purchase of that printed matter for that purpose is a sale. 56545

(b) In the case of a person who produces, rather than 56546
purchases, printed matter for the purpose of distributing it or 56547
having it distributed to the public or to a designated segment of 56548
the public, free of charge, that person is the consumer of all 56549

tangible personal property and services purchased for use or 56550
consumption in the production of that printed matter. That person 56551
is not entitled to claim exemption under division (B)(42)(f) of 56552
section 5739.02 of the Revised Code for any material incorporated 56553
into the printed matter or any equipment, supplies, or services 56554
primarily used to produce the printed matter. 56555

(c) The distribution of printed matter to the public or to a 56556
designated segment of the public, free of charge, is not a sale to 56557
the members of the public to whom the printed matter is 56558
distributed or to any persons who purchase space in the printed 56559
matter for advertising or other purposes. 56560

(5) A person who makes sales of any of the services listed in 56561
division (B)(3) of this section is the consumer of any tangible 56562
personal property used in performing the service. The purchase of 56563
that property is not subject to the resale exception under 56564
division (E) of this section. 56565

(6) A person who engages in highway transportation for hire 56566
is the consumer of all packaging materials purchased by that 56567
person and used in performing the service, except for packaging 56568
materials sold by such person in a transaction separate from the 56569
service. 56570

(7) In the case of a transaction for health care services 56571
under division (B)(11) of this section, a medicaid health insuring 56572
corporation is the consumer of such services. The purchase of such 56573
services by a medicaid health insuring corporation is not subject 56574
to the exception for resale under division (E) of this section or 56575
to the exemptions provided under divisions (B)(12), (18), (19), 56576
and (22) of section 5739.02 of the Revised Code. 56577

(E) "Retail sale" and "sales at retail" include all sales, 56578
except those in which the purpose of the consumer is to resell the 56579
thing transferred or benefit of the service provided, by a person 56580

engaging in business, in the form in which the same is, or is to 56581
be, received by the person. 56582

(F) "Business" includes any activity engaged in by any person 56583
with the object of gain, benefit, or advantage, either direct or 56584
indirect. "Business" does not include the activity of a person in 56585
managing and investing the person's own funds. 56586

(G) "Engaging in business" means commencing, conducting, or 56587
continuing in business, and liquidating a business when the 56588
liquidator thereof holds itself out to the public as conducting 56589
such business. Making a casual sale is not engaging in business. 56590

(H)(1)(a) "Price," except as provided in divisions (H)(2), 56591
(3), ~~and~~ (4), and (5) of this section, means the total amount of 56592
consideration, including cash, credit, property, and services, for 56593
which tangible personal property or services are sold, leased, or 56594
rented, valued in money, whether received in money or otherwise, 56595
without any deduction for any of the following: 56596

(i) The vendor's cost of the property sold; 56597

(ii) The cost of materials used, labor or service costs, 56598
interest, losses, all costs of transportation to the vendor, all 56599
taxes imposed on the vendor, including the tax imposed under 56600
Chapter 5751. of the Revised Code, and any other expense of the 56601
vendor; 56602

(iii) Charges by the vendor for any services necessary to 56603
complete the sale; 56604

(iv) On and after August 1, 2003, delivery charges. As used 56605
in this division, "delivery charges" means charges by the vendor 56606
for preparation and delivery to a location designated by the 56607
consumer of tangible personal property or a service, including 56608
transportation, shipping, postage, handling, crating, and packing. 56609

(v) Installation charges; 56610

(vi) Credit for any trade-in. 56611

(b) "Price" includes consideration received by the vendor 56612
from a third party, if the vendor actually receives the 56613
consideration from a party other than the consumer, and the 56614
consideration is directly related to a price reduction or discount 56615
on the sale; the vendor has an obligation to pass the price 56616
reduction or discount through to the consumer; the amount of the 56617
consideration attributable to the sale is fixed and determinable 56618
by the vendor at the time of the sale of the item to the consumer; 56619
and one of the following criteria is met: 56620

(i) The consumer presents a coupon, certificate, or other 56621
document to the vendor to claim a price reduction or discount 56622
where the coupon, certificate, or document is authorized, 56623
distributed, or granted by a third party with the understanding 56624
that the third party will reimburse any vendor to whom the coupon, 56625
certificate, or document is presented; 56626

(ii) The consumer identifies the consumer's self to the 56627
seller as a member of a group or organization entitled to a price 56628
reduction or discount. A preferred customer card that is available 56629
to any patron does not constitute membership in such a group or 56630
organization. 56631

(iii) The price reduction or discount is identified as a 56632
third party price reduction or discount on the invoice received by 56633
the consumer, or on a coupon, certificate, or other document 56634
presented by the consumer. 56635

(c) "Price" does not include any of the following: 56636

(i) Discounts, including cash, term, or coupons that are not 56637
reimbursed by a third party that are allowed by a vendor and taken 56638
by a consumer on a sale; 56639

(ii) Interest, financing, and carrying charges from credit 56640
extended on the sale of tangible personal property or services, if 56641

the amount is separately stated on the invoice, bill of sale, or 56642
similar document given to the purchaser; 56643

(iii) Any taxes legally imposed directly on the consumer that 56644
are separately stated on the invoice, bill of sale, or similar 56645
document given to the consumer. For the purpose of this division, 56646
the tax imposed under Chapter 5751. of the Revised Code is not a 56647
tax directly on the consumer, even if the tax or a portion thereof 56648
is separately stated. 56649

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 56650
section, any discount allowed by an automobile manufacturer to its 56651
employee, or to the employee of a supplier, on the purchase of a 56652
new motor vehicle from a new motor vehicle dealer in this state. 56653

(v) The dollar value of a gift card that is not sold by a 56654
vendor or purchased by a consumer and that is redeemed by the 56655
consumer in purchasing tangible personal property or services if 56656
the vendor is not reimbursed and does not receive compensation 56657
from a third party to cover all or part of the gift card value. 56658
For the purposes of this division, a gift card is not sold by a 56659
vendor or purchased by a consumer if it is distributed pursuant to 56660
an awards, loyalty, or promotional program. Past and present 56661
purchases of tangible personal property or services by the 56662
consumer shall not be treated as consideration exchanged for a 56663
gift card. 56664

(2) In the case of a sale of any new motor vehicle by a new 56665
motor vehicle dealer, as defined in section 4517.01 of the Revised 56666
Code, in which another motor vehicle is accepted by the dealer as 56667
part of the consideration received, "price" has the same meaning 56668
as in division (H)(1) of this section, reduced by the credit 56669
afforded the consumer by the dealer for the motor vehicle received 56670
in trade. 56671

(3) In the case of a sale of any watercraft or outboard motor 56672

by a watercraft dealer licensed in accordance with section 56673
1547.543 of the Revised Code, in which another watercraft, 56674
watercraft and trailer, or outboard motor is accepted by the 56675
dealer as part of the consideration received, "price" has the same 56676
meaning as in division (H)(1) of this section, reduced by the 56677
credit afforded the consumer by the dealer for the watercraft, 56678
watercraft and trailer, or outboard motor received in trade. As 56679
used in this division, "watercraft" includes an outdrive unit 56680
attached to the watercraft. 56681

(4) In the case of transactions for health care services 56682
under division (B)(11) of this section, "price" means the amount 56683
of managed care premiums received each month by a medicaid health 56684
insuring corporation. 56685

(5) In the case of transactions for transportation network 56686
company services under division (B)(3)(r) of this section, "price" 56687
has the same meaning as in division (H)(1) of this section, 56688
reduced by the amount of any additional fees. As used in this 56689
division, "additional fees" means any fees remitted by the 56690
transportation network company rider other than fees for base 56691
fare, distance, or time, and includes airport access fees, booking 56692
fees, tolls, and fees for other services unrelated to 56693
transportation service. 56694

(I) "Receipts" means the total amount of the prices of the 56695
sales of vendors, provided that the dollar value of gift cards 56696
distributed pursuant to an awards, loyalty, or promotional 56697
program, and cash discounts allowed and taken on sales at the time 56698
they are consummated are not included, minus any amount deducted 56699
as a bad debt pursuant to section 5739.121 of the Revised Code. 56700
"Receipts" does not include the sale price of property returned or 56701
services rejected by consumers when the full sale price and tax 56702
are refunded either in cash or by credit. 56703

(J) "Place of business" means any location at which a person 56704

engages in business. 56705

(K) "Premises" includes any real property or portion thereof 56706
upon which any person engages in selling tangible personal 56707
property at retail or making retail sales and also includes any 56708
real property or portion thereof designated for, or devoted to, 56709
use in conjunction with the business engaged in by such person. 56710

(L) "Casual sale" means a sale of an item of tangible 56711
personal property that was obtained by the person making the sale, 56712
through purchase or otherwise, for the person's own use and was 56713
previously subject to any state's taxing jurisdiction on its sale 56714
or use, and includes such items acquired for the seller's use that 56715
are sold by an auctioneer employed directly by the person for such 56716
purpose, provided the location of such sales is not the 56717
auctioneer's permanent place of business. As used in this 56718
division, "permanent place of business" includes any location 56719
where such auctioneer has conducted more than two auctions during 56720
the year. 56721

(M) "Hotel" means every establishment kept, used, maintained, 56722
advertised, or held out to the public to be a place where sleeping 56723
accommodations are offered to guests, in which five or more rooms 56724
are used for the accommodation of such guests, whether the rooms 56725
are in one or several structures, except as otherwise provided in 56726
division (G) of section 5739.09 of the Revised Code. 56727

(N) "Transient guests" means persons occupying a room or 56728
rooms for sleeping accommodations for less than thirty consecutive 56729
days. 56730

(O) "Making retail sales" means the effecting of transactions 56731
wherein one party is obligated to pay the price and the other 56732
party is obligated to provide a service or to transfer title to or 56733
possession of the item sold. "Making retail sales" does not 56734
include the preliminary acts of promoting or soliciting the retail 56735

sales, other than the distribution of printed matter which 56736
displays or describes and prices the item offered for sale, nor 56737
does it include delivery of a predetermined quantity of tangible 56738
personal property or transportation of property or personnel to or 56739
from a place where a service is performed. 56740

(P) "Used directly in the rendition of a public utility 56741
service" means that property that is to be incorporated into and 56742
will become a part of the consumer's production, transmission, 56743
transportation, or distribution system and that retains its 56744
classification as tangible personal property after such 56745
incorporation; fuel or power used in the production, transmission, 56746
transportation, or distribution system; and tangible personal 56747
property used in the repair and maintenance of the production, 56748
transmission, transportation, or distribution system, including 56749
only such motor vehicles as are specially designed and equipped 56750
for such use. Tangible personal property and services used 56751
primarily in providing highway transportation for hire are not 56752
used directly in the rendition of a public utility service. In 56753
this definition, "public utility" includes a citizen of the United 56754
States holding, and required to hold, a certificate of public 56755
convenience and necessity issued under 49 U.S.C. 41102. 56756

(Q) "Refining" means removing or separating a desirable 56757
product from raw or contaminated materials by distillation or 56758
physical, mechanical, or chemical processes. 56759

(R) "Assembly" and "assembling" mean attaching or fitting 56760
together parts to form a product, but do not include packaging a 56761
product. 56762

(S) "Manufacturing operation" means a process in which 56763
materials are changed, converted, or transformed into a different 56764
state or form from which they previously existed and includes 56765
refining materials, assembling parts, and preparing raw materials 56766
and parts by mixing, measuring, blending, or otherwise committing 56767

such materials or parts to the manufacturing process. 56768

"Manufacturing operation" does not include packaging. 56769

(T) "Fiscal officer" means, with respect to a regional 56770
transit authority, the secretary-treasurer thereof, and with 56771
respect to a county that is a transit authority, the fiscal 56772
officer of the county transit board if one is appointed pursuant 56773
to section 306.03 of the Revised Code or the county auditor if the 56774
board of county commissioners operates the county transit system. 56775

(U) "Transit authority" means a regional transit authority 56776
created pursuant to section 306.31 of the Revised Code or a county 56777
in which a county transit system is created pursuant to section 56778
306.01 of the Revised Code. For the purposes of this chapter, a 56779
transit authority must extend to at least the entire area of a 56780
single county. A transit authority that includes territory in more 56781
than one county must include all the area of the most populous 56782
county that is a part of such transit authority. County population 56783
shall be measured by the most recent census taken by the United 56784
States census bureau. 56785

(V) "Legislative authority" means, with respect to a regional 56786
transit authority, the board of trustees thereof, and with respect 56787
to a county that is a transit authority, the board of county 56788
commissioners. 56789

(W) "Territory of the transit authority" means all of the 56790
area included within the territorial boundaries of a transit 56791
authority as they from time to time exist. Such territorial 56792
boundaries must at all times include all the area of a single 56793
county or all the area of the most populous county that is a part 56794
of such transit authority. County population shall be measured by 56795
the most recent census taken by the United States census bureau. 56796

(X) "Providing a service" means providing or furnishing 56797
anything described in division (B)(3) of this section for 56798

consideration. 56799

(Y)(1)(a) "Automatic data processing" means processing of 56800
others' data, including keypunching or similar data entry services 56801
together with verification thereof, or providing access to 56802
computer equipment for the purpose of processing data. 56803

(b) "Computer services" means providing services consisting 56804
of specifying computer hardware configurations and evaluating 56805
technical processing characteristics, computer programming, and 56806
training of computer programmers and operators, provided in 56807
conjunction with and to support the sale, lease, or operation of 56808
taxable computer equipment or systems. 56809

(c) "Electronic information services" means providing access 56810
to computer equipment by means of telecommunications equipment for 56811
the purpose of either of the following: 56812

(i) Examining or acquiring data stored in or accessible to 56813
the computer equipment; 56814

(ii) Placing data into the computer equipment to be retrieved 56815
by designated recipients with access to the computer equipment. 56816

For transactions occurring on or after the effective date of 56817
the amendment of this section by H.B. 157 of the 127th general 56818
assembly, December 21, 2007, "electronic information services" 56819
does not include electronic publishing ~~as defined in division~~ 56820
~~(LLL) of this section.~~ 56821

(d) "Automatic data processing, computer services, or 56822
electronic information services" shall not include personal or 56823
professional services. 56824

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 56825
section, "personal and professional services" means all services 56826
other than automatic data processing, computer services, or 56827
electronic information services, including but not limited to: 56828

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;	56829 56830 56831 56832 56833
(b) Analyzing business policies and procedures;	56834
(c) Identifying management information needs;	56835
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	56836 56837 56838
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	56839 56840 56841 56842
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	56843 56844 56845
(g) Testing of business procedures;	56846
(h) Training personnel in business procedure applications;	56847
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	56848 56849 56850 56851 56852 56853
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	56854 56855
(k) Providing digital advertising services.	56856
The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing or computer services.	56857 56858

(Z) "Highway transportation for hire" means the 56859
transportation of personal property belonging to others for 56860
consideration by any of the following: 56861

(1) The holder of a permit or certificate issued by this 56862
state or the United States authorizing the holder to engage in 56863
transportation of personal property belonging to others for 56864
consideration over or on highways, roadways, streets, or any 56865
similar public thoroughfare; 56866

(2) A person who engages in the transportation of personal 56867
property belonging to others for consideration over or on 56868
highways, roadways, streets, or any similar public thoroughfare 56869
but who could not have engaged in such transportation on December 56870
11, 1985, unless the person was the holder of a permit or 56871
certificate of the types described in division (Z)(1) of this 56872
section; 56873

(3) A person who leases a motor vehicle to and operates it 56874
for a person described by division (Z)(1) or (2) of this section. 56875

(AA)(1) "Telecommunications service" means the electronic 56876
transmission, conveyance, or routing of voice, data, audio, video, 56877
or any other information or signals to a point, or between or 56878
among points. "Telecommunications service" includes such 56879
transmission, conveyance, or routing in which computer processing 56880
applications are used to act on the form, code, or protocol of the 56881
content for purposes of transmission, conveyance, or routing 56882
without regard to whether the service is referred to as voice-over 56883
internet protocol service or is classified by the federal 56884
communications commission as enhanced or value-added. 56885
"Telecommunications service" does not include any of the 56886
following: 56887

(a) Data processing and information services that allow data 56888
to be generated, acquired, stored, processed, or retrieved and 56889

delivered by an electronic transmission to a consumer where the 56890
consumer's primary purpose for the underlying transaction is the 56891
processed data or information; 56892

(b) Installation or maintenance of wiring or equipment on a 56893
customer's premises; 56894

(c) Tangible personal property; 56895

(d) Advertising, including directory advertising; 56896

(e) Billing and collection services provided to third 56897
parties; 56898

(f) Internet access service; 56899

(g) Radio and television audio and video programming 56900
services, regardless of the medium, including the furnishing of 56901
transmission, conveyance, and routing of such services by the 56902
programming service provider. Radio and television audio and video 56903
programming services include, but are not limited to, cable 56904
service, as defined in 47 U.S.C. 522(6), and audio and video 56905
programming services delivered by commercial mobile radio service 56906
providers, as defined in 47 C.F.R. 20.3; 56907

(h) Ancillary service; 56908

(i) Digital products delivered electronically, including 56909
software, music, video, reading materials, or ring tones. 56910

(2) "Ancillary service" means a service that is associated 56911
with or incidental to the provision of telecommunications service, 56912
including conference bridging service, detailed telecommunications 56913
billing service, directory assistance, vertical service, and voice 56914
mail service. As used in this division: 56915

(a) "Conference bridging service" means an ancillary service 56916
that links two or more participants of an audio or video 56917
conference call, including providing a telephone number. 56918
"Conference bridging service" does not include telecommunications 56919

services used to reach the conference bridge. 56920

(b) "Detailed telecommunications billing service" means an 56921
ancillary service of separately stating information pertaining to 56922
individual calls on a customer's billing statement. 56923

(c) "Directory assistance" means an ancillary service of 56924
providing telephone number or address information. 56925

(d) "Vertical service" means an ancillary service that is 56926
offered in connection with one or more telecommunications 56927
services, which offers advanced calling features that allow 56928
customers to identify callers and manage multiple calls and call 56929
connections, including conference bridging service. 56930

(e) "Voice mail service" means an ancillary service that 56931
enables the customer to store, send, or receive recorded messages. 56932
"Voice mail service" does not include any vertical services that 56933
the customer may be required to have in order to utilize the voice 56934
mail service. 56935

(3) "900 service" means an inbound toll telecommunications 56936
service purchased by a subscriber that allows the subscriber's 56937
customers to call in to the subscriber's prerecorded announcement 56938
or live service, and which is typically marketed under the name 56939
"900 service" and any subsequent numbers designated by the federal 56940
communications commission. "900 service" does not include the 56941
charge for collection services provided by the seller of the 56942
telecommunications service to the subscriber, or services or 56943
products sold by the subscriber to the subscriber's customer. 56944

(4) "Prepaid calling service" means the right to access 56945
exclusively telecommunications services, which must be paid for in 56946
advance and which enables the origination of calls using an access 56947
number or authorization code, whether manually or electronically 56948
dialed, and that is sold in predetermined units or dollars of 56949
which the number declines with use in a known amount. 56950

(5) "Prepaid wireless calling service" means a 56951
telecommunications service that provides the right to utilize 56952
mobile telecommunications service as well as other 56953
non-telecommunications services, including the download of digital 56954
products delivered electronically, and content and ancillary 56955
services, that must be paid for in advance and that is sold in 56956
predetermined units or dollars of which the number declines with 56957
use in a known amount. 56958

(6) "Value-added non-voice data service" means a 56959
telecommunications service in which computer processing 56960
applications are used to act on the form, content, code, or 56961
protocol of the information or data primarily for a purpose other 56962
than transmission, conveyance, or routing. 56963

(7) "Coin-operated telephone service" means a 56964
telecommunications service paid for by inserting money into a 56965
telephone accepting direct deposits of money to operate. 56966

(8) "Customer" has the same meaning as in section 5739.034 of 56967
the Revised Code. 56968

(BB) "Laundry and dry cleaning services" means removing soil 56969
or dirt from towels, linens, articles of clothing, or other fabric 56970
items that belong to others and supplying towels, linens, articles 56971
of clothing, or other fabric items. "Laundry and dry cleaning 56972
services" does not include the provision of self-service 56973
facilities for use by consumers to remove soil or dirt from 56974
towels, linens, articles of clothing, or other fabric items. 56975

(CC) "Magazines distributed as controlled circulation 56976
publications" means magazines containing at least twenty-four 56977
pages, at least twenty-five per cent editorial content, issued at 56978
regular intervals four or more times a year, and circulated 56979
without charge to the recipient, provided that such magazines are 56980
not owned or controlled by individuals or business concerns which 56981

conduct such publications as an auxiliary to, and essentially for 56982
the advancement of the main business or calling of, those who own 56983
or control them. 56984

(DD) "Landscaping and lawn care service" means the services 56985
of planting, seeding, sodding, removing, cutting, trimming, 56986
pruning, mulching, aerating, applying chemicals, watering, 56987
fertilizing, and providing similar services to establish, promote, 56988
or control the growth of trees, shrubs, flowers, grass, ground 56989
cover, and other flora, or otherwise maintaining a lawn or 56990
landscape grown or maintained by the owner for ornamentation or 56991
other nonagricultural purpose. However, "landscaping and lawn care 56992
service" does not include the providing of such services by a 56993
person who has less than five thousand dollars in sales of such 56994
services during the calendar year. 56995

(EE) "Private investigation and security service" means the 56996
performance of any activity for which the provider of such service 56997
is required to be licensed pursuant to Chapter 4749. of the 56998
Revised Code, or would be required to be so licensed in performing 56999
such services in this state, and also includes the services of 57000
conducting polygraph examinations and of monitoring or overseeing 57001
the activities on or in, or the condition of, the consumer's home, 57002
business, or other facility by means of electronic or similar 57003
monitoring devices. "Private investigation and security service" 57004
does not include special duty services provided by off-duty police 57005
officers, deputy sheriffs, and other peace officers regularly 57006
employed by the state or a political subdivision. 57007

(FF) "Information services" means providing conversation, 57008
giving consultation or advice, playing or making a voice or other 57009
recording, making or keeping a record of the number of callers, 57010
and any other service provided to a consumer by means of a nine 57011
hundred telephone call, except when the nine hundred telephone 57012
call is the means by which the consumer makes a contribution to a 57013

recognized charity. 57014

(GG) "Research and development" means designing, creating, or 57015
formulating new or enhanced products, equipment, or manufacturing 57016
processes, and also means conducting scientific or technological 57017
inquiry and experimentation in the physical sciences with the goal 57018
of increasing scientific knowledge which may reveal the bases for 57019
new or enhanced products, equipment, or manufacturing processes. 57020

(HH) "Qualified research and development equipment" means 57021
capitalized tangible personal property, and leased personal 57022
property that would be capitalized if purchased, used by a person 57023
primarily to perform research and development. Tangible personal 57024
property primarily used in testing, as defined in division (A)(4) 57025
of section 5739.011 of the Revised Code, or used for recording or 57026
storing test results, is not qualified research and development 57027
equipment unless such property is primarily used by the consumer 57028
in testing the product, equipment, or manufacturing process being 57029
created, designed, or formulated by the consumer in the research 57030
and development activity or in recording or storing such test 57031
results. 57032

(II) "Building maintenance and janitorial service" means 57033
cleaning the interior or exterior of a building and any tangible 57034
personal property located therein or thereon, including any 57035
services incidental to such cleaning for which no separate charge 57036
is made. However, "building maintenance and janitorial service" 57037
does not include the providing of such service by a person who has 57038
less than five thousand dollars in sales of such service during 57039
the calendar year. As used in this division, "cleaning" does not 57040
include sanitation services necessary for an establishment 57041
described in 21 U.S.C. 608 to comply with rules and regulations 57042
adopted pursuant to that section. 57043

(JJ) "Employment service" means providing or supplying 57044
personnel, on a temporary or long-term basis, to perform work or 57045

labor under the supervision or control of another, when the 57046
personnel so provided or supplied receive their wages, salary, or 57047
other compensation from the provider or supplier of the employment 57048
service or from a third party that provided or supplied the 57049
personnel to the provider or supplier. "Employment service" does 57050
not include: 57051

(1) Acting as a contractor or subcontractor, where the 57052
personnel performing the work are not under the direct control of 57053
the purchaser. 57054

(2) Medical and health care services. 57055

(3) Supplying personnel to a purchaser pursuant to a contract 57056
of at least one year between the service provider and the 57057
purchaser that specifies that each employee covered under the 57058
contract is assigned to the purchaser on a permanent basis. 57059

(4) Transactions between members of an affiliated group, as 57060
defined in division (B)(3)(e) of this section. 57061

(5) Transactions where the personnel so provided or supplied 57062
by a provider or supplier to a purchaser of an employment service 57063
are then provided or supplied by that purchaser to a third party 57064
as an employment service, except "employment service" does include 57065
the transaction between that purchaser and the third party. 57066

(KK) "Employment placement service" means locating or finding 57067
employment for a person or finding or locating an employee to fill 57068
an available position. 57069

(LL) "Exterminating service" means eradicating or attempting 57070
to eradicate vermin infestations from a building or structure, or 57071
the area surrounding a building or structure, and includes 57072
activities to inspect, detect, or prevent vermin infestation of a 57073
building or structure. 57074

(MM) "Physical fitness facility service" means all 57075

transactions by which a membership is granted, maintained, or 57076
renewed, including initiation fees, membership dues, renewal fees, 57077
monthly minimum fees, and other similar fees and dues, by a 57078
physical fitness facility such as an athletic club, health spa, or 57079
gymnasium, which entitles the member to use the facility for 57080
physical exercise. 57081

(NN) "Recreation and sports club service" means all 57082
transactions by which a membership is granted, maintained, or 57083
renewed, including initiation fees, membership dues, renewal fees, 57084
monthly minimum fees, and other similar fees and dues, by a 57085
recreation and sports club, which entitles the member to use the 57086
facilities of the organization. "Recreation and sports club" means 57087
an organization that has ownership of, or controls or leases on a 57088
continuing, long-term basis, the facilities used by its members 57089
and includes an aviation club, gun or shooting club, yacht club, 57090
card club, swimming club, tennis club, golf club, country club, 57091
riding club, amateur sports club, or similar organization. 57092

(OO) "Livestock" means farm animals commonly raised for food, 57093
food production, or other agricultural purposes, including, but 57094
not limited to, cattle, sheep, goats, swine, poultry, and captive 57095
deer. "Livestock" does not include invertebrates, amphibians, 57096
reptiles, domestic pets, animals for use in laboratories or for 57097
exhibition, or other animals not commonly raised for food or food 57098
production. 57099

(PP) "Livestock structure" means a building or structure used 57100
exclusively for the housing, raising, feeding, or sheltering of 57101
livestock, and includes feed storage or handling structures and 57102
structures for livestock waste handling. 57103

(QQ) "Horticulture" means the growing, cultivation, and 57104
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 57105
and nursery stock. As used in this division, "nursery stock" has 57106
the same meaning as in section 927.51 of the Revised Code. 57107

(RR) "Horticulture structure" means a building or structure 57108
used exclusively for the commercial growing, raising, or 57109
overwintering of horticultural products, and includes the area 57110
used for stocking, storing, and packing horticultural products 57111
when done in conjunction with the production of those products. 57112

(SS) "Newspaper" means an unbound publication bearing a title 57113
or name that is regularly published, at least as frequently as 57114
biweekly, and distributed from a fixed place of business to the 57115
public in a specific geographic area, and that contains a 57116
substantial amount of news matter of international, national, or 57117
local events of interest to the general public. 57118

(TT) "Professional racing team" means a person that employs 57119
at least twenty full-time employees for the purpose of conducting 57120
a motor vehicle racing business for profit. The person must 57121
conduct the business with the purpose of racing one or more motor 57122
racing vehicles in at least ten competitive professional racing 57123
events each year that comprise all or part of a motor racing 57124
series sanctioned by one or more motor racing sanctioning 57125
organizations. A "motor racing vehicle" means a vehicle for which 57126
the chassis, engine, and parts are designed exclusively for motor 57127
racing, and does not include a stock or production model vehicle 57128
that may be modified for use in racing. For the purposes of this 57129
division: 57130

(1) A "competitive professional racing event" is a motor 57131
vehicle racing event sanctioned by one or more motor racing 57132
sanctioning organizations, at which aggregate cash prizes in 57133
excess of eight hundred thousand dollars are awarded to the 57134
competitors. 57135

(2) "Full-time employee" means an individual who is employed 57136
for consideration for thirty-five or more hours a week, or who 57137
renders any other standard of service generally accepted by custom 57138
or specified by contract as full-time employment. 57139

(UU)(1) "Lease" or "rental" means any transfer of the 57140
possession or control of tangible personal property for a fixed or 57141
indefinite term, for consideration. "Lease" or "rental" includes 57142
future options to purchase or extend, and agreements described in 57143
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 57144
the amount of consideration may be increased or decreased by 57145
reference to the amount realized upon the sale or disposition of 57146
the property. "Lease" or "rental" does not include: 57147

(a) A transfer of possession or control of tangible personal 57148
property under a security agreement or a deferred payment plan 57149
that requires the transfer of title upon completion of the 57150
required payments; 57151

(b) A transfer of possession or control of tangible personal 57152
property under an agreement that requires the transfer of title 57153
upon completion of required payments and payment of an option 57154
price that does not exceed the greater of one hundred dollars or 57155
one per cent of the total required payments; 57156

(c) Providing tangible personal property along with an 57157
operator for a fixed or indefinite period of time, if the operator 57158
is necessary for the property to perform as designed. For purposes 57159
of this division, the operator must do more than maintain, 57160
inspect, or set up the tangible personal property. 57161

(2) "Lease" and "rental," as defined in division (UU) of this 57162
section, shall not apply to leases or rentals that exist before 57163
June 26, 2003. 57164

(3) "Lease" and "rental" have the same meaning as in division 57165
(UU)(1) of this section regardless of whether a transaction is 57166
characterized as a lease or rental under generally accepted 57167
accounting principles, the Internal Revenue Code, Title XIII of 57168
the Revised Code, or other federal, state, or local laws. 57169

(VV) "Mobile telecommunications service" has the same meaning 57170

as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 57171
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 57172
on and after August 1, 2003, includes related fees and ancillary 57173
services, including universal service fees, detailed billing 57174
service, directory assistance, service initiation, voice mail 57175
service, and vertical services, such as caller ID and three-way 57176
calling. 57177

(WW) "Certified service provider" has the same meaning as in 57178
section 5740.01 of the Revised Code. 57179

(XX) "Satellite broadcasting service" means the distribution 57180
or broadcasting of programming or services by satellite directly 57181
to the subscriber's receiving equipment without the use of ground 57182
receiving or distribution equipment, except the subscriber's 57183
receiving equipment or equipment used in the uplink process to the 57184
satellite, and includes all service and rental charges, premium 57185
channels or other special services, installation and repair 57186
service charges, and any other charges having any connection with 57187
the provision of the satellite broadcasting service. 57188

(YY) "Tangible personal property" means personal property 57189
that can be seen, weighed, measured, felt, or touched, or that is 57190
in any other manner perceptible to the senses. For purposes of 57191
this chapter and Chapter 5741. of the Revised Code, "tangible 57192
personal property" includes motor vehicles, electricity, water, 57193
gas, steam, and prewritten computer software. 57194

(ZZ) "Municipal gas utility" means a municipal corporation 57195
that owns or operates a system for the distribution of natural 57196
gas. 57197

(AAA) "Computer" means an electronic device that accepts 57198
information in digital or similar form and manipulates it for a 57199
result based on a sequence of instructions. 57200

(BBB) "Computer software" means a set of coded instructions 57201

designed to cause a computer or automatic data processing 57202
equipment to perform a task. 57203

(CCC) "Delivered electronically" means delivery of computer 57204
software from the seller to the purchaser by means other than 57205
tangible storage media. 57206

(DDD) "Prewritten computer software" means computer software, 57207
including prewritten upgrades, that is not designed and developed 57208
by the author or other creator to the specifications of a specific 57209
purchaser. The combining of two or more prewritten computer 57210
software programs or prewritten portions thereof does not cause 57211
the combination to be other than prewritten computer software. 57212
"Prewritten computer software" includes software designed and 57213
developed by the author or other creator to the specifications of 57214
a specific purchaser when it is sold to a person other than the 57215
purchaser. If a person modifies or enhances computer software of 57216
which the person is not the author or creator, the person shall be 57217
deemed to be the author or creator only of such person's 57218
modifications or enhancements. Prewritten computer software or a 57219
prewritten portion thereof that is modified or enhanced to any 57220
degree, where such modification or enhancement is designed and 57221
developed to the specifications of a specific purchaser, remains 57222
prewritten computer software; provided, however, that where there 57223
is a reasonable, separately stated charge or an invoice or other 57224
statement of the price given to the purchaser for the modification 57225
or enhancement, the modification or enhancement shall not 57226
constitute prewritten computer software. 57227

(EEE)(1) "Food" means substances, whether in liquid, 57228
concentrated, solid, frozen, dried, or dehydrated form, that are 57229
sold for ingestion or chewing by humans and are consumed for their 57230
taste or nutritional value. "Food" does not include alcoholic 57231
beverages, dietary supplements, soft drinks, or tobacco. 57232

(2) As used in division (EEE)(1) of this section: 57233

(a) "Alcoholic beverages" means beverages that are suitable 57234
for human consumption and contain one-half of one per cent or more 57235
of alcohol by volume. 57236

(b) "Dietary supplements" means any product, other than 57237
tobacco, that is intended to supplement the diet and that is 57238
intended for ingestion in tablet, capsule, powder, softgel, 57239
gelcap, or liquid form, or, if not intended for ingestion in such 57240
a form, is not represented as conventional food for use as a sole 57241
item of a meal or of the diet; that is required to be labeled as a 57242
dietary supplement, identifiable by the "supplement facts" box 57243
found on the label, as required by 21 C.F.R. 101.36; and that 57244
contains one or more of the following dietary ingredients: 57245

(i) A vitamin; 57246

(ii) A mineral; 57247

(iii) An herb or other botanical; 57248

(iv) An amino acid; 57249

(v) A dietary substance for use by humans to supplement the 57250
diet by increasing the total dietary intake; 57251

(vi) A concentrate, metabolite, constituent, extract, or 57252
combination of any ingredient described in divisions 57253
(EEE)(2)(b)(i) to (v) of this section. 57254

(c) "Soft drinks" means nonalcoholic beverages that contain 57255
natural or artificial sweeteners. "Soft drinks" does not include 57256
beverages that contain milk or milk products, soy, rice, or 57257
similar milk substitutes, or that contains greater than fifty per 57258
cent vegetable or fruit juice by volume. 57259

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 57260
tobacco, or any other item that contains tobacco. 57261

(FFF) "Drug" means a compound, substance, or preparation, and 57262
any component of a compound, substance, or preparation, other than 57263

food, dietary supplements, or alcoholic beverages that is 57264
recognized in the official United States pharmacopoeia, official 57265
homeopathic pharmacopoeia of the United States, or official 57266
national formulary, and supplements to them; is intended for use 57267
in the diagnosis, cure, mitigation, treatment, or prevention of 57268
disease; or is intended to affect the structure or any function of 57269
the body. 57270

(GGG) "Prescription" means an order, formula, or recipe 57271
issued in any form of oral, written, electronic, or other means of 57272
transmission by a duly licensed practitioner authorized by the 57273
laws of this state to issue a prescription. 57274

(HHH) "Durable medical equipment" means equipment, including 57275
repair and replacement parts for such equipment, that can 57276
withstand repeated use, is primarily and customarily used to serve 57277
a medical purpose, generally is not useful to a person in the 57278
absence of illness or injury, and is not worn in or on the body. 57279
"Durable medical equipment" does not include mobility enhancing 57280
equipment. 57281

(III) "Mobility enhancing equipment" means equipment, 57282
including repair and replacement parts for such equipment, that is 57283
primarily and customarily used to provide or increase the ability 57284
to move from one place to another and is appropriate for use 57285
either in a home or a motor vehicle, that is not generally used by 57286
persons with normal mobility, and that does not include any motor 57287
vehicle or equipment on a motor vehicle normally provided by a 57288
motor vehicle manufacturer. "Mobility enhancing equipment" does 57289
not include durable medical equipment. 57290

(JJJ) "Prosthetic device" means a replacement, corrective, or 57291
supportive device, including repair and replacement parts for the 57292
device, worn on or in the human body to artificially replace a 57293
missing portion of the body, prevent or correct physical deformity 57294
or malfunction, or support a weak or deformed portion of the body. 57295

As used in this division, before July 1, 2019, "prosthetic device" 57296
does not include corrective eyeglasses, contact lenses, or dental 57297
prosthesis. On or after July 1, 2019, "prosthetic device" does not 57298
include dental prosthesis but does include corrective eyeglasses 57299
or contact lenses. 57300

~~(KKK)(1) "Fractional aircraft ownership program" means a 57301
program in which persons within an affiliated group sell and 57302
manage fractional ownership program aircraft, provided that at 57303
least one hundred airworthy aircraft are operated in the program 57304
and the program meets all of the following criteria:~~ 57305

~~(a) Management services are provided by at least one program 57306
manager within an affiliated group on behalf of the fractional 57307
owners. 57308~~

~~(b) Each program aircraft is owned or possessed by at least 57309
one fractional owner. 57310~~

~~(c) Each fractional owner owns or possesses at least a 57311
one-sixteenth interest in at least one fixed-wing program 57312
aircraft. 57313~~

~~(d) A dry lease aircraft interchange arrangement is in effect 57314
among all of the fractional owners. 57315~~

~~(e) Multi-year program agreements are in effect regarding the 57316
fractional ownership, management services, and dry lease aircraft 57317
interchange arrangement aspects of the program. 57318~~

~~(2) As used in division (KKK)(1) of this section:~~ 57319

~~(a) "Affiliated group" has the same meaning as in division 57320
(B)(3)(c) of this section. 57321~~

~~(b) "Fractional owner" means a person that owns or possesses 57322
at least a one-sixteenth interest in a program aircraft and has 57323
entered into the agreements described in division (KKK)(1)(c) of 57324
this section. 57325~~

~~(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.~~ 57326
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~~(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.~~ 57333
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~~(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.~~ 57346
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~~(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary~~ 57349
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materials; or other similar information which has been gathered 57358
and made available by the provider to the consumer in an 57359
electronic format. Providing electronic publishing includes the 57360
functions necessary for the acquisition, formatting, editing, 57361
storage, and dissemination of data or information that is the 57362
subject of a sale. 57363

~~(MMM)~~(LLL) "Medicaid health insuring corporation" means a 57364
health insuring corporation that holds a certificate of authority 57365
under Chapter 1751. of the Revised Code and is under contract with 57366
the department of medicaid pursuant to section 5167.10 of the 57367
Revised Code. 57368

~~(NNN)~~(MMM) "Managed care premium" means any premium, 57369
capitation, or other payment a medicaid health insuring 57370
corporation receives for providing or arranging for the provision 57371
of health care services to its members or enrollees residing in 57372
this state. 57373

~~(OOO)~~(NNN) "Captive deer" means deer and other cervidae that 57374
have been legally acquired, or their offspring, that are privately 57375
owned for agricultural or farming purposes. 57376

~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, 57377
or other record, whether tangible or intangible, that may be 57378
redeemed by a consumer for a dollar value when making a purchase 57379
of tangible personal property or services. 57380

~~(OOO)~~(PPP) "Specified digital product" means an 57381
electronically transferred digital audiovisual work, digital audio 57382
work, or digital book. 57383

As used in division ~~(OOO)~~(PPP) of this section: 57384

(1) "Digital audiovisual work" means a series of related 57385
images that, when shown in succession, impart an impression of 57386
motion, together with accompanying sounds, if any. 57387

(2) "Digital audio work" means a work that results from the
fixation of a series of musical, spoken, or other sounds,
including digitized sound files that are downloaded onto a device
and that may be used to alert the customer with respect to a
communication.

(3) "Digital book" means a work that is generally recognized
in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the
purchaser by means other than tangible storage media.

~~(RRR)(000)~~ "Digital advertising services" means providing
access, by means of telecommunications equipment, to computer
equipment that is used to enter, upload, download, review,
manipulate, store, add, or delete data for the purpose of
electronically displaying, delivering, placing, or transferring
promotional advertisements to potential customers about products
or services or about industry or business brands.

~~(RRR)(1)~~ "Transportation network company," "transportation
network company driver," "transportation network company rider,"
and "transportation network company services" have the same
meanings as in section 3942.01 of the Revised Code.

(2) "Transportation service" means the transportation of
persons by motor vehicle or aircraft when the transportation is
entirely within this state or, if providing transportation network
company services, when the transportation network company rider is
picked up and dropped off in this state. "Transportation service"
does not include transportation provided by an ambulance service,
by a transit bus, as defined in section 5735.01 of the Revised
Code, and transportation provided by a citizen of the United
States holding a certificate of public convenience and necessity
issued under 49 U.S.C. 41102.

Sec. 5739.011. (A) As used in this section: 57418

(1) "Manufacturer" means a person who is engaged in 57419
manufacturing, processing, assembling, or refining a product for 57420
sale and, solely for the purposes of division (B)(12) of this 57421
section, a person who meets all the qualifications of that 57422
division. 57423

(2) "Manufacturing facility" means a single location where a 57424
manufacturing operation is conducted, including locations 57425
consisting of one or more buildings or structures in a contiguous 57426
area owned or controlled by the manufacturer. 57427

(3) "Materials handling" means the movement of the product 57428
being or to be manufactured, during which movement the product is 57429
not undergoing any substantial change or alteration in its state 57430
or form. 57431

(4) "Testing" means a process or procedure to identify the 57432
properties or assure the quality of a material or product. 57433

(5) "Completed product" means a manufactured item that is in 57434
the form and condition as it will be sold by the manufacturer. An 57435
item is completed when all processes that change or alter its 57436
state or form or enhance its value are finished, even though the 57437
item subsequently will be tested to ensure its quality or be 57438
packaged for storage or shipment. 57439

(6) "Continuous manufacturing operation" means the process in 57440
which raw materials or components are moved through the steps 57441
whereby manufacturing occurs. Materials handling of raw materials 57442
or parts from the point of receipt or preproduction storage or of 57443
a completed product, to or from storage, to or from packaging, or 57444
to the place from which the completed product will be shipped, is 57445
not a part of a continuous manufacturing operation. 57446

(7) "Food" has the same meaning as in section 3717.01 of the 57447

Revised Code. 57448

(B) For purposes of division (B)(42)(g) of section 5739.02 of 57449
the Revised Code, the "thing transferred" includes, but is not 57450
limited to, any of the following: 57451

(1) Production machinery and equipment that act upon the 57452
product or machinery and equipment that treat the materials or 57453
parts in preparation for the manufacturing operation; 57454

(2) Materials handling equipment that moves the product 57455
through a continuous manufacturing operation; equipment that 57456
temporarily stores the product during the manufacturing operation; 57457
or, excluding motor vehicles licensed to operate on public 57458
highways, equipment used in intraplant or interplant transfers of 57459
work in process where the plant or plants between which such 57460
transfers occur are manufacturing facilities operated by the same 57461
person; 57462

(3) Catalysts, solvents, water, acids, oil, and similar 57463
consumables that interact with the product and that are an 57464
integral part of the manufacturing operation; 57465

(4) Machinery, equipment, and other tangible personal 57466
property used during the manufacturing operation that control, 57467
physically support, produce power for, lubricate, or are otherwise 57468
necessary for the functioning of production machinery and 57469
equipment and the continuation of the manufacturing operation; 57470

(5) Machinery, equipment, fuel, power, material, parts, and 57471
other tangible personal property used to manufacture machinery, 57472
equipment, or other tangible personal property used in 57473
manufacturing a product for sale; 57474

(6) Machinery, equipment, and other tangible personal 57475
property used by a manufacturer to test raw materials, the product 57476
being manufactured, or the completed product; 57477

(7) Machinery and equipment used to handle or temporarily	57478
store scrap that is intended to be reused in the manufacturing	57479
operation at the same manufacturing facility;	57480
(8) Coke, gas, water, steam, and similar substances used in	57481
the manufacturing operation; machinery and equipment used for, and	57482
fuel consumed in, producing or extracting those substances;	57483
machinery, equipment, and other tangible personal property used to	57484
treat, filter, pump, or otherwise make the substance suitable for	57485
use in the manufacturing operation; and machinery and equipment	57486
used for, and fuel consumed in, producing electricity for use in	57487
the manufacturing operation;	57488
(9) Machinery, equipment, and other tangible personal	57489
property used to transport or transmit electricity, coke, gas,	57490
water, steam, or similar substances used in the manufacturing	57491
operation from the point of generation, if produced by the	57492
manufacturer, or from the point where the substance enters the	57493
manufacturing facility, if purchased by the manufacturer, to the	57494
manufacturing operation;	57495
(10) Machinery, equipment, and other tangible personal	57496
property that treats, filters, cools, refines, or otherwise	57497
renders water, steam, acid, oil, solvents, or similar substances	57498
used in the manufacturing operation reusable, provided that the	57499
substances are intended for reuse and not for disposal, sale, or	57500
transportation from the manufacturing facility;	57501
(11) Parts, components, and repair and installation services	57502
for items described in division (B) of this section;	57503
(12) Machinery and equipment, detergents, supplies, solvents,	57504
and any other tangible personal property located at a	57505
manufacturing facility that are used in the process of removing	57506
soil, dirt, or other contaminants from, or otherwise preparing in	57507
a suitable condition for use, towels, linens, articles of	57508

clothing, floor mats, mop heads, or other similar items, to be 57509
supplied to a consumer as part of laundry and dry cleaning 57510
services as defined in division (BB) of section 5739.01 of the 57511
Revised Code, only when the towels, linens, articles of clothing, 57512
floor mats, mop heads, or other similar items belong to the 57513
provider of the services; 57514

(13) Equipment and supplies used to clean processing 57515
equipment that is part of a continuous manufacturing operation to 57516
produce ~~milk, ice cream, yogurt, cheese, and similar dairy~~ 57517
~~products~~ food for human consumption; 57518

(14) Equipment, supplies, and building and janitorial 57519
services used to clean or maintain any tangible personal property, 57520
machinery, or equipment that is described in division (B) of this 57521
section and is part of a continuous manufacturing operation. 57522

(C) For purposes of division (B)(42)(g) of section 5739.02 of 57523
the Revised Code, the "thing transferred" does not include any of 57524
the following: 57525

(1) Tangible personal property used in administrative, 57526
personnel, security, inventory control, record-keeping, ordering, 57527
billing, or similar functions; 57528

(2) Tangible personal property used in storing raw materials 57529
or parts prior to the commencement of the manufacturing operation 57530
or used to handle or store a completed product, including storage 57531
that actively maintains a completed product in a marketable state 57532
or form; 57533

(3) Tangible personal property used to handle or store scrap 57534
or waste intended for disposal, sale, or other disposition, other 57535
than reuse in the manufacturing operation at the same 57536
manufacturing facility; 57537

(4) Tangible personal property that is or is to be 57538
incorporated into realty; 57539

(5) Machinery, equipment, and other tangible personal 57540
property used for ventilation, dust or gas collection, humidity or 57541
temperature regulation, or similar environmental control, except 57542
machinery, equipment, and other tangible personal property that 57543
totally regulates the environment in a special and limited area of 57544
the manufacturing facility where the regulation is essential for 57545
production to occur; 57546

(6) Tangible personal property used for the protection and 57547
safety of workers, unless the property is attached to or 57548
incorporated into machinery and equipment used in a continuous 57549
manufacturing operation; 57550

(7) Tangible personal property used to store fuel, water, 57551
solvents, acid, oil, or similar items consumed in the 57552
manufacturing operation; 57553

(8) Except as provided in ~~division~~ divisions (B)(13) and (14) 57554
of this section, machinery, equipment, and other tangible personal 57555
property used to clean, repair, or maintain real or personal 57556
property in the manufacturing facility; 57557

(9) Motor vehicles registered for operation on public 57558
highways. 57559

(D) For purposes of division (B)(42)(g) of section 5739.02 of 57560
the Revised Code, if the "thing transferred" is a machine used by 57561
a manufacturer in both a taxable and an exempt manner, it shall be 57562
totally taxable or totally exempt from taxation based upon its 57563
quantified primary use. If the "things transferred" are fungibles, 57564
they shall be taxed based upon the proportion of the fungibles 57565
used in a taxable manner. 57566

Sec. 5739.02. For the purpose of providing revenue with which 57567
to meet the needs of the state, for the use of the general revenue 57568
fund of the state, for the purpose of securing a thorough and 57569

efficient system of common schools throughout the state, for the 57570
purpose of affording revenues, in addition to those from general 57571
property taxes, permitted under constitutional limitations, and 57572
from other sources, for the support of local governmental 57573
functions, and for the purpose of reimbursing the state for the 57574
expense of administering this chapter, an excise tax is hereby 57575
levied on each retail sale made in this state. 57576

(A)(1) The tax shall be collected as provided in section 57577
5739.025 of the Revised Code. The rate of the tax shall be five 57578
and three-fourths per cent. The tax applies and is collectible 57579
when the sale is made, regardless of the time when the price is 57580
paid or delivered. 57581

(2) In the case of the lease or rental, with a fixed term of 57582
more than thirty days or an indefinite term with a minimum period 57583
of more than thirty days, of any motor vehicles designed by the 57584
manufacturer to carry a load of not more than one ton, watercraft, 57585
outboard motor, or aircraft, or of any tangible personal property, 57586
other than motor vehicles designed by the manufacturer to carry a 57587
load of more than one ton, to be used by the lessee or renter 57588
primarily for business purposes, the tax shall be collected by the 57589
vendor at the time the lease or rental is consummated and shall be 57590
calculated by the vendor on the basis of the total amount to be 57591
paid by the lessee or renter under the lease agreement. If the 57592
total amount of the consideration for the lease or rental includes 57593
amounts that are not calculated at the time the lease or rental is 57594
executed, the tax shall be calculated and collected by the vendor 57595
at the time such amounts are billed to the lessee or renter. In 57596
the case of an open-end lease or rental, the tax shall be 57597
calculated by the vendor on the basis of the total amount to be 57598
paid during the initial fixed term of the lease or rental, and for 57599
each subsequent renewal period as it comes due. As used in this 57600
division, "motor vehicle" has the same meaning as in section 57601

4501.01 of the Revised Code, and "watercraft" includes an outdrive unit attached to the watercraft.

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.

(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and sales or transfers of magazines 57632
distributed as controlled circulation publications; 57633

(5) The furnishing, preparing, or serving of meals without 57634
charge by an employer to an employee provided the employer records 57635
the meals as part compensation for services performed or work 57636
done; 57637

(6)(a) Sales of motor fuel upon receipt, use, distribution, 57638
or sale of which in this state a tax is imposed by the law of this 57639
state, but this exemption shall not apply to the sale of motor 57640
fuel on which a refund of the tax is allowable under division (A) 57641
of section 5735.14 of the Revised Code; and the tax commissioner 57642
may deduct the amount of tax levied by this section applicable to 57643
the price of motor fuel when granting a refund of motor fuel tax 57644
pursuant to division (A) of section 5735.14 of the Revised Code 57645
and shall cause the amount deducted to be paid into the general 57646
revenue fund of this state; 57647

(b) Sales of motor fuel other than that described in division 57648
(B)(6)(a) of this section and used for powering a refrigeration 57649
unit on a vehicle other than one used primarily to provide comfort 57650
to the operator or occupants of the vehicle. 57651

(7) Sales of natural gas by a natural gas company or 57652
municipal gas utility, of water by a water-works company, or of 57653
steam by a heating company, if in each case the thing sold is 57654
delivered to consumers through pipes or conduits, and all sales of 57655
communications services by a telegraph company, all terms as 57656
defined in section 5727.01 of the Revised Code, and sales of 57657
electricity delivered through wires; 57658

(8) Casual sales by a person, or auctioneer employed directly 57659
by the person to conduct such sales, except as to such sales of 57660
motor vehicles, watercraft or outboard motors required to be 57661
titled under section 1548.06 of the Revised Code, watercraft 57662

documented with the United States coast guard, snowmobiles, and 57663
all-purpose vehicles as defined in section 4519.01 of the Revised 57664
Code; 57665

(9)(a) Sales of services or tangible personal property, other 57666
than motor vehicles, mobile homes, and manufactured homes, by 57667
churches, organizations exempt from taxation under section 57668
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 57669
organizations operated exclusively for charitable purposes as 57670
defined in division (B)(12) of this section, provided that the 57671
number of days on which such tangible personal property or 57672
services, other than items never subject to the tax, are sold does 57673
not exceed six in any calendar year, except as otherwise provided 57674
in division (B)(9)(b) of this section. If the number of days on 57675
which such sales are made exceeds six in any calendar year, the 57676
church or organization shall be considered to be engaged in 57677
business and all subsequent sales by it shall be subject to the 57678
tax. In counting the number of days, all sales by groups within a 57679
church or within an organization shall be considered to be sales 57680
of that church or organization. 57681

(b) The limitation on the number of days on which tax-exempt 57682
sales may be made by a church or organization under division 57683
(B)(9)(a) of this section does not apply to sales made by student 57684
clubs and other groups of students of a primary or secondary 57685
school, or a parent-teacher association, booster group, or similar 57686
organization that raises money to support or fund curricular or 57687
extracurricular activities of a primary or secondary school. 57688

(c) Divisions (B)(9)(a) and (b) of this section do not apply 57689
to sales by a noncommercial educational radio or television 57690
broadcasting station. 57691

(10) Sales not within the taxing power of this state under 57692
the Constitution or laws of the United States or the Constitution 57693
of this state; 57694

(11) Except for transactions that are sales under division 57695
(B)(3)(r) of section 5739.01 of the Revised Code, the 57696
transportation of persons or property, unless the transportation 57697
is by a private investigation and security service; 57698

(12) Sales of tangible personal property or services to 57699
churches, to organizations exempt from taxation under section 57700
501(c)(3) of the Internal Revenue Code of 1986, and to any other 57701
nonprofit organizations operated exclusively for charitable 57702
purposes in this state, no part of the net income of which inures 57703
to the benefit of any private shareholder or individual, and no 57704
substantial part of the activities of which consists of carrying 57705
on propaganda or otherwise attempting to influence legislation; 57706
sales to offices administering one or more homes for the aged or 57707
one or more hospital facilities exempt under section 140.08 of the 57708
Revised Code; and sales to organizations described in division (D) 57709
of section 5709.12 of the Revised Code. 57710

"Charitable purposes" means the relief of poverty; the 57711
improvement of health through the alleviation of illness, disease, 57712
or injury; the operation of an organization exclusively for the 57713
provision of professional, laundry, printing, and purchasing 57714
services to hospitals or charitable institutions; the operation of 57715
a home for the aged, as defined in section 5701.13 of the Revised 57716
Code; the operation of a radio or television broadcasting station 57717
that is licensed by the federal communications commission as a 57718
noncommercial educational radio or television station; the 57719
operation of a nonprofit animal adoption service or a county 57720
humane society; the promotion of education by an institution of 57721
learning that maintains a faculty of qualified instructors, 57722
teaches regular continuous courses of study, and confers a 57723
recognized diploma upon completion of a specific curriculum; the 57724
operation of a parent-teacher association, booster group, or 57725
similar organization primarily engaged in the promotion and 57726

support of the curricular or extracurricular activities of a 57727
primary or secondary school; the operation of a community or area 57728
center in which presentations in music, dramatics, the arts, and 57729
related fields are made in order to foster public interest and 57730
education therein; the production of performances in music, 57731
dramatics, and the arts; or the promotion of education by an 57732
organization engaged in carrying on research in, or the 57733
dissemination of, scientific and technological knowledge and 57734
information primarily for the public. 57735

Nothing in this division shall be deemed to exempt sales to 57736
any organization for use in the operation or carrying on of a 57737
trade or business, or sales to a home for the aged for use in the 57738
operation of independent living facilities as defined in division 57739
(A) of section 5709.12 of the Revised Code. 57740

(13) Building and construction materials and services sold to 57741
construction contractors for incorporation into a structure or 57742
improvement to real property under a construction contract with 57743
this state or a political subdivision of this state, or with the 57744
United States government or any of its agencies; building and 57745
construction materials and services sold to construction 57746
contractors for incorporation into a structure or improvement to 57747
real property that are accepted for ownership by this state or any 57748
of its political subdivisions, or by the United States government 57749
or any of its agencies at the time of completion of the structures 57750
or improvements; building and construction materials sold to 57751
construction contractors for incorporation into a horticulture 57752
structure or livestock structure for a person engaged in the 57753
business of horticulture or producing livestock; building 57754
materials and services sold to a construction contractor for 57755
incorporation into a house of public worship or religious 57756
education, or a building used exclusively for charitable purposes 57757
under a construction contract with an organization whose purpose 57758

is as described in division (B)(12) of this section; building 57759
materials and services sold to a construction contractor for 57760
incorporation into a building under a construction contract with 57761
an organization exempt from taxation under section 501(c)(3) of 57762
the Internal Revenue Code of 1986 when the building is to be used 57763
exclusively for the organization's exempt purposes; building and 57764
construction materials sold for incorporation into the original 57765
construction of a sports facility under section 307.696 of the 57766
Revised Code; building and construction materials and services 57767
sold to a construction contractor for incorporation into real 57768
property outside this state if such materials and services, when 57769
sold to a construction contractor in the state in which the real 57770
property is located for incorporation into real property in that 57771
state, would be exempt from a tax on sales levied by that state; 57772
building and construction materials for incorporation into a 57773
transportation facility pursuant to a public-private agreement 57774
entered into under sections 5501.70 to 5501.83 of the Revised 57775
Code; and, until one calendar year after the construction of a 57776
convention center that qualifies for property tax exemption under 57777
section 5709.084 of the Revised Code is completed, building and 57778
construction materials and services sold to a construction 57779
contractor for incorporation into the real property comprising 57780
that convention center; 57781

(14) Sales of ships or vessels or rail rolling stock used or 57782
to be used principally in interstate or foreign commerce, and 57783
repairs, alterations, fuel, and lubricants for such ships or 57784
vessels or rail rolling stock; 57785

(15) Sales to persons primarily engaged in any of the 57786
activities mentioned in division (B)(42)(a), (g), or (h) of this 57787
section, to persons engaged in making retail sales, or to persons 57788
who purchase for sale from a manufacturer tangible personal 57789
property that was produced by the manufacturer in accordance with 57790

specific designs provided by the purchaser, of packages, including 57791
material, labels, and parts for packages, and of machinery, 57792
equipment, and material for use primarily in packaging tangible 57793
personal property produced for sale, including any machinery, 57794
equipment, and supplies used to make labels or packages, to 57795
prepare packages or products for labeling, or to label packages or 57796
products, by or on the order of the person doing the packaging, or 57797
sold at retail. "Packages" includes bags, baskets, cartons, 57798
crates, boxes, cans, bottles, bindings, wrappings, and other 57799
similar devices and containers, but does not include motor 57800
vehicles or bulk tanks, trailers, or similar devices attached to 57801
motor vehicles. "Packaging" means placing in a package. Division 57802
(B)(15) of this section does not apply to persons engaged in 57803
highway transportation for hire. 57804

(16) Sales of food to persons using supplemental nutrition 57805
assistance program benefits to purchase the food. As used in this 57806
division, "food" has the same meaning as in 7 U.S.C. 2012 and 57807
federal regulations adopted pursuant to the Food and Nutrition Act 57808
of 2008. 57809

(17) Sales to persons engaged in farming, agriculture, 57810
horticulture, or floriculture, of tangible personal property for 57811
use or consumption primarily in the production by farming, 57812
agriculture, horticulture, or floriculture of other tangible 57813
personal property for use or consumption primarily in the 57814
production of tangible personal property for sale by farming, 57815
agriculture, horticulture, or floriculture; or material and parts 57816
for incorporation into any such tangible personal property for use 57817
or consumption in production; and of tangible personal property 57818
for such use or consumption in the conditioning or holding of 57819
products produced by and for such use, consumption, or sale by 57820
persons engaged in farming, agriculture, horticulture, or 57821
floriculture, except where such property is incorporated into real 57822

property; 57823

(18) Sales of drugs for a human being that may be dispensed 57824
only pursuant to a prescription; insulin as recognized in the 57825
official United States pharmacopoeia; urine and blood testing 57826
materials when used by diabetics or persons with hypoglycemia to 57827
test for glucose or acetone; hypodermic syringes and needles when 57828
used by diabetics for insulin injections; epoetin alfa when 57829
purchased for use in the treatment of persons with medical 57830
disease; hospital beds when purchased by hospitals, nursing homes, 57831
or other medical facilities; and medical oxygen and medical 57832
oxygen-dispensing equipment when purchased by hospitals, nursing 57833
homes, or other medical facilities; 57834

(19) Sales of prosthetic devices, durable medical equipment 57835
for home use, or mobility enhancing equipment, when made pursuant 57836
to a prescription and when such devices or equipment are for use 57837
by a human being. 57838

(20) Sales of emergency and fire protection vehicles and 57839
equipment to nonprofit organizations for use solely in providing 57840
fire protection and emergency services, including trauma care and 57841
emergency medical services, for political subdivisions of the 57842
state; 57843

(21) Sales of tangible personal property manufactured in this 57844
state, if sold by the manufacturer in this state to a retailer for 57845
use in the retail business of the retailer outside of this state 57846
and if possession is taken from the manufacturer by the purchaser 57847
within this state for the sole purpose of immediately removing the 57848
same from this state in a vehicle owned by the purchaser; 57849

(22) Sales of services provided by the state or any of its 57850
political subdivisions, agencies, instrumentalities, institutions, 57851
or authorities, or by governmental entities of the state or any of 57852
its political subdivisions, agencies, instrumentalities, 57853

institutions, or authorities; 57854

(23) Sales of motor vehicles to nonresidents of this state 57855
under the circumstances described in division (B) of section 57856
5739.029 of the Revised Code; 57857

(24) Sales to persons engaged in the preparation of eggs for 57858
sale of tangible personal property used or consumed directly in 57859
such preparation, including such tangible personal property used 57860
for cleaning, sanitizing, preserving, grading, sorting, and 57861
classifying by size; packages, including material and parts for 57862
packages, and machinery, equipment, and material for use in 57863
packaging eggs for sale; and handling and transportation equipment 57864
and parts therefor, except motor vehicles licensed to operate on 57865
public highways, used in intraplant or interplant transfers or 57866
shipment of eggs in the process of preparation for sale, when the 57867
plant or plants within or between which such transfers or 57868
shipments occur are operated by the same person. "Packages" 57869
includes containers, cases, baskets, flats, fillers, filler flats, 57870
cartons, closure materials, labels, and labeling materials, and 57871
"packaging" means placing therein. 57872

(25)(a) Sales of water to a consumer for residential use; 57873

(b) Sales of water by a nonprofit corporation engaged 57874
exclusively in the treatment, distribution, and sale of water to 57875
consumers, if such water is delivered to consumers through pipes 57876
or tubing. 57877

(26) Fees charged for inspection or reinspection of motor 57878
vehicles under section 3704.14 of the Revised Code; 57879

(27) Sales to persons licensed to conduct a food service 57880
operation pursuant to section 3717.43 of the Revised Code, of 57881
tangible personal property primarily used directly for the 57882
following: 57883

(a) To prepare food for human consumption for sale; 57884

(b) To preserve food that has been or will be prepared for	57885
human consumption for sale by the food service operator, not	57886
including tangible personal property used to display food for	57887
selection by the consumer;	57888
(c) To clean tangible personal property used to prepare or	57889
serve food for human consumption for sale.	57890
(28) Sales of animals by nonprofit animal adoption services	57891
or county humane societies;	57892
(29) Sales of services to a corporation described in division	57893
(A) of section 5709.72 of the Revised Code, and sales of tangible	57894
personal property that qualifies for exemption from taxation under	57895
section 5709.72 of the Revised Code;	57896
(30) Sales and installation of agricultural land tile, as	57897
defined in division (B)(5)(a) of section 5739.01 of the Revised	57898
Code;	57899
(31) Sales and erection or installation of portable grain	57900
bins, as defined in division (B)(5)(b) of section 5739.01 of the	57901
Revised Code;	57902
(32) The sale, lease, repair, and maintenance of, parts for,	57903
or items attached to or incorporated in, motor vehicles that are	57904
primarily used for transporting tangible personal property	57905
belonging to others by a person engaged in highway transportation	57906
for hire, except for packages and packaging used for the	57907
transportation of tangible personal property;	57908
(33) Sales to the state headquarters of any veterans'	57909
organization in this state that is either incorporated and issued	57910
a charter by the congress of the United States or is recognized by	57911
the United States veterans administration, for use by the	57912
headquarters;	57913
(34) Sales to a telecommunications service vendor, mobile	57914

telecommunications service vendor, or satellite broadcasting 57915
service vendor of tangible personal property and services used 57916
directly and primarily in transmitting, receiving, switching, or 57917
recording any interactive, one- or two-way electromagnetic 57918
communications, including voice, image, data, and information, 57919
through the use of any medium, including, but not limited to, 57920
poles, wires, cables, switching equipment, computers, and record 57921
storage devices and media, and component parts for the tangible 57922
personal property. The exemption provided in this division shall 57923
be in lieu of all other exemptions under division (B)(42)(a) or 57924
(n) of this section to which the vendor may otherwise be entitled, 57925
based upon the use of the thing purchased in providing the 57926
telecommunications, mobile telecommunications, or satellite 57927
broadcasting service. 57928

(35)(a) Sales where the purpose of the consumer is to use or 57929
consume the things transferred in making retail sales and 57930
consisting of newspaper inserts, catalogues, coupons, flyers, gift 57931
certificates, or other advertising material that prices and 57932
describes tangible personal property offered for retail sale. 57933

(b) Sales to direct marketing vendors of preliminary 57934
materials such as photographs, artwork, and typesetting that will 57935
be used in printing advertising material; and of printed matter 57936
that offers free merchandise or chances to win sweepstake prizes 57937
and that is mailed to potential customers with advertising 57938
material described in division (B)(35)(a) of this section; 57939

(c) Sales of equipment such as telephones, computers, 57940
facsimile machines, and similar tangible personal property 57941
primarily used to accept orders for direct marketing retail sales. 57942

(d) Sales of automatic food vending machines that preserve 57943
food with a shelf life of forty-five days or less by refrigeration 57944
and dispense it to the consumer. 57945

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

~~(38) Sales to a professional racing team of any of the following:~~

~~(a) Motor racing vehicles;~~

~~(b) Repair services for motor racing vehicles;~~

~~(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.~~ Sales of tangible personal property that is not required to be registered or licensed under the laws of this state to a citizen of a foreign nation that is not a citizen of the United States, provided the property is delivered to a person in

this state that is not a related member of the purchaser, is 57977
physically present in this state for the sole purpose of temporary 57978
storage and package consolidation, and is subsequently delivered 57979
to the purchaser at a delivery address in a foreign nation. As 57980
used in division (B)(38) of this section, "related member" has the 57981
same meaning as in section 5733.042 of the Revised Code, and 57982
"temporary storage" means the storage of tangible personal 57983
property for a period of not more than sixty days. 57984

(39) Sales of used manufactured homes and used mobile homes, 57985
as defined in section 5739.0210 of the Revised Code, made on or 57986
after January 1, 2000; 57987

(40) Sales of tangible personal property and services to a 57988
provider of electricity used or consumed directly and primarily in 57989
generating, transmitting, or distributing electricity for use by 57990
others, including property that is or is to be incorporated into 57991
and will become a part of the consumer's production, transmission, 57992
or distribution system and that retains its classification as 57993
tangible personal property after incorporation; fuel or power used 57994
in the production, transmission, or distribution of electricity; 57995
energy conversion equipment as defined in section 5727.01 of the 57996
Revised Code; and tangible personal property and services used in 57997
the repair and maintenance of the production, transmission, or 57998
distribution system, including only those motor vehicles as are 57999
specially designed and equipped for such use. The exemption 58000
provided in this division shall be in lieu of all other exemptions 58001
in division (B)(42)(a) or (n) of this section to which a provider 58002
of electricity may otherwise be entitled based on the use of the 58003
tangible personal property or service purchased in generating, 58004
transmitting, or distributing electricity. 58005

(41) Sales to a person providing services under division 58006
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 58007
personal property and services used directly and primarily in 58008

providing taxable services under that section. 58009

(42) Sales where the purpose of the purchaser is to do any of 58010
the following: 58011

(a) To incorporate the thing transferred as a material or a 58012
part into tangible personal property to be produced for sale by 58013
manufacturing, assembling, processing, or refining; or to use or 58014
consume the thing transferred directly in producing tangible 58015
personal property for sale by mining, including, without 58016
limitation, the extraction from the earth of all substances that 58017
are classed geologically as minerals, or directly in the rendition 58018
of a public utility service, except that the sales tax levied by 58019
this section shall be collected upon all meals, drinks, and food 58020
for human consumption sold when transporting persons. This 58021
paragraph does not exempt from "retail sale" or "sales at retail" 58022
the sale of tangible personal property that is to be incorporated 58023
into a structure or improvement to real property. 58024

(b) To hold the thing transferred as security for the 58025
performance of an obligation of the vendor; 58026

(c) To resell, hold, use, or consume the thing transferred as 58027
evidence of a contract of insurance; 58028

(d) To use or consume the thing directly in commercial 58029
fishing; 58030

(e) To incorporate the thing transferred as a material or a 58031
part into, or to use or consume the thing transferred directly in 58032
the production of, magazines distributed as controlled circulation 58033
publications; 58034

(f) To use or consume the thing transferred in the production 58035
and preparation in suitable condition for market and sale of 58036
printed, imprinted, overprinted, lithographic, multilithic, 58037
blueprinted, photostatic, or other productions or reproductions of 58038
written or graphic matter; 58039

(g) To use the thing transferred, as described in section 58040
5739.011 of the Revised Code, primarily in a manufacturing 58041
operation to produce tangible personal property for sale; 58042

(h) To use the benefit of a warranty, maintenance or service 58043
contract, or similar agreement, as described in division (B)(7) of 58044
section 5739.01 of the Revised Code, to repair or maintain 58045
tangible personal property, if all of the property that is the 58046
subject of the warranty, contract, or agreement would not be 58047
subject to the tax imposed by this section; 58048

(i) To use the thing transferred as qualified research and 58049
development equipment; 58050

(j) To use or consume the thing transferred primarily in 58051
storing, transporting, mailing, or otherwise handling purchased 58052
sales inventory in a warehouse, distribution center, or similar 58053
facility when the inventory is primarily distributed outside this 58054
state to retail stores of the person who owns or controls the 58055
warehouse, distribution center, or similar facility, to retail 58056
stores of an affiliated group of which that person is a member, or 58057
by means of direct marketing. This division does not apply to 58058
motor vehicles registered for operation on the public highways. As 58059
used in this division, "affiliated group" has the same meaning as 58060
in division (B)(3)(e) of section 5739.01 of the Revised Code and 58061
"direct marketing" has the same meaning as in division (B)(35) of 58062
this section. 58063

(k) To use or consume the thing transferred to fulfill a 58064
contractual obligation incurred by a warrantor pursuant to a 58065
warranty provided as a part of the price of the tangible personal 58066
property sold or by a vendor of a warranty, maintenance or service 58067
contract, or similar agreement the provision of which is defined 58068
as a sale under division (B)(7) of section 5739.01 of the Revised 58069
Code; 58070

(l) To use or consume the thing transferred in the production 58071
of a newspaper for distribution to the public; 58072

(m) To use tangible personal property to perform a service 58073
listed in division (B)(3) of section 5739.01 of the Revised Code, 58074
if the property is or is to be permanently transferred to the 58075
consumer of the service as an integral part of the performance of 58076
the service; 58077

(n) To use or consume the thing transferred primarily in 58078
producing tangible personal property for sale by farming, 58079
agriculture, horticulture, or floriculture. Persons engaged in 58080
rendering farming, agriculture, horticulture, or floriculture 58081
services for others are deemed engaged primarily in farming, 58082
agriculture, horticulture, or floriculture. This paragraph does 58083
not exempt from "retail sale" or "sales at retail" the sale of 58084
tangible personal property that is to be incorporated into a 58085
structure or improvement to real property. 58086

(o) To use or consume the thing transferred in acquiring, 58087
formatting, editing, storing, and disseminating data or 58088
information by electronic publishing; 58089

(p) To provide the thing transferred to the owner or lessee 58090
of a motor vehicle that is being repaired or serviced, if the 58091
thing transferred is a rented motor vehicle and the purchaser is 58092
reimbursed for the cost of the rented motor vehicle by a 58093
manufacturer, warrantor, or provider of a maintenance, service, or 58094
other similar contract or agreement, with respect to the motor 58095
vehicle that is being repaired or serviced; 58096

(q) To use or consume the thing transferred directly in 58097
production of crude oil and natural gas for sale. Persons engaged 58098
in rendering production services for others are deemed engaged in 58099
production. 58100

As used in division (B)(42)(q) of this section, "production" 58101

means operations and tangible personal property directly used to 58102
expose and evaluate an underground reservoir that may contain 58103
hydrocarbon resources, prepare the wellbore for production, and 58104
lift and control all substances yielded by the reservoir to the 58105
surface of the earth. 58106

(i) For the purposes of division (B)(42)(q) of this section, 58107
the "thing transferred" includes, but is not limited to, any of 58108
the following: 58109

(I) Services provided in the construction of permanent access 58110
roads, services provided in the construction of the well site, and 58111
services provided in the construction of temporary impoundments; 58112

(II) Equipment and rigging used for the specific purpose of 58113
creating with integrity a wellbore pathway to underground 58114
reservoirs; 58115

(III) Drilling and workover services used to work within a 58116
subsurface wellbore, and tangible personal property directly used 58117
in providing such services; 58118

(IV) Casing, tubulars, and float and centralizing equipment; 58119

(V) Trailers to which production equipment is attached; 58120

(VI) Well completion services, including cementing of casing, 58121
and tangible personal property directly used in providing such 58122
services; 58123

(VII) Wireline evaluation, mud logging, and perforation 58124
services, and tangible personal property directly used in 58125
providing such services; 58126

(VIII) Reservoir stimulation, hydraulic fracturing, and 58127
acidizing services, and tangible personal property directly used 58128
in providing such services, including all material pumped 58129
downhole; 58130

(IX) Pressure pumping equipment; 58131

(X) Artificial lift systems equipment;	58132
(XI) Wellhead equipment and well site equipment used to	58133
separate, stabilize, and control hydrocarbon phases and produced	58134
water;	58135
(XII) Tangible personal property directly used to control	58136
production equipment.	58137
(ii) For the purposes of division (B)(42)(q) of this section,	58138
the "thing transferred" does not include any of the following:	58139
(I) Tangible personal property used primarily in the	58140
exploration and production of any mineral resource regulated under	58141
Chapter 1509. of the Revised Code other than oil or gas;	58142
(II) Tangible personal property used primarily in storing,	58143
holding, or delivering solutions or chemicals used in well	58144
stimulation as defined in section 1509.01 of the Revised Code;	58145
(III) Tangible personal property used primarily in preparing,	58146
installing, or reclaiming foundations for drilling or pumping	58147
equipment or well stimulation material tanks;	58148
(IV) Tangible personal property used primarily in	58149
transporting, delivering, or removing equipment to or from the	58150
well site or storing such equipment before its use at the well	58151
site;	58152
(V) Tangible personal property used primarily in gathering	58153
operations occurring off the well site, including gathering	58154
pipelines transporting hydrocarbon gas or liquids away from a	58155
crude oil or natural gas production facility;	58156
(VI) Tangible personal property that is to be incorporated	58157
into a structure or improvement to real property;	58158
(VII) Well site fencing, lighting, or security systems;	58159
(VIII) Communication devices or services;	58160

(IX) Office supplies;	58161
(X) Trailers used as offices or lodging;	58162
(XI) Motor vehicles of any kind;	58163
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	58164 58165
(XIII) Tangible personal property used primarily as a safety device;	58166 58167
(XIV) Data collection or monitoring devices;	58168
(XV) Access ladders, stairs, or platforms attached to storage tanks.	58169 58170
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	58171 58172 58173 58174 58175
The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.	58176 58177 58178 58179
As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.	58180 58181 58182
(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.	58183 58184 58185 58186 58187 58188 58189
(44) Sales of replacement and modification parts for engines,	58190

~~airframes, instruments, and interiors in, and paint for, aircraft~~ 58191
~~used primarily in a fractional aircraft ownership program, and~~ 58192
~~sales of services for the repair, modification, and maintenance of~~ 58193
~~such aircraft, and machinery, equipment, and supplies primarily~~ 58194
~~used to provide those services.~~ 58195

~~(45)~~ Sales of telecommunications service that is used 58196
directly and primarily to perform the functions of a call center. 58197
As used in this division, "call center" means any physical 58198
location where telephone calls are placed or received in high 58199
volume for the purpose of making sales, marketing, customer 58200
service, technical support, or other specialized business 58201
activity, and that employs at least fifty individuals that engage 58202
in call center activities on a full-time basis, or sufficient 58203
individuals to fill fifty full-time equivalent positions. 58204

~~(46)~~(45) Sales by a telecommunications service vendor of 900 58205
service to a subscriber. This division does not apply to 58206
information services, as defined in division (FF) of section 58207
5739.01 of the Revised Code. 58208

~~(47)~~(46) Sales of value-added non-voice data service. This 58209
division does not apply to any similar service that is not 58210
otherwise a telecommunications service. 58211

~~(48)~~(47)(a) Sales of machinery, equipment, and software to a 58212
qualified direct selling entity for use in a warehouse or 58213
distribution center primarily for storing, transporting, or 58214
otherwise handling inventory that is held for sale to independent 58215
salespersons who operate as direct sellers and that is held 58216
primarily for distribution outside this state; 58217

(b) As used in division (B)~~(48)~~(47)(a) of this section: 58218

(i) "Direct seller" means a person selling consumer products 58219
to individuals for personal or household use and not from a fixed 58220
retail location, including selling such product at in-home product 58221

demonstrations, parties, and other one-on-one selling. 58222

(ii) "Qualified direct selling entity" means an entity 58223
selling to direct sellers at the time the entity enters into a tax 58224
credit agreement with the tax credit authority pursuant to section 58225
122.17 of the Revised Code, provided that the agreement was 58226
entered into on or after January 1, 2007. Neither contingencies 58227
relevant to the granting of, nor later developments with respect 58228
to, the tax credit shall impair the status of the qualified direct 58229
selling entity under division (B)~~(48)~~(47) of this section after 58230
execution of the tax credit agreement by the tax credit authority. 58231

(c) Division (B)~~(48)~~(47) of this section is limited to 58232
machinery, equipment, and software first stored, used, or consumed 58233
in this state within the period commencing June 24, 2008, and 58234
ending on the date that is five years after that date. 58235

~~(49) Sales of materials, parts, equipment, or engines used in~~ 58236
~~the repair or maintenance of aircraft or avionics systems of such~~ 58237
~~aircraft, and sales of repair, remodeling, replacement, or~~ 58238
~~maintenance services in this state performed on aircraft or on an~~ 58239
~~aircraft's avionics, engine, or component materials or parts. As~~ 58240
~~used in division (B)(49) of this section, "aircraft" means~~ 58241
~~aircraft of more than six thousand pounds maximum certified~~ 58242
~~takeoff weight or used exclusively in general aviation.~~ 58243

~~(50) Sales of full flight simulators that are used for pilot~~ 58244
~~or flight crew training, sales of repair or replacement parts or~~ 58245
~~components, and sales of repair or maintenance services for such~~ 58246
~~full flight simulators. "Full flight simulator" means a replica of~~ 58247
~~a specific type, or make, model, and series of aircraft cockpit.~~ 58248
~~It includes the assemblage of equipment and computer programs~~ 58249
~~necessary to represent aircraft operations in ground and flight~~ 58250
~~conditions, a visual system providing an out of the cockpit view,~~ 58251
~~and a system that provides cues at least equivalent to those of a~~ 58252
~~three-degree-of-freedom motion system, and has the full range of~~ 58253

~~capabilities of the systems installed in the device as described~~ 58254
~~in appendices A and B of part 60 of chapter 1 of title 14 of the~~ 58255
~~Code of Federal Regulations.~~ 58256

~~(51)~~(48) Any transfer or lease of tangible personal property 58257
between the state and JobsOhio in accordance with section 4313.02 58258
of the Revised Code. 58259

~~(52)~~(49)(a) Sales to a qualifying corporation. 58260

(b) As used in division (B)~~(52)~~(49) of this section: 58261

(i) "Qualifying corporation" means a nonprofit corporation 58262
organized in this state that leases from an eligible county land, 58263
buildings, structures, fixtures, and improvements to the land that 58264
are part of or used in a public recreational facility used by a 58265
major league professional athletic team or a class A to class AAA 58266
minor league affiliate of a major league professional athletic 58267
team for a significant portion of the team's home schedule, 58268
provided the following apply: 58269

(I) The facility is leased from the eligible county pursuant 58270
to a lease that requires substantially all of the revenue from the 58271
operation of the business or activity conducted by the nonprofit 58272
corporation at the facility in excess of operating costs, capital 58273
expenditures, and reserves to be paid to the eligible county at 58274
least once per calendar year. 58275

(II) Upon dissolution and liquidation of the nonprofit 58276
corporation, all of its net assets are distributable to the board 58277
of commissioners of the eligible county from which the corporation 58278
leases the facility. 58279

(ii) "Eligible county" has the same meaning as in section 58280
307.695 of the Revised Code. 58281

~~(53)~~(50) Sales to or by a cable service provider, video 58282
service provider, or radio or television broadcast station 58283

regulated by the federal government of cable service or 58284
programming, video service or programming, audio service or 58285
programming, or electronically transferred digital audiovisual or 58286
audio work. As used in division (B)~~(53)~~(50) of this section, 58287
"cable service" and "cable service provider" have the same 58288
meanings as in section 1332.01 of the Revised Code, and "video 58289
service," "video service provider," and "video programming" have 58290
the same meanings as in section 1332.21 of the Revised Code. 58291

~~(54) Sales of investment metal bullion and investment coins. 58292~~
~~"Investment metal bullion" means any bullion described in section 58293~~
~~408(m)(3)(B) of the Internal Revenue Code, regardless of whether 58294~~
~~that bullion is in the physical possession of a trustee. 58295~~
~~"Investment coin" means any coin composed primarily of gold, 58296~~
~~silver, platinum, or palladium. 58297~~

~~(55)~~(51) Sales of a digital audio work electronically 58298
transferred for delivery through use of a machine, such as a juke 58299
box, that does all of the following: 58300

(a) Accepts direct payments to operate; 58301

(b) Automatically plays a selected digital audio work for a 58302
single play upon receipt of a payment described in division 58303
(B)~~(55)~~(51)(a) of this section; 58304

(c) Operates exclusively for the purpose of playing digital 58305
audio works in a commercial establishment. 58306

~~(56)~~(52)(a) Sales of the following occurring on the first 58307
Friday of August and the following Saturday and Sunday of each 58308
year, beginning in 2018: 58309

(i) An item of clothing, the price of which is seventy-five 58310
dollars or less; 58311

(ii) An item of school supplies, the price of which is twenty 58312
dollars or less; 58313

(iii) An item of school instructional material, the price of 58314
which is twenty dollars or less. 58315

(b) As used in division (B)~~(56)~~(52) of this section: 58316

(i) "Clothing" means all human wearing apparel suitable for 58317
general use. "Clothing" includes, but is not limited to, aprons, 58318
household and shop; athletic supporters; baby receiving blankets; 58319
bathing suits and caps; beach capes and coats; belts and 58320
suspenders; boots; coats and jackets; costumes; diapers, children 58321
and adult, including disposable diapers; earmuffs; footlets; 58322
formal wear; garters and garter belts; girdles; gloves and mittens 58323
for general use; hats and caps; hosiery; insoles for shoes; lab 58324
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 58325
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 58326
and stockings; steel-toed shoes; underwear; uniforms, athletic and 58327
nonathletic; and wedding apparel. "Clothing" does not include 58328
items purchased for use in a trade or business; clothing 58329
accessories or equipment; protective equipment; sports or 58330
recreational equipment; belt buckles sold separately; costume 58331
masks sold separately; patches and emblems sold separately; sewing 58332
equipment and supplies including, but not limited to, knitting 58333
needles, patterns, pins, scissors, sewing machines, sewing 58334
needles, tape measures, and thimbles; and sewing materials that 58335
become part of "clothing" including, but not limited to, buttons, 58336
fabric, lace, thread, yarn, and zippers. 58337

(ii) "School supplies" means items commonly used by a student 58338
in a course of study. "School supplies" includes only the 58339
following items: binders; book bags; calculators; cellophane tape; 58340
blackboard chalk; compasses; composition books; crayons; erasers; 58341
folders, expandable, pocket, plastic, and manila; glue, paste, and 58342
paste sticks; highlighters; index cards; index card boxes; legal 58343
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 58344
notebook paper, copy paper, graph paper, tracing paper, manila 58345

paper, colored paper, poster board, and construction paper; pencil 58346
boxes and other school supply boxes; pencil sharpeners; pencils; 58347
pens; protractors; rulers; scissors; and writing tablets. "School 58348
supplies" does not include any item purchased for use in a trade 58349
or business. 58350

(iii) "School instructional material" means written material 58351
commonly used by a student in a course of study as a reference and 58352
to learn the subject being taught. "School instructional material" 58353
includes only the following items: reference books, reference maps 58354
and globes, textbooks, and workbooks. "School instructional 58355
material" does not include any material purchased for use in a 58356
trade or business. 58357

~~(57) Sales of tangible personal property that is not required 58358
to be registered or licensed under the laws of this state to a 58359
citizen of a foreign nation that is not a citizen of the United 58360
States, provided the property is delivered to a person in this 58361
state that is not a related member of the purchaser, is physically 58362
present in this state for the sole purpose of temporary storage 58363
and package consolidation, and is subsequently delivered to the 58364
purchaser at a delivery address in a foreign nation. As used in 58365
division (B)(56) of this section, "related member" has the same 58366
meaning as in section 5733.042 of the Revised Code, and "temporary 58367
storage" means the storage of tangible personal property for a 58368
period of not more than sixty days. 58369~~

(C) For the purpose of the proper administration of this 58370
chapter, and to prevent the evasion of the tax, it is presumed 58371
that all sales made in this state are subject to the tax until the 58372
contrary is established. 58373

(D) The levy of this tax on retail sales of recreation and 58374
sports club service shall not prevent a municipal corporation from 58375
levying any tax on recreation and sports club dues or on any 58376
income generated by recreation and sports club dues. 58377

(E) The tax collected by the vendor from the consumer under 58378
this chapter is not part of the price, but is a tax collection for 58379
the benefit of the state, and of counties levying an additional 58380
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 58381
Code and of transit authorities levying an additional sales tax 58382
pursuant to section 5739.023 of the Revised Code. Except for the 58383
discount authorized under section 5739.12 of the Revised Code and 58384
the effects of any rounding pursuant to section 5703.055 of the 58385
Revised Code, no person other than the state or such a county or 58386
transit authority shall derive any benefit from the collection or 58387
payment of the tax levied by this section or section 5739.021, 58388
5739.023, or 5739.026 of the Revised Code. 58389

Sec. 5739.021. (A) For the purpose of providing additional 58390
general revenues for the county, supporting criminal and 58391
administrative justice services in the county, funding a regional 58392
transportation improvement project under section 5595.06 of the 58393
Revised Code, or any combination of the foregoing, and to pay the 58394
expenses of administering such levy, any county may levy a tax at 58395
the rate of not more than one per cent upon every retail sale made 58396
in the county, except sales of watercraft and outboard motors 58397
required to be titled pursuant to Chapter 1548. of the Revised 58398
Code and sales of motor vehicles, and may increase the rate of an 58399
existing tax to not more than one per cent. The rate of any tax 58400
levied pursuant to this section shall be a multiple of ~~one-fourth~~ 58401
~~or one-tenth~~ one-twentieth of one per cent. 58402

The tax shall be levied and the rate increased pursuant to a 58403
resolution of the board of county commissioners. The resolution 58404
shall state the purpose for which the tax is to be levied and the 58405
number of years for which the tax is to be levied, or that it is 58406
for a continuing period of time. If the tax is to be levied for 58407
the purpose of providing additional general revenues and for the 58408
purpose of supporting criminal and administrative justice 58409

services, the resolution shall state the rate or amount of the tax 58410
to be apportioned to each such purpose. The rate or amount may be 58411
different for each year the tax is to be levied, but the rates or 58412
amounts actually apportioned each year shall not be different from 58413
that stated in the resolution for that year. If the resolution is 58414
adopted as an emergency measure necessary for the immediate 58415
preservation of the public peace, health, or safety, it must 58416
receive an affirmative vote of all of the members of the board of 58417
county commissioners and shall state the reasons for such 58418
necessity. The board shall deliver a certified copy of the 58419
resolution to the tax commissioner, not later than the sixty-fifth 58420
day prior to the date on which the tax is to become effective, 58421
which shall be the first day of the calendar quarter. 58422

Prior to the adoption of any resolution under this section, 58423
the board of county commissioners shall conduct two public 58424
hearings on the resolution, the second hearing to be not less than 58425
three nor more than ten days after the first. Notice of the date, 58426
time, and place of the hearings shall be given by publication in a 58427
newspaper of general circulation in the county, or as provided in 58428
section 7.16 of the Revised Code, once a week on the same day of 58429
the week for two consecutive weeks, the second publication being 58430
not less than ten nor more than thirty days prior to the first 58431
hearing. 58432

Except as provided in division (B)(3) of this section, the 58433
resolution shall be subject to a referendum as provided in 58434
sections 305.31 to 305.41 of the Revised Code. 58435

If a petition for a referendum is filed, the county auditor 58436
with whom the petition was filed shall, within five days, notify 58437
the board of county commissioners and the tax commissioner of the 58438
filing of the petition by certified mail. If the board of 58439
elections with which the petition was filed declares the petition 58440
invalid, the board of elections, within five days, shall notify 58441

the board of county commissioners and the tax commissioner of that 58442
declaration by certified mail. If the petition is declared to be 58443
invalid, the effective date of the tax or increased rate of tax 58444
levied by this section shall be the first day of a calendar 58445
quarter following the expiration of sixty-five days from the date 58446
the commissioner receives notice from the board of elections that 58447
the petition is invalid. 58448

(B)(1) A resolution that is not adopted as an emergency 58449
measure may direct the board of elections to submit the question 58450
of levying the tax or increasing the rate of tax to the electors 58451
of the county at a special election held on the date specified by 58452
the board of county commissioners in the resolution, provided that 58453
the election occurs not less than ninety days after a certified 58454
copy of such resolution is transmitted to the board of elections 58455
and the election is not held in February or August of any year. 58456
Upon transmission of the resolution to the board of elections, the 58457
board of county commissioners shall notify the tax commissioner in 58458
writing of the levy question to be submitted to the electors. No 58459
resolution adopted under this division shall go into effect unless 58460
approved by a majority of those voting upon it, and, except as 58461
provided in division (B)(3) of this section, shall become 58462
effective on the first day of a calendar quarter following the 58463
expiration of sixty-five days from the date the tax commissioner 58464
receives notice from the board of elections of the affirmative 58465
vote. 58466

(2) A resolution that is adopted as an emergency measure 58467
shall go into effect as provided in division (A) of this section, 58468
but may direct the board of elections to submit the question of 58469
repealing the tax or increase in the rate of the tax to the 58470
electors of the county at the next general election in the county 58471
occurring not less than ninety days after a certified copy of the 58472
resolution is transmitted to the board of elections. Upon 58473

transmission of the resolution to the board of elections, the 58474
board of county commissioners shall notify the tax commissioner in 58475
writing of the levy question to be submitted to the electors. The 58476
ballot question shall be the same as that prescribed in section 58477
5739.022 of the Revised Code. The board of elections shall notify 58478
the board of county commissioners and the tax commissioner of the 58479
result of the election immediately after the result has been 58480
declared. If a majority of the qualified electors voting on the 58481
question of repealing the tax or increase in the rate of the tax 58482
vote for repeal of the tax or repeal of the increase, the board of 58483
county commissioners, on the first day of a calendar quarter 58484
following the expiration of sixty-five days after the date the 58485
board and tax commissioner receive notice of the result of the 58486
election, shall, in the case of a repeal of the tax, cease to levy 58487
the tax, or, in the case of a repeal of an increase in the rate of 58488
the tax, cease to levy the increased rate and levy the tax at the 58489
rate at which it was imposed immediately prior to the increase in 58490
rate. 58491

(3) If a vendor makes a sale in this state by printed catalog 58492
and the consumer computed the tax on the sale based on local rates 58493
published in the catalog, any tax levied or repealed or rate 58494
changed under this section shall not apply to such a sale until 58495
the first day of a calendar quarter following the expiration of 58496
one hundred twenty days from the date of notice by the tax 58497
commissioner pursuant to division (H) of this section. 58498

(C) If a resolution is rejected at a referendum or if a 58499
resolution adopted after January 1, 1982, as an emergency measure 58500
is repealed by the electors pursuant to division (B)(2) of this 58501
section or section 5739.022 of the Revised Code, then for one year 58502
after the date of the election at which the resolution was 58503
rejected or repealed the board of county commissioners may not 58504
adopt any resolution authorized by this section as an emergency 58505

measure. 58506

(D) The board of county commissioners, at any time while a 58507
tax levied under this section is in effect, may by resolution 58508
reduce the rate at which the tax is levied to a lower rate 58509
authorized by this section. Any reduction in the rate at which the 58510
tax is levied shall be made effective on the first day of a 58511
calendar quarter next following the sixty-fifth day after a 58512
certified copy of the resolution is delivered to the tax 58513
commissioner. 58514

(E) The tax on every retail sale subject to a tax levied 58515
pursuant to this section shall be in addition to the tax levied by 58516
section 5739.02 of the Revised Code and any tax levied pursuant to 58517
section 5739.023 or 5739.026 of the Revised Code. 58518

A county that levies a tax pursuant to this section shall 58519
levy a tax at the same rate pursuant to section 5741.021 of the 58520
Revised Code. 58521

The additional tax levied by the county shall be collected 58522
pursuant to section 5739.025 of the Revised Code. If the 58523
additional tax or some portion thereof is levied for the purpose 58524
of criminal and administrative justice services, the revenue from 58525
the tax, or the amount or rate apportioned to that purpose, shall 58526
be credited to a special fund created in the county treasury for 58527
receipt of that revenue. 58528

Any tax levied pursuant to this section is subject to the 58529
exemptions provided in section 5739.02 of the Revised Code and in 58530
addition shall not be applicable to sales not within the taxing 58531
power of a county under the Constitution of the United States or 58532
the Ohio Constitution. 58533

(F) For purposes of this section, a copy of a resolution is 58534
"certified" when it contains a written statement attesting that 58535
the copy is a true and exact reproduction of the original 58536

resolution. 58537

(G) If a board of commissioners intends to adopt a resolution 58538
to levy a tax in whole or in part for the purpose of criminal and 58539
administrative justice services, the board shall prepare and make 58540
available at the first public hearing at which the resolution is 58541
considered a statement containing the following information: 58542

(1) For each of the two preceding fiscal years, the amount of 58543
expenditures made by the county from the county general fund for 58544
the purpose of criminal and administrative justice services; 58545

(2) For the fiscal year in which the resolution is adopted, 58546
the board's estimate of the amount of expenditures to be made by 58547
the county from the county general fund for the purpose of 58548
criminal and administrative justice services; 58549

(3) For each of the two fiscal years after the fiscal year in 58550
which the resolution is adopted, the board's preliminary plan for 58551
expenditures to be made from the county general fund for the 58552
purpose of criminal and administrative justice services, both 58553
under the assumption that the tax will be imposed for that purpose 58554
and under the assumption that the tax would not be imposed for 58555
that purpose, and for expenditures to be made from the special 58556
fund created under division (E) of this section under the 58557
assumption that the tax will be imposed for that purpose. 58558

The board shall prepare the statement and the preliminary 58559
plan using the best information available to the board at the time 58560
the statement is prepared. Neither the statement nor the 58561
preliminary plan shall be used as a basis to challenge the 58562
validity of the tax in any court of competent jurisdiction, nor 58563
shall the statement or preliminary plan limit the authority of the 58564
board to appropriate, pursuant to section 5705.38 of the Revised 58565
Code, an amount different from that specified in the preliminary 58566
plan. 58567

(H) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) or (D) of this section, or from the board of elections of a notice of the results of an election required by division (A) or (B)(1) or (2) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(I) As used in this section, "criminal and administrative justice services" means the exercise by the county sheriff of all powers and duties vested in that office by law; the exercise by the county prosecuting attorney of all powers and duties vested in that office by law; the exercise by any court in the county of all powers and duties vested in that court; the exercise by the clerk of the court of common pleas, any clerk of a municipal court having jurisdiction throughout the county, or the clerk of any county court of all powers and duties vested in the clerk by law except, in the case of the clerk of the court of common pleas, the titling of motor vehicles or watercraft pursuant to Chapter 1548. or 4505. of the Revised Code; the exercise by the county coroner of all powers and duties vested in that office by law; making payments to any other public agency or a private, nonprofit agency, the purposes of which in the county include the diversion, adjudication, detention, or rehabilitation of criminals or juvenile offenders; the operation and maintenance of any detention facility, as defined in section 2921.01 of the Revised Code; and the construction, acquisition, equipping, or repair of such a detention facility, including the payment of any debt charges incurred in the issuance of securities pursuant to Chapter 133. of the Revised Code for the purpose of constructing, acquiring, equipping, or repairing such a facility.

Sec. 5739.023. (A)(1) For the purpose of providing additional
general revenues for a transit authority or funding a regional
transportation improvement project under section 5595.06 of the
Revised Code, or both, and to pay the expenses of administering
such levy, any transit authority as defined in division (U) of
section 5739.01 of the Revised Code may levy a tax upon every
retail sale made in the territory of the transit authority, except
sales of watercraft and outboard motors required to be titled
pursuant to Chapter 1548. of the Revised Code and sales of motor
vehicles, at a rate of not more than one and one-half per cent and
may increase the rate of an existing tax to not more than one and
one-half per cent. The rate of any tax levied pursuant to this
section shall be a multiple of ~~one-fourth or one-tenth~~
one-twentieth of one per cent. The tax shall be levied and the
rate increased pursuant to a resolution of the legislative
authority of the transit authority and a certified copy of the
resolution shall be delivered by the fiscal officer to the board
of elections as provided in section 3505.071 of the Revised Code
and to the tax commissioner. The resolution shall specify the
number of years for which the tax is to be in effect or that the
tax is for a continuing period of time, and the date of the
election on the question of the tax pursuant to section 306.70 of
the Revised Code. The board of elections shall certify the results
of the election to the transit authority and tax commissioner.

(2) Except as provided in division (C) of this section, the
tax levied by the resolution shall become effective on the first
day of a calendar quarter next following the sixty-fifth day
following the date the tax commissioner receives from the board of
elections the certification of the results of the election on the
question of the tax.

(B) The legislative authority may, at any time while the tax

is in effect, by resolution fix the rate of the tax at any rate 58633
authorized by this section and not in excess of that approved by 58634
the voters pursuant to section 306.70 of the Revised Code. Except 58635
as provided in division (C) of this section, any change in the 58636
rate of the tax shall be made effective on the first day of a 58637
calendar quarter next following the sixty-fifth day following the 58638
date the tax commissioner receives the certification of the 58639
resolution; provided, that in any case where bonds, or notes in 58640
anticipation of bonds, of a regional transit authority have been 58641
issued under section 306.40 of the Revised Code without a vote of 58642
the electors while the tax proposed to be reduced was in effect, 58643
the board of trustees of the regional transit authority shall 58644
continue to levy and collect under authority of the original 58645
election authorizing the tax a rate of tax that the board of 58646
trustees reasonably estimates will produce an amount in that year 58647
equal to the amount of principal of and interest on those bonds as 58648
is payable in that year. 58649

(C) Upon receipt from the board of elections of the 58650
certification of the results of the election required by division 58651
(A) of this section, or from the legislative authority of the 58652
certification of a resolution under division (B) of this section, 58653
the tax commissioner shall provide notice of a tax rate change in 58654
a manner that is reasonably accessible to all affected vendors. 58655
The commissioner shall provide this notice at least sixty days 58656
prior to the effective date of the rate change. The commissioner, 58657
by rule, may establish the method by which notice will be 58658
provided. 58659

(D) If a vendor makes a sale in this state by printed catalog 58660
and the consumer computed the tax on the sale based on local rates 58661
published in the catalog, any tax levied or rate changed under 58662
this section shall not apply to such a sale until the first day of 58663
a calendar quarter following the expiration of one hundred twenty 58664

days from the date of notice by the tax commissioner pursuant to 58665
division (C) of this section. 58666

(E) The tax on every retail sale subject to a tax levied 58667
pursuant to this section is in addition to the tax levied by 58668
section 5739.02 of the Revised Code and any tax levied pursuant to 58669
section 5739.021 or 5739.026 of the Revised Code. 58670

(F) The additional tax levied by the transit authority shall 58671
be collected pursuant to section 5739.025 of the Revised Code. 58672

(G) Any tax levied pursuant to this section is subject to the 58673
exemptions provided in section 5739.02 of the Revised Code and in 58674
addition shall not be applicable to sales not within the taxing 58675
power of a transit authority under the constitution of the United 58676
States or the constitution of this state. 58677

(H) The rate of a tax levied under this section is subject to 58678
reduction under section 5739.028 of the Revised Code, if a ballot 58679
question is approved by voters pursuant to that section. 58680

Sec. 5739.025. (A) A vendor shall compute the tax on each 58681
sale by multiplying the price by the aggregate rate of taxes in 58682
effect under sections 5739.02 and 5741.02, and sections 5739.021, 58683
5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the 58684
Revised Code. The computation shall be carried out to three 58685
decimal places. If the result is a fractional amount of a cent, 58686
the calculated tax shall be rounded to a whole cent using a method 58687
that rounds up to the next cent whenever the third decimal place 58688
is greater than four. A vendor may elect to compute the tax due on 58689
a transaction on an item or an invoice basis. 58690

(B) In auditing a vendor, the tax commissioner shall consider 58691
the method prescribed by this section that was used by the vendor 58692
in determining and collecting the tax due under this chapter on 58693
taxable transactions. If the vendor correctly collects and remits 58694

the tax due under this chapter in accordance with the computation 58695
prescribed in division (A) of this section, the commissioner shall 58696
not assess any additional tax on those transactions. 58697

~~(C)(1) With respect to a sale of a fractional ownership 58698
program aircraft used primarily in a fractional aircraft ownership 58699
program, including all accessories attached to such aircraft, the 58700
tax shall be calculated pursuant to division (A) of this section, 58701
provided that the tax commissioner shall modify those calculations 58702
so that the maximum tax on each program aircraft is eight hundred 58703
dollars. In the case of a sale of a fractional interest that is 58704
less than one hundred per cent of the program aircraft, the tax 58705
charged on the transaction shall be eight hundred dollars 58706
multiplied by a fraction, the numerator of which is the percentage 58707
of ownership or possession in the aircraft being purchased in the 58708
transaction, and the denominator of which is one hundred per cent. 58709~~

~~(2) Notwithstanding any other provision of law to the 58710
contrary, the tax calculated under division (C)(1) of this section 58711
and paid with respect to the sale of a fractional ownership 58712
program aircraft used primarily in a fractional aircraft ownership 58713
program shall be credited to the general revenue fund. 58714~~

Sec. 5739.026. (A) A board of county commissioners may levy a 58715
tax on every retail sale in the county, except sales of watercraft 58716
and outboard motors required to be titled pursuant to Chapter 58717
1548. of the Revised Code and sales of motor vehicles, at a rate 58718
of not more than one-half of one per cent and may increase the 58719
rate of an existing tax to not more than one-half of one per cent 58720
to pay the expenses of administering the tax and, except as 58721
provided in division (A)(6) of this section, for any one or more 58722
of the following purposes provided that the aggregate levy for all 58723
such purposes does not exceed one-half of one per cent: 58724

(1) To provide additional revenues for the payment of bonds 58725

or notes issued in anticipation of bonds issued by a convention 58726
facilities authority established by the board of county 58727
commissioners under Chapter 351. of the Revised Code and to 58728
provide additional operating revenues for the convention 58729
facilities authority; 58730

(2) To provide additional revenues for a transit authority 58731
operating in the county; 58732

(3) To provide additional revenue for the county's general 58733
fund; 58734

(4) To provide additional revenue for permanent improvements 58735
to be distributed by the community improvements board in 58736
accordance with section 307.283 and to pay principal, interest, 58737
and premium on bonds issued under section 307.284 of the Revised 58738
Code; 58739

(5) To provide additional revenue for the acquisition, 58740
construction, equipping, or repair of any specific permanent 58741
improvement or any class or group of permanent improvements, which 58742
improvement or class or group of improvements shall be enumerated 58743
in the resolution required by division (D) of this section, and to 58744
pay principal, interest, premium, and other costs associated with 58745
the issuance of bonds or notes in anticipation of bonds issued 58746
pursuant to Chapter 133. of the Revised Code for the acquisition, 58747
construction, equipping, or repair of the specific permanent 58748
improvement or class or group of permanent improvements; 58749

(6) To provide revenue for the implementation and operation 58750
of a 9-1-1 system in the county. If the tax is levied or the rate 58751
increased exclusively for such purpose, the tax shall not be 58752
levied or the rate increased for more than five years. At the end 58753
of the last year the tax is levied or the rate increased, any 58754
balance remaining in the special fund established for such purpose 58755
shall remain in that fund and be used exclusively for such purpose 58756

until the fund is completely expended, and, notwithstanding 58757
section 5705.16 of the Revised Code, the board of county 58758
commissioners shall not petition for the transfer of money from 58759
such special fund, and the tax commissioner shall not approve such 58760
a petition. 58761

If the tax is levied or the rate increased for such purpose 58762
for more than five years, the board of county commissioners also 58763
shall levy the tax or increase the rate of the tax for one or more 58764
of the purposes described in divisions (A)(1) to (5) of this 58765
section and shall prescribe the method for allocating the revenues 58766
from the tax each year in the manner required by division (C) of 58767
this section. 58768

(7) To provide additional revenue for the operation or 58769
maintenance of a detention facility, as that term is defined under 58770
division (F) of section 2921.01 of the Revised Code; 58771

(8) To provide revenue to finance the construction or 58772
renovation of a sports facility, but only if the tax is levied for 58773
that purpose in the manner prescribed by section 5739.028 of the 58774
Revised Code. 58775

As used in division (A)(8) of this section: 58776

(a) "Sports facility" means a facility intended to house 58777
major league professional athletic teams. 58778

(b) "Constructing" or "construction" includes providing 58779
fixtures, furnishings, and equipment. 58780

(9) To provide additional revenue for the acquisition of 58781
agricultural easements, as defined in section 5301.67 of the 58782
Revised Code; to pay principal, interest, and premium on bonds 58783
issued under section 133.60 of the Revised Code; and for the 58784
supervision and enforcement of agricultural easements held by the 58785
county; 58786

(10) To provide revenue for the provision of ambulance, 58787
paramedic, or other emergency medical services; 58788

(11) To provide revenue for the operation of a lake 58789
facilities authority and the remediation of an impacted watershed 58790
by a lake facilities authority, as provided in Chapter 353. of the 58791
Revised Code; 58792

(12) To provide additional revenue for a regional 58793
transportation improvement project under section 5595.06 of the 58794
Revised Code. 58795

Pursuant to section 755.171 of the Revised Code, a board of 58796
county commissioners may pledge and contribute revenue from a tax 58797
levied for the purpose of division (A)(5) of this section to the 58798
payment of debt charges on bonds issued under section 755.17 of 58799
the Revised Code. 58800

The rate of tax shall be a multiple of ~~one-fourth or~~ 58801
~~one-tenth~~ one-twentieth of one per cent, unless a portion of the 58802
rate of an existing tax levied under section 5739.023 of the 58803
Revised Code has been reduced, and the rate of tax levied under 58804
this section has been increased, pursuant to section 5739.028 of 58805
the Revised Code, in which case the aggregate of the rates of tax 58806
levied under this section and section 5739.023 of the Revised Code 58807
shall be a multiple of ~~one-fourth or one-tenth~~ one-twentieth of 58808
one per cent. 58809

The tax shall be levied and the rate increased pursuant to a 58810
resolution adopted by a majority of the members of the board. The 58811
board shall deliver a certified copy of the resolution to the tax 58812
commissioner, not later than the sixty-fifth day prior to the date 58813
on which the tax is to become effective, which shall be the first 58814
day of a calendar quarter. 58815

Prior to the adoption of any resolution to levy the tax or to 58816
increase the rate of tax exclusively for the purpose set forth in 58817

division (A)(3) of this section, the board of county commissioners 58818
shall conduct two public hearings on the resolution, the second 58819
hearing to be no fewer than three nor more than ten days after the 58820
first. Notice of the date, time, and place of the hearings shall 58821
be given by publication in a newspaper of general circulation in 58822
the county, or as provided in section 7.16 of the Revised Code, 58823
once a week on the same day of the week for two consecutive weeks. 58824
The second publication shall be no fewer than ten nor more than 58825
thirty days prior to the first hearing. Except as provided in 58826
division (E) of this section, the resolution shall be subject to a 58827
referendum as provided in sections 305.31 to 305.41 of the Revised 58828
Code. If the resolution is adopted as an emergency measure 58829
necessary for the immediate preservation of the public peace, 58830
health, or safety, it must receive an affirmative vote of all of 58831
the members of the board of county commissioners and shall state 58832
the reasons for the necessity. 58833

If the tax is for more than one of the purposes set forth in 58834
divisions (A)(1) to (7), (9), (10), and (12) of this section, or 58835
is exclusively for one of the purposes set forth in division 58836
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 58837
section, the resolution shall not go into effect unless it is 58838
approved by a majority of the electors voting on the question of 58839
the tax. 58840

(B) The board of county commissioners shall adopt a 58841
resolution under section 351.02 of the Revised Code creating the 58842
convention facilities authority, or under section 307.283 of the 58843
Revised Code creating the community improvements board, before 58844
adopting a resolution levying a tax for the purpose of a 58845
convention facilities authority under division (A)(1) of this 58846
section or for the purpose of a community improvements board under 58847
division (A)(4) of this section. 58848

(C)(1) If the tax is to be used for more than one of the 58849

purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) 58850
of this section, the board of county commissioners shall establish 58851
the method that will be used to determine the amount or proportion 58852
of the tax revenue received by the county during each year that 58853
will be distributed for each of those purposes, including, if 58854
applicable, provisions governing the reallocation of a convention 58855
facilities authority's allocation if the authority is dissolved 58856
while the tax is in effect. The allocation method may provide that 58857
different proportions or amounts of the tax shall be distributed 58858
among the purposes in different years, but it shall clearly 58859
describe the method that will be used for each year. Except as 58860
otherwise provided in division (C)(2) of this section, the 58861
allocation method established by the board is not subject to 58862
amendment during the life of the tax. 58863

(2) Subsequent to holding a public hearing on the proposed 58864
amendment, the board of county commissioners may amend the 58865
allocation method established under division (C)(1) of this 58866
section for any year, if the amendment is approved by the 58867
governing board of each entity whose allocation for the year would 58868
be reduced by the proposed amendment. In the case of a tax that is 58869
levied for a continuing period of time, the board may not so amend 58870
the allocation method for any year before the sixth year that the 58871
tax is in effect. 58872

(a) If the additional revenues provided to the convention 58873
facilities authority are pledged by the authority for the payment 58874
of convention facilities authority revenue bonds for as long as 58875
such bonds are outstanding, no reduction of the authority's 58876
allocation of the tax shall be made for any year except to the 58877
extent that the reduced authority allocation, when combined with 58878
the authority's other revenues pledged for that purpose, is 58879
sufficient to meet the debt service requirements for that year on 58880
such bonds. 58881

(b) If the additional revenues provided to the county are 58882
pledged by the county for the payment of bonds or notes described 58883
in division (A)(4) or (5) of this section, for as long as such 58884
bonds or notes are outstanding, no reduction of the county's or 58885
the community improvements board's allocation of the tax shall be 58886
made for any year, except to the extent that the reduced county or 58887
community improvements board allocation is sufficient to meet the 58888
debt service requirements for that year on such bonds or notes. 58889

(c) If the additional revenues provided to the transit 58890
authority are pledged by the authority for the payment of revenue 58891
bonds issued under section 306.37 of the Revised Code, for as long 58892
as such bonds are outstanding, no reduction of the authority's 58893
allocation of tax shall be made for any year, except to the extent 58894
that the authority's reduced allocation, when combined with the 58895
authority's other revenues pledged for that purpose, is sufficient 58896
to meet the debt service requirements for that year on such bonds. 58897

(d) If the additional revenues provided to the county are 58898
pledged by the county for the payment of bonds or notes issued 58899
under section 133.60 of the Revised Code, for so long as the bonds 58900
or notes are outstanding, no reduction of the county's allocation 58901
of the tax shall be made for any year, except to the extent that 58902
the reduced county allocation is sufficient to meet the debt 58903
service requirements for that year on the bonds or notes. 58904

(D)(1) The resolution levying the tax or increasing the rate 58905
of tax shall state the rate of the tax or the rate of the 58906
increase; the purpose or purposes for which it is to be levied; 58907
the number of years for which it is to be levied or that it is for 58908
a continuing period of time; the allocation method required by 58909
division (C) of this section; and if required to be submitted to 58910
the electors of the county under division (A) of this section, the 58911
date of the election at which the proposal shall be submitted to 58912
the electors of the county, which shall be not less than ninety 58913

days after the certification of a copy of the resolution to the 58914
board of elections and, if the tax is to be levied exclusively for 58915
the purpose set forth in division (A)(3) of this section, shall 58916
not occur in August of any year. Upon certification of the 58917
resolution to the board of elections, the board of county 58918
commissioners shall notify the tax commissioner in writing of the 58919
levy question to be submitted to the electors. If approved by a 58920
majority of the electors, the tax shall become effective on the 58921
first day of a calendar quarter next following the sixty-fifth day 58922
following the date the board of county commissioners and tax 58923
commissioner receive from the board of elections the certification 58924
of the results of the election, except as provided in division (E) 58925
of this section. 58926

(2)(a) A resolution specifying that the tax is to be used 58927
exclusively for the purpose set forth in division (A)(3) of this 58928
section that is not adopted as an emergency measure may direct the 58929
board of elections to submit the question of levying the tax or 58930
increasing the rate of the tax to the electors of the county at a 58931
special election held on the date specified by the board of county 58932
commissioners in the resolution, provided that the election occurs 58933
not less than ninety days after the resolution is certified to the 58934
board of elections and the election is not held in August of any 58935
year. Upon certification of the resolution to the board of 58936
elections, the board of county commissioners shall notify the tax 58937
commissioner in writing of the levy question to be submitted to 58938
the electors. No resolution adopted under division (D)(2)(a) of 58939
this section shall go into effect unless approved by a majority of 58940
those voting upon it and, except as provided in division (E) of 58941
this section, not until the first day of a calendar quarter 58942
following the expiration of sixty-five days from the date the tax 58943
commissioner receives notice from the board of elections of the 58944
affirmative vote. 58945

(b) A resolution specifying that the tax is to be used 58946
exclusively for the purpose set forth in division (A)(3) of this 58947
section that is adopted as an emergency measure shall become 58948
effective as provided in division (A) of this section, but may 58949
direct the board of elections to submit the question of repealing 58950
the tax or increase in the rate of the tax to the electors of the 58951
county at the next general election in the county occurring not 58952
less than ninety days after the resolution is certified to the 58953
board of elections. Upon certification of the resolution to the 58954
board of elections, the board of county commissioners shall notify 58955
the tax commissioner in writing of the levy question to be 58956
submitted to the electors. The ballot question shall be the same 58957
as that prescribed in section 5739.022 of the Revised Code. The 58958
board of elections shall notify the board of county commissioners 58959
and the tax commissioner of the result of the election immediately 58960
after the result has been declared. If a majority of the qualified 58961
electors voting on the question of repealing the tax or increase 58962
in the rate of the tax vote for repeal of the tax or repeal of the 58963
increase, the board of county commissioners, on the first day of a 58964
calendar quarter following the expiration of sixty-five days after 58965
the date the board and tax commissioner received notice of the 58966
result of the election, shall, in the case of a repeal of the tax, 58967
cease to levy the tax, or, in the case of a repeal of an increase 58968
in the rate of the tax, cease to levy the increased rate and levy 58969
the tax at the rate at which it was imposed immediately prior to 58970
the increase in rate. 58971

(c) A board of county commissioners, by resolution, may 58972
reduce the rate of a tax levied exclusively for the purpose set 58973
forth in division (A)(3) of this section to a lower rate 58974
authorized by this section. Any such reduction shall be made 58975
effective on the first day of the calendar quarter next following 58976
the sixty-fifth day after the tax commissioner receives a 58977
certified copy of the resolution from the board. 58978

(E) If a vendor makes a sale in this state by printed catalog 58979
and the consumer computed the tax on the sale based on local rates 58980
published in the catalog, any tax levied or repealed or rate 58981
changed under this section shall not apply to such a sale until 58982
the first day of a calendar quarter following the expiration of 58983
one hundred twenty days from the date of notice by the tax 58984
commissioner pursuant to division (G) of this section. 58985

(F) The tax levied pursuant to this section shall be in 58986
addition to the tax levied by section 5739.02 of the Revised Code 58987
and any tax levied pursuant to section 5739.021 or 5739.023 of the 58988
Revised Code. 58989

A county that levies a tax pursuant to this section shall 58990
levy a tax at the same rate pursuant to section 5741.023 of the 58991
Revised Code. 58992

The additional tax levied by the county shall be collected 58993
pursuant to section 5739.025 of the Revised Code. 58994

Any tax levied pursuant to this section is subject to the 58995
exemptions provided in section 5739.02 of the Revised Code and in 58996
addition shall not be applicable to sales not within the taxing 58997
power of a county under the Constitution of the United States or 58998
the Ohio Constitution. 58999

(G) Upon receipt from a board of county commissioners of a 59000
certified copy of a resolution required by division (A) of this 59001
section, or from the board of elections a notice of the results of 59002
an election required by division (D)(1), (2)(a), (b), or (c) of 59003
this section, the tax commissioner shall provide notice of a tax 59004
rate change in a manner that is reasonably accessible to all 59005
affected vendors. The commissioner shall provide this notice at 59006
least sixty days prior to the effective date of the rate change. 59007
The commissioner, by rule, may establish the method by which 59008
notice will be provided. 59009

Sec. 5739.03. (A) Except as provided in section 5739.05 or 59010
section 5739.051 of the Revised Code, the tax imposed by or 59011
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 59012
the Revised Code shall be paid by the consumer to the vendor, and 59013
each vendor shall collect from the consumer, as a trustee for the 59014
state of Ohio, the full and exact amount of the tax payable on 59015
each taxable sale, in the manner and at the times provided as 59016
follows: 59017

(1) If the price is, at or prior to the provision of the 59018
service or the delivery of possession of the thing sold to the 59019
consumer, paid in currency passed from hand to hand by the 59020
consumer or the consumer's agent to the vendor or the vendor's 59021
agent, the vendor or the vendor's agent shall collect the tax with 59022
and at the same time as the price; 59023

(2) If the price is otherwise paid or to be paid, the vendor 59024
or the vendor's agent shall, at or prior to the provision of the 59025
service or the delivery of possession of the thing sold to the 59026
consumer, charge the tax imposed by or pursuant to section 59027
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 59028
the account of the consumer, which amount shall be collected by 59029
the vendor from the consumer in addition to the price. Such sale 59030
shall be reported on and the amount of the tax applicable thereto 59031
shall be remitted with the return for the period in which the sale 59032
is made, and the amount of the tax shall become a legal charge in 59033
favor of the vendor and against the consumer. 59034

(B)(1)(a) If any sale is claimed to be exempt under division 59035
(E) of section 5739.01 of the Revised Code or under section 59036
5739.02 of the Revised Code, with the exception of divisions 59037
(B)(1) to (11), (28), or ~~(56)~~ (52) of section 5739.02 of the 59038
Revised Code, or if the consumer claims the transaction is not a 59039
taxable sale due to one or more of the exclusions provided under 59040

divisions (JJ)(1) to (5) of section 5739.01 of the Revised Code, 59041
the consumer must provide to the vendor, and the vendor must 59042
obtain from the consumer, a certificate specifying the reason that 59043
the sale is not legally subject to the tax. The certificate shall 59044
be in such form, and shall be provided either in a hard copy form 59045
or electronic form, as the tax commissioner prescribes. 59046

(b) A vendor that obtains a fully completed exemption 59047
certificate from a consumer is relieved of liability for 59048
collecting and remitting tax on any sale covered by that 59049
certificate. If it is determined the exemption was improperly 59050
claimed, the consumer shall be liable for any tax due on that sale 59051
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 59052
5741. of the Revised Code. Relief under this division from 59053
liability does not apply to any of the following: 59054

(i) A vendor that fraudulently fails to collect tax; 59055

(ii) A vendor that solicits consumers to participate in the 59056
unlawful claim of an exemption; 59057

(iii) A vendor that accepts an exemption certificate from a 59058
consumer that claims an exemption based on who purchases or who 59059
sells property or a service, when the subject of the transaction 59060
sought to be covered by the exemption certificate is actually 59061
received by the consumer at a location operated by the vendor in 59062
this state, and this state has posted to its web site an exemption 59063
certificate form that clearly and affirmatively indicates that the 59064
claimed exemption is not available in this state; 59065

(iv) A vendor that accepts an exemption certificate from a 59066
consumer who claims a multiple points of use exemption under 59067
division (D) of section 5739.033 of the Revised Code, if the item 59068
purchased is tangible personal property, other than prewritten 59069
computer software. 59070

(2) The vendor shall maintain records, including exemption 59071

certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section.

(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the sale is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(5) Certificates need not be obtained nor provided where the identity of the consumer is such that the transaction is never subject to the tax imposed or where the item of tangible personal property sold or the service provided is never subject to the tax imposed, regardless of use, or when the sale is in interstate commerce.

(6) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the vendor. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(C) As used in this division, "contractee" means a person who
seeks to enter or enters into a contract or agreement with a
contractor or vendor for the construction of real property or for
the sale and installation onto real property of tangible personal
property.

Any contractor or vendor may request from any contractee a
certification of what portion of the property to be transferred
under such contract or agreement is to be incorporated into the
realty and what portion will retain its status as tangible
personal property after installation is completed. The contractor
or vendor shall request the certification by certified mail
delivered to the contractee, return receipt requested. Upon
receipt of such request and prior to entering into the contract or
agreement, the contractee shall provide to the contractor or
vendor a certification sufficiently detailed to enable the
contractor or vendor to ascertain the resulting classification of
all materials purchased or fabricated by the contractor or vendor
and transferred to the contractee. This requirement applies to a
contractee regardless of whether the contractee holds a direct
payment permit under section 5739.031 of the Revised Code or
provides to the contractor or vendor an exemption certificate as
provided under this section.

For the purposes of the taxes levied by this chapter and
Chapter 5741. of the Revised Code, the contractor or vendor may in
good faith rely on the contractee's certification. Notwithstanding
division (B) of section 5739.01 of the Revised Code, if the tax
commissioner determines that certain property certified by the
contractee as tangible personal property pursuant to this division
is, in fact, real property, the contractee shall be considered to
be the consumer of all materials so incorporated into that real
property and shall be liable for the applicable tax, and the
contractor or vendor shall be excused from any liability on those

materials. 59136

If a contractee fails to provide such certification upon the 59137
request of the contractor or vendor, the contractor or vendor 59138
shall comply with the provisions of this chapter and Chapter 5741. 59139
of the Revised Code without the certification. If the tax 59140
commissioner determines that such compliance has been performed in 59141
good faith and that certain property treated as tangible personal 59142
property by the contractor or vendor is, in fact, real property, 59143
the contractee shall be considered to be the consumer of all 59144
materials so incorporated into that real property and shall be 59145
liable for the applicable tax, and the construction contractor or 59146
vendor shall be excused from any liability on those materials. 59147

This division does not apply to any contract or agreement 59148
where the tax commissioner determines as a fact that a 59149
certification under this division was made solely on the decision 59150
or advice of the contractor or vendor. 59151

(D) Notwithstanding division (B) of section 5739.01 of the 59152
Revised Code, whenever the total rate of tax imposed under this 59153
chapter is increased after the date after a construction contract 59154
is entered into, the contractee shall reimburse the construction 59155
contractor for any additional tax paid on tangible property 59156
consumed or services received pursuant to the contract. 59157

(E) A vendor who files a petition for reassessment contesting 59158
the assessment of tax on sales for which the vendor obtained no 59159
valid exemption certificates and for which the vendor failed to 59160
establish that the sales were properly not subject to the tax 59161
during the one-hundred-twenty-day period allowed under division 59162
(B) of this section, may present to the tax commissioner 59163
additional evidence to prove that the sales were properly subject 59164
to a claim of exception or exemption. The vendor shall file such 59165
evidence within ninety days of the receipt by the vendor of the 59166
notice of assessment, except that, upon application and for 59167

reasonable cause, the period for submitting such evidence shall be 59168
extended thirty days. 59169

The commissioner shall consider such additional evidence in 59170
reaching the final determination on the assessment and petition 59171
for reassessment. 59172

(F) Whenever a vendor refunds the price, minus any separately 59173
stated delivery charge, of an item of tangible personal property 59174
on which the tax imposed under this chapter has been paid, the 59175
vendor shall also refund the amount of tax paid, minus the amount 59176
of tax attributable to the delivery charge. 59177

Sec. 5739.05. (A)(1) The tax commissioner shall enforce and 59178
administer sections 5739.01 to 5739.31 of the Revised Code, which 59179
are hereby declared to be sections which the commissioner is 59180
required to administer within the meaning of sections 5703.17 to 59181
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 59182
commissioner may adopt and promulgate, in accordance with sections 59183
119.01 to 119.13 of the Revised Code, such rules as the 59184
commissioner deems necessary to administer sections 5739.01 to 59185
5739.31 of the Revised Code. 59186

(2) On or before the first day of May of each year, the 59187
commissioner shall make available to vendors a notice explaining 59188
the three-day exemption period required under division (B)~~(56)~~(52) 59189
of section 5739.02 of the Revised Code. 59190

(B) Upon application, the commissioner may authorize a vendor 59191
to pay on a predetermined basis the tax levied by or pursuant to 59192
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 59193
Code upon sales of things produced or distributed or services 59194
provided by such vendor, and the commissioner may waive the 59195
collection of the tax from the consumer. The commissioner shall 59196
not grant such authority unless the commissioner finds that the 59197
granting of the authority would improve compliance and increase 59198

the efficiency of the administration of the tax. The person to 59199
whom such authority is granted shall post a notice, if required by 59200
the commissioner, at the location where the product is offered for 59201
sale that the tax is included in the selling price. The 59202
commissioner may adopt rules to administer this division. 59203

(C) Upon application, the commissioner may authorize a vendor 59204
to remit, on the basis of a prearranged agreement under this 59205
division, the tax levied by section 5739.02 or pursuant to section 59206
5739.021, 5739.023, or 5739.026 of the Revised Code. The 59207
proportions and ratios in a prearranged agreement shall be 59208
determined either by a test check conducted by the commissioner 59209
under terms and conditions agreed to by the commissioner and the 59210
vendor or by any other method agreed upon by the vendor and the 59211
commissioner. If the parties are unable to agree to the terms and 59212
conditions of the test check or other method, the application 59213
shall be denied. 59214

If used, the test check shall determine the proportion that 59215
taxable retail sales bear to all of the vendor's retail sales and 59216
the ratio which the tax required to be collected under sections 59217
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code 59218
bears to the receipts from the vendor's taxable retail sales. 59219

The vendor's liability for remitting the tax shall be based 59220
solely upon the proportions and ratios established in the 59221
agreement until such time that the vendor or the commissioner 59222
believes that the nature of the vendor's business has so changed 59223
as to make the agreement no longer representative. The 59224
commissioner may give notice to the vendor at any time that the 59225
authorization is revoked or the vendor may notify the commissioner 59226
that the vendor no longer elects to report under the 59227
authorization. Such notice shall be delivered to the other party 59228
personally or by registered mail. The revocation or cancellation 59229
is effective the last day of the month in which the vendor or the 59230

commissioner receives the notice. 59231

Sec. 5739.09. (A)(1) A board of county commissioners may, by 59232
resolution adopted by a majority of the members of the board, levy 59233
an excise tax not to exceed three per cent on transactions by 59234
which lodging by a hotel is or is to be furnished to transient 59235
guests. The board shall establish all regulations necessary to 59236
provide for the administration and allocation of the tax. The 59237
regulations may prescribe the time for payment of the tax, and may 59238
provide for the imposition of a penalty or interest, or both, for 59239
late payments, provided that the penalty does not exceed ten per 59240
cent of the amount of tax due, and the rate at which interest 59241
accrues does not exceed the rate per annum prescribed pursuant to 59242
section 5703.47 of the Revised Code. Except as provided in 59243
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 59244
and (12) of this section, the regulations shall provide, after 59245
deducting the real and actual costs of administering the tax, for 59246
the return to each municipal corporation or township that does not 59247
levy an excise tax on the transactions, a uniform percentage of 59248
the tax collected in the municipal corporation or in the 59249
unincorporated portion of the township from each transaction, not 59250
to exceed thirty-three and one-third per cent. The remainder of 59251
the revenue arising from the tax shall be deposited in a separate 59252
fund and shall be spent solely to make contributions to the 59253
convention and visitors' bureau operating within the county, 59254
including a pledge and contribution of any portion of the 59255
remainder pursuant to an agreement authorized by section 307.678 59256
or 307.695 of the Revised Code, provided that if the board of 59257
county commissioners of an eligible county as defined in section 59258
307.678 or 307.695 of the Revised Code adopts a resolution 59259
amending a resolution levying a tax under this division to provide 59260
that revenue from the tax shall be used by the board as described 59261
in either division (D) of section 307.678 or division (H) of 59262

section 307.695 of the Revised Code, the remainder of the revenue 59263
shall be used as described in the resolution making that 59264
amendment. Except as provided in division (A)(2), (3), (4), (5), 59265
(6), (7), (8), (9), (10), or (11) or (H) of this section, on and 59266
after May 10, 1994, a board of county commissioners may not levy 59267
an excise tax pursuant to this division in any municipal 59268
corporation or township located wholly or partly within the county 59269
that has in effect an ordinance or resolution levying an excise 59270
tax pursuant to division (B) of this section. The board of a 59271
county that has levied a tax under division (C) of this section 59272
may, by resolution adopted within ninety days after July 15, 1985, 59273
by a majority of the members of the board, amend the resolution 59274
levying a tax under this division to provide for a portion of that 59275
tax to be pledged and contributed in accordance with an agreement 59276
entered into under section 307.695 of the Revised Code. A tax, any 59277
revenue from which is pledged pursuant to such an agreement, shall 59278
remain in effect at the rate at which it is imposed for the 59279
duration of the period for which the revenue from the tax has been 59280
so pledged. 59281

The board of county commissioners of an eligible county as 59282
defined in section 307.695 of the Revised Code may, by resolution 59283
adopted by a majority of the members of the board, amend a 59284
resolution levying a tax under this division to provide that the 59285
revenue from the tax shall be used by the board as described in 59286
division (H) of section 307.695 of the Revised Code, in which case 59287
the tax shall remain in effect at the rate at which it was imposed 59288
for the duration of any agreement entered into by the board under 59289
section 307.695 of the Revised Code, the duration during which any 59290
securities issued by the board under that section are outstanding, 59291
or the duration of the period during which the board owns a 59292
project as defined in section 307.695 of the Revised Code, 59293
whichever duration is longest. 59294

The board of county commissioners of an eligible county as 59295
defined in section 307.678 of the Revised Code may, by resolution, 59296
amend a resolution levying a tax under this division to provide 59297
that revenue from the tax, not to exceed five hundred thousand 59298
dollars each year, may be used as described in division (E) of 59299
section 307.678 of the Revised Code. 59300

Notwithstanding division (A)(1) of this section, the board of 59301
county commissioners of a county described in division (A)(8)(a) 59302
of this section may, by resolution, amend a resolution levying a 59303
tax under this division to provide that all or a portion of the 59304
revenue from the tax, including any revenue otherwise required to 59305
be returned to townships or municipal corporations under this 59306
division, may be used or pledged for the payment of debt service 59307
on securities issued to pay the costs of constructing, operating, 59308
and maintaining sports facilities described in division (A)(8)(b) 59309
of this section. 59310

The board of county commissioners of a county described in 59311
division (A)(9) of this section may, by resolution, amend a 59312
resolution levying a tax under this division to provide that all 59313
or a portion of the revenue from the tax may be used for the 59314
purposes described in section 307.679 of the Revised Code. 59315

(2) A board of county commissioners that levies an excise tax 59316
under division (A)(1) of this section on June 30, 1997, at a rate 59317
of three per cent, and that has pledged revenue from the tax to an 59318
agreement entered into under section 307.695 of the Revised Code 59319
or, in the case of the board of county commissioners of an 59320
eligible county as defined in section 307.695 of the Revised Code, 59321
has amended a resolution levying a tax under division (C) of this 59322
section to provide that proceeds from the tax shall be used by the 59323
board as described in division (H) of section 307.695 of the 59324
Revised Code, may, at any time by a resolution adopted by a 59325
majority of the members of the board, amend the resolution levying 59326

a tax under division (A)(1) of this section to provide for an 59327
increase in the rate of that tax up to seven per cent on each 59328
transaction; to provide that revenue from the increase in the rate 59329
shall be used as described in division (H) of section 307.695 of 59330
the Revised Code or be spent solely to make contributions to the 59331
convention and visitors' bureau operating within the county to be 59332
used specifically for promotion, advertising, and marketing of the 59333
region in which the county is located; and to provide that the 59334
rate in excess of the three per cent levied under division (A)(1) 59335
of this section shall remain in effect at the rate at which it is 59336
imposed for the duration of the period during which any agreement 59337
is in effect that was entered into under section 307.695 of the 59338
Revised Code by the board of county commissioners levying a tax 59339
under division (A)(1) of this section, the duration of the period 59340
during which any securities issued by the board under division (I) 59341
of section 307.695 of the Revised Code are outstanding, or the 59342
duration of the period during which the board owns a project as 59343
defined in section 307.695 of the Revised Code, whichever duration 59344
is longest. The amendment also shall provide that no portion of 59345
that revenue need be returned to townships or municipal 59346
corporations as would otherwise be required under division (A)(1) 59347
of this section. 59348

(3) A board of county commissioners that levies a tax under 59349
division (A)(1) of this section on March 18, 1999, at a rate of 59350
three per cent may, by resolution adopted not later than 59351
forty-five days after March 18, 1999, amend the resolution levying 59352
the tax to provide for all of the following: 59353

(a) That the rate of the tax shall be increased by not more 59354
than an additional four per cent on each transaction; 59355

(b) That all of the revenue from the increase in the rate 59356
shall be pledged and contributed to a convention facilities 59357
authority established by the board of county commissioners under 59358

Chapter 351. of the Revised Code on or before November 15, 1998, 59359
and used to pay costs of constructing, maintaining, operating, and 59360
promoting a facility in the county, including paying bonds, or 59361
notes issued in anticipation of bonds, as provided by that 59362
chapter; 59363

(c) That no portion of the revenue arising from the increase 59364
in rate need be returned to municipal corporations or townships as 59365
otherwise required under division (A)(1) of this section; 59366

(d) That the increase in rate shall not be subject to 59367
diminution by initiative or referendum or by law while any bonds, 59368
or notes in anticipation of bonds, issued by the authority under 59369
Chapter 351. of the Revised Code to which the revenue is pledged, 59370
remain outstanding in accordance with their terms, unless 59371
provision is made by law or by the board of county commissioners 59372
for an adequate substitute therefor that is satisfactory to the 59373
trustee if a trust agreement secures the bonds. 59374

Division (A)(3) of this section does not apply to the board 59375
of county commissioners of any county in which a convention center 59376
or facility exists or is being constructed on November 15, 1998, 59377
or of any county in which a convention facilities authority levies 59378
a tax pursuant to section 351.021 of the Revised Code on that 59379
date. 59380

As used in division (A)(3) of this section, "cost" and 59381
"facility" have the same meanings as in section 351.01 of the 59382
Revised Code, and "convention center" has the same meaning as in 59383
section 307.695 of the Revised Code. 59384

(4)(a) A board of county commissioners that levies a tax 59385
under division (A)(1) of this section on June 30, 2002, at a rate 59386
of three per cent may, by resolution adopted not later than 59387
September 30, 2002, amend the resolution levying the tax to 59388
provide for all of the following: 59389

(i) That the rate of the tax shall be increased by not more 59390
than an additional three and one-half per cent on each 59391
transaction; 59392

(ii) That all of the revenue from the increase in rate shall 59393
be pledged and contributed to a convention facilities authority 59394
established by the board of county commissioners under Chapter 59395
351. of the Revised Code on or before May 15, 2002, and be used to 59396
pay costs of constructing, expanding, maintaining, operating, or 59397
promoting a convention center in the county, including paying 59398
bonds, or notes issued in anticipation of bonds, as provided by 59399
that chapter; 59400

(iii) That no portion of the revenue arising from the 59401
increase in rate need be returned to municipal corporations or 59402
townships as otherwise required under division (A)(1) of this 59403
section; 59404

(iv) That the increase in rate shall not be subject to 59405
diminution by initiative or referendum or by law while any bonds, 59406
or notes in anticipation of bonds, issued by the authority under 59407
Chapter 351. of the Revised Code to which the revenue is pledged, 59408
remain outstanding in accordance with their terms, unless 59409
provision is made by law or by the board of county commissioners 59410
for an adequate substitute therefor that is satisfactory to the 59411
trustee if a trust agreement secures the bonds. 59412

(b) Any board of county commissioners that, pursuant to 59413
division (A)(4)(a) of this section, has amended a resolution 59414
levying the tax authorized by division (A)(1) of this section may 59415
further amend the resolution to provide that the revenue referred 59416
to in division (A)(4)(a)(ii) of this section shall be pledged and 59417
contributed both to a convention facilities authority to pay the 59418
costs of constructing, expanding, maintaining, or operating one or 59419
more convention centers in the county, including paying bonds, or 59420
notes issued in anticipation of bonds, as provided in Chapter 351. 59421

of the Revised Code, and to a convention and visitors' bureau to 59422
pay the costs of promoting one or more convention centers in the 59423
county. 59424

As used in division (A)(4) of this section, "cost" has the 59425
same meaning as in section 351.01 of the Revised Code, and 59426
"convention center" has the same meaning as in section 307.695 of 59427
the Revised Code. 59428

(5)(a) As used in division (A)(5) of this section: 59429

(i) "Port authority" means a port authority created under 59430
Chapter 4582. of the Revised Code. 59431

(ii) "Port authority military-use facility" means port 59432
authority facilities on which or adjacent to which is located an 59433
installation of the armed forces of the United States, a reserve 59434
component thereof, or the national guard and at least part of 59435
which is made available for use, for consideration, by the armed 59436
forces of the United States, a reserve component thereof, or the 59437
national guard. 59438

(b) For the purpose of contributing revenue to pay operating 59439
expenses of a port authority that operates a port authority 59440
military-use facility, the board of county commissioners of a 59441
county that created, participated in the creation of, or has 59442
joined such a port authority may do one or both of the following: 59443

(i) Amend a resolution previously adopted under division 59444
(A)(1) of this section to designate some or all of the revenue 59445
from the tax levied under the resolution to be used for that 59446
purpose, notwithstanding that division; 59447

(ii) Amend a resolution previously adopted under division 59448
(A)(1) of this section to increase the rate of the tax by not more 59449
than an additional two per cent and use the revenue from the 59450
increase exclusively for that purpose. 59451

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years thereafter by a resolution adopted by a majority of the members of the board. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under that

division. 59485

(7) Division (A)(7) of this section applies only to a county 59486
with a population greater than sixty-five thousand and less than 59487
seventy thousand according to the most recent federal decennial 59488
census and in which, on December 31, 2006, an excise tax is levied 59489
under division (A)(1) of this section at a rate not less than and 59490
not greater than three per cent, and in which the most recent 59491
increase in the rate of that tax was enacted or took effect in 59492
November 1984. 59493

The board of county commissioners of a county to which this 59494
division applies, by resolution adopted by a majority of the 59495
members of the board, may increase the rate of the tax by not more 59496
than one per cent on transactions by which lodging by a hotel is 59497
or is to be furnished to transient guests. The increase in rate 59498
shall be for the purpose of paying expenses deemed necessary by 59499
the convention and visitors' bureau operating in the county to 59500
promote travel and tourism. The increase in rate shall remain in 59501
effect for the period specified in the resolution, not to exceed 59502
twenty years, provided that the increase in rate may not continue 59503
beyond the time when the purpose for which the increase is levied 59504
ceases to exist. If revenue from the increase in rate is pledged 59505
to the payment of debt charges on securities, the increase in rate 59506
is not subject to diminution by initiative or referendum or by law 59507
for so long as the securities are outstanding, unless provision is 59508
made by law or by the board of county commissioners for an 59509
adequate substitute for that revenue that is satisfactory to the 59510
trustee if a trust agreement secures payment of the debt charges. 59511
The increase in rate shall be subject to the regulations adopted 59512
under division (A)(1) of this section, except that the resolution 59513
may provide that no portion of the revenue from the increase in 59514
the rate shall be returned to townships or municipal corporations 59515
as would otherwise be required under division (A)(1) of this 59516

section. A resolution adopted under division (A)(7) of this 59517
section is subject to referendum under sections 305.31 to 305.99 59518
of the Revised Code. 59519

(8)(a) Division (A)(8) of this section applies only to a 59520
county satisfying all of the following: 59521

(i) The population of the county is greater than one hundred 59522
seventy-five thousand and less than two hundred twenty-five 59523
thousand according to the most recent federal decennial census. 59524

(ii) An amusement park with an average yearly attendance in 59525
excess of two million guests is located in the county. 59526

(iii) On December 31, 2014, an excise tax was levied in the 59527
county under division (A)(1) of this section at a rate of three 59528
per cent. 59529

(b) The board of county commissioners of a county to which 59530
this division applies, by resolution adopted by a majority of the 59531
members of the board, may increase the rate of the tax by not more 59532
than one per cent on transactions by which lodging by a hotel is 59533
or is to be furnished to transient guests. The increase in rate 59534
shall be used to pay the costs of constructing and maintaining 59535
facilities owned by the county or by a port authority created 59536
under Chapter 4582. of the Revised Code, and designed to host 59537
sporting events and expenses deemed necessary by the convention 59538
and visitors' bureau operating in the county to promote travel and 59539
tourism with reference to the sports facilities, and to pay or 59540
pledge to the payment of debt service on securities issued to pay 59541
the costs of constructing, operating, and maintaining the sports 59542
facilities. The increase in rate shall remain in effect for the 59543
period specified in the resolution. If revenue from the increase 59544
in rate is pledged to the payment of debt charges on securities, 59545
the increase in rate is not subject to diminution by initiative or 59546
referendum or by law for so long as the securities are 59547

outstanding, unless provision is made by law or by the board of 59548
county commissioners for an adequate substitute for that revenue 59549
that is satisfactory to the trustee if a trust agreement secures 59550
payment of the debt charges. The increase in rate shall be subject 59551
to the regulations adopted under division (A)(1) of this section, 59552
except that the resolution may provide that no portion of the 59553
revenue from the increase in the rate shall be returned to 59554
townships or municipal corporations as would otherwise be required 59555
under division (A)(1) of this section. 59556

(9) The board of county commissioners of a county with a 59557
population greater than seventy-five thousand and less than 59558
seventy-eight thousand, by resolution adopted by a majority of the 59559
members of the board not later than October 15, 2015, may increase 59560
the rate of the tax by not more than one per cent on transactions 59561
by which lodging by a hotel is or is to be furnished to transient 59562
guests. The increase in rate shall be for the purposes described 59563
in section 307.679 of the Revised Code or for the promotion of 59564
travel and tourism in the county, including travel and tourism to 59565
sports facilities. The increase in rate shall remain in effect for 59566
the period specified in the resolution and as necessary to fulfill 59567
the county's obligations under a cooperative agreement entered 59568
into under section 307.679 of the Revised Code. If the resolution 59569
is adopted by the board before September 29, 2015, but after that 59570
enactment becomes law, the increase in rate shall become effective 59571
beginning on September 29, 2015. If revenue from the increase in 59572
rate is pledged to the payment of debt charges on securities, or 59573
to substitute for other revenues pledged to the payment of such 59574
debt, the increase in rate is not subject to diminution by 59575
initiative or referendum or by law for so long as the securities 59576
are outstanding, unless provision is made by law or by the board 59577
of county commissioners for an adequate substitute for that 59578
revenue that is satisfactory to the trustee if a trust agreement 59579
secures payment of the debt charges. The increase in rate shall be 59580

subject to the regulations adopted under division (A)(1) of this 59581
section, except that no portion of the revenue from the increase 59582
in the rate shall be returned to townships or municipal 59583
corporations as would otherwise be required under division (A)(1) 59584
of this section. 59585

(10) Division (A)(10) of this section applies only to 59586
counties satisfying either of the following: 59587

(a) A county that, on July 1, 2015, does not levy an excise 59588
tax under division (A)(1) of this section and that has a 59589
population of at least thirty-nine thousand but not more than 59590
forty thousand according to the 2010 federal decennial census; 59591

(b) A county that, on July 1, 2015, levies an excise tax 59592
under division (A)(1) of this section at a rate of three per cent 59593
and that has a population of at least seventy-one thousand but not 59594
more than seventy-five thousand according to 2010 federal 59595
decennial census. 59596

The board of county commissioners of a county to which 59597
division (A)(10) of this section applies, by resolution adopted by 59598
a majority of the members of the board, may levy an excise tax at 59599
a rate not to exceed three per cent on transactions by which 59600
lodging by a hotel is or is to be furnished to transient guests 59601
for the purpose of acquiring, constructing, equipping, or 59602
repairing permanent improvements, as defined in section 133.01 of 59603
the Revised Code. If the board does not levy a tax under division 59604
(A)(1) of this section, the board shall establish regulations 59605
necessary to provide for the administration of the tax, which may 59606
prescribe the time for payment of the tax and the imposition of 59607
penalty or interest subject to the limitations on penalty and 59608
interest provided in division (A)(1) of this section. No portion 59609
of the revenue shall be returned to townships or municipal 59610
corporations in the county unless otherwise provided by resolution 59611
of the board. The tax shall apply throughout the territory of the 59612

county, including in any township or municipal corporation levying 59613
an excise tax under division (B) of this section or division (A) 59614
of section 5739.08 of the Revised Code. The levy of the tax is 59615
subject to referendum as provided under section 305.31 of the 59616
Revised Code. 59617

The tax shall remain in effect for the period specified in 59618
the resolution. If revenue from the increase in rate is pledged to 59619
the payment of debt charges on securities, the increase in rate is 59620
not subject to diminution by initiative or referendum or by law 59621
for so long as the securities are outstanding unless provision is 59622
made by law or by the board for an adequate substitute for that 59623
revenue that is satisfactory to the trustee if a trust agreement 59624
secures payment of the debt charges. 59625

(11) The board of county commissioners of an eligible county, 59626
as defined in section 307.678 of the Revised Code, that levies an 59627
excise tax under division (A)(1) of this section on July 1, 2017, 59628
at a rate of three per cent may, by resolution adopted by a 59629
majority of the members of the board, amend the resolution levying 59630
the tax to increase the rate of the tax by not more than an 59631
additional three per cent on each transaction. No portion of the 59632
revenue shall be returned to townships or municipal corporations 59633
in the county unless otherwise provided by resolution of the 59634
board. Otherwise, the revenue from the increase in the rate shall 59635
be distributed and used in the same manner described under 59636
division (A)(1) of this section or distributed or used to provide 59637
credit enhancement facilities as authorized under section 307.678 59638
of the Revised Code. The increase in rate shall remain in effect 59639
for the period specified in the resolution. If revenue from the 59640
increase in rate is pledged to the payment of debt charges on 59641
securities, the increase in rate is not subject to diminution by 59642
initiative or referendum or by law for so long as the securities 59643
are outstanding unless provision is made by law or by the board 59644

for an adequate substitute for that revenue that is satisfactory 59645
to the trustee if a trust agreement secures payment of the debt 59646
charges. 59647

(12)(a) As used in this division: 59648

(i) "Eligible county" means a county that has a population 59649
greater than one hundred ninety thousand and less than two hundred 59650
thousand according to the 2010 federal decennial census and that 59651
levies an excise tax under division (A)(1) of this section at a 59652
rate of three per cent. 59653

(ii) "Professional sports facility" means a sports facility 59654
that is intended to house major or minor league professional 59655
athletic teams, including a stadium, together with all parking 59656
facilities, walkways, and other auxiliary facilities, real and 59657
personal property, property rights, easements, and interests that 59658
may be appropriate for, or used in connection with, the operation 59659
of the facility. 59660

(b) Subject to division (A)(12)(c) of this section, the board 59661
of county commissioners of an eligible county, by resolution 59662
adopted by a majority of the members of the board, may increase 59663
the rate of the tax by not more than one per cent on transactions 59664
by which lodging by a hotel is or is to be furnished to transient 59665
guests. Revenue from the increase in rate shall be used for the 59666
purposes of paying the costs of constructing, improving, and 59667
maintaining a professional sports facility in the county and 59668
paying expenses considered necessary by the convention and 59669
visitors' bureau operating in the county to promote travel and 59670
tourism with respect to that professional sports facility. The tax 59671
shall take effect only after the convention and visitors' bureau 59672
enters into a contract for the construction, improvement, or 59673
maintenance of a professional sports facility that is or will be 59674
located on property acquired, in whole or in part, with revenue 59675
from the increased rate, and thereafter shall remain in effect for 59676

the period specified in the resolution. If revenue from the 59677
increase in rate is pledged to the payment of debt charges on 59678
securities, the increase in rate is not subject to diminution by 59679
initiative or referendum or by law for so long as the securities 59680
are outstanding, unless a provision is made by law or by the board 59681
of county commissioners for an adequate substitute for that 59682
revenue that is satisfactory to the trustee if a trust agreement 59683
secures payment of the debt charges. The increase in rate shall be 59684
subject to the regulations adopted under division (A)(1) of this 59685
section, except that the resolution may provide that no portion of 59686
the revenue from the increase in the rate shall be returned to 59687
townships or municipal corporations as would otherwise be required 59688
under division (A)(1) of this section. 59689

(c) If, on December 31, 2019, the convention and visitors' 59690
bureau has not entered into a contract for the construction, 59691
improvement, or maintenance of a professional sports facility that 59692
is or will be located on property acquired, in whole or in part, 59693
with revenue from the increased rate, the authority to levy the 59694
tax under division (A)(12)(b) of this section is hereby repealed 59695
on that date. 59696

(B)(1) The legislative authority of a municipal corporation 59697
or the board of trustees of a township that is not wholly or 59698
partly located in a county that has in effect a resolution levying 59699
an excise tax pursuant to division (A)(1) of this section may, by 59700
ordinance or resolution, levy an excise tax not to exceed three 59701
per cent on transactions by which lodging by a hotel is or is to 59702
be furnished to transient guests. The legislative authority of the 59703
municipal corporation or the board of trustees of the township 59704
shall deposit at least fifty per cent of the revenue from the tax 59705
levied pursuant to this division into a separate fund, which shall 59706
be spent solely to make contributions to convention and visitors' 59707
bureaus operating within the county in which the municipal 59708

corporation or township is wholly or partly located, and the 59709
balance of that revenue shall be deposited in the general fund. 59710
The municipal corporation or township shall establish all 59711
regulations necessary to provide for the administration and 59712
allocation of the tax. The regulations may prescribe the time for 59713
payment of the tax, and may provide for the imposition of a 59714
penalty or interest, or both, for late payments, provided that the 59715
penalty does not exceed ten per cent of the amount of tax due, and 59716
the rate at which interest accrues does not exceed the rate per 59717
annum prescribed pursuant to section 5703.47 of the Revised Code. 59718
The levy of a tax under this division is in addition to any tax 59719
imposed on the same transaction by a municipal corporation or a 59720
township as authorized by division (A) of section 5739.08 of the 59721
Revised Code. 59722

(2)(a) The legislative authority of the most populous 59723
municipal corporation located wholly or partly in a county in 59724
which the board of county commissioners has levied a tax under 59725
division (A)(4) of this section may amend, on or before September 59726
30, 2002, that municipal corporation's ordinance or resolution 59727
that levies an excise tax on transactions by which lodging by a 59728
hotel is or is to be furnished to transient guests, to provide for 59729
all of the following: 59730

(i) That the rate of the tax shall be increased by not more 59731
than an additional one per cent on each transaction; 59732

(ii) That all of the revenue from the increase in rate shall 59733
be pledged and contributed to a convention facilities authority 59734
established by the board of county commissioners under Chapter 59735
351. of the Revised Code on or before May 15, 2002, and be used to 59736
pay costs of constructing, expanding, maintaining, operating, or 59737
promoting a convention center in the county, including paying 59738
bonds, or notes issued in anticipation of bonds, as provided by 59739
that chapter; 59740

(iii) That the increase in rate shall not be subject to 59741
diminution by initiative or referendum or by law while any bonds, 59742
or notes in anticipation of bonds, issued by the authority under 59743
Chapter 351. of the Revised Code to which the revenue is pledged, 59744
remain outstanding in accordance with their terms, unless 59745
provision is made by law, by the board of county commissioners, or 59746
by the legislative authority, for an adequate substitute therefor 59747
that is satisfactory to the trustee if a trust agreement secures 59748
the bonds. 59749

(b) The legislative authority of a municipal corporation 59750
that, pursuant to division (B)(2)(a) of this section, has amended 59751
its ordinance or resolution to increase the rate of the tax 59752
authorized by division (B)(1) of this section may further amend 59753
the ordinance or resolution to provide that the revenue referred 59754
to in division (B)(2)(a)(ii) of this section shall be pledged and 59755
contributed both to a convention facilities authority to pay the 59756
costs of constructing, expanding, maintaining, or operating one or 59757
more convention centers in the county, including paying bonds, or 59758
notes issued in anticipation of bonds, as provided in Chapter 351. 59759
of the Revised Code, and to a convention and visitors' bureau to 59760
pay the costs of promoting one or more convention centers in the 59761
county. 59762

As used in division (B)(2) of this section, "cost" has the 59763
same meaning as in section 351.01 of the Revised Code, and 59764
"convention center" has the same meaning as in section 307.695 of 59765
the Revised Code. 59766

(3) The legislative authority of an eligible municipal 59767
corporation may amend, on or before December 31, 2017, that 59768
municipal corporation's ordinance or resolution that levies an 59769
excise tax on transactions by which lodging by a hotel is or is to 59770
be furnished to transient guests, to provide for the following: 59771

(a) That the rate of the tax shall be increased by not more 59772

than an additional three per cent on each transaction; 59773

(b) That all of the revenue from the increase in rate shall 59774
be used by the municipal corporation for economic development and 59775
tourism-related purposes. 59776

As used in division (B)(3) of this section, "eligible 59777
municipal corporation" means a municipal corporation that, on the 59778
effective date of the amendment of this section by H.B. 49 of the 59779
132nd general assembly, September 29, 2017, levied a tax under 59780
division (B)(1) of this section at a rate of three per cent and 59781
that is located in a county that, on that date, levied a tax under 59782
division (A) of this section at a rate of three per cent and that 59783
has, according to the most recent federal decennial census, a 59784
population exceeding three hundred thousand but not greater than 59785
three hundred fifty thousand. 59786

(C) For the purposes described in section 307.695 of the 59787
Revised Code and to cover the costs of administering the tax, a 59788
board of county commissioners of a county where a tax imposed 59789
under division (A)(1) of this section is in effect may, by 59790
resolution adopted within ninety days after July 15, 1985, by a 59791
majority of the members of the board, levy an additional excise 59792
tax not to exceed three per cent on transactions by which lodging 59793
by a hotel is or is to be furnished to transient guests. The tax 59794
authorized by this division shall be in addition to any tax that 59795
is levied pursuant to division (A) of this section, but it shall 59796
not apply to transactions subject to a tax levied by a municipal 59797
corporation or township pursuant to the authorization granted by 59798
division (A) of section 5739.08 of the Revised Code. The board 59799
shall establish all regulations necessary to provide for the 59800
administration and allocation of the tax. The regulations may 59801
prescribe the time for payment of the tax, and may provide for the 59802
imposition of a penalty or interest, or both, for late payments, 59803
provided that the penalty does not exceed ten per cent of the 59804

amount of tax due, and the rate at which interest accrues does not 59805
exceed the rate per annum prescribed pursuant to section 5703.47 59806
of the Revised Code. All revenues arising from the tax shall be 59807
expended in accordance with section 307.695 of the Revised Code. 59808
The board of county commissioners of an eligible county as defined 59809
in section 307.695 of the Revised Code may, by resolution adopted 59810
by a majority of the members of the board, amend the resolution 59811
levying a tax under this division to provide that the revenue from 59812
the tax shall be used by the board as described in division (H) of 59813
section 307.695 of the Revised Code. A tax imposed under this 59814
division shall remain in effect at the rate at which it is imposed 59815
for the duration of the period during which any agreement entered 59816
into by the board under section 307.695 of the Revised Code is in 59817
effect, the duration of the period during which any securities 59818
issued by the board under division (I) of section 307.695 of the 59819
Revised Code are outstanding, or the duration of the period during 59820
which the board owns a project as defined in section 307.695 of 59821
the Revised Code, whichever duration is longest. 59822

(D) For the purpose of providing contributions under division 59823
(B)(1) of section 307.671 of the Revised Code to enable the 59824
acquisition, construction, and equipping of a port authority 59825
educational and cultural facility in the county and, to the extent 59826
provided for in the cooperative agreement authorized by that 59827
section, for the purpose of paying debt service charges on bonds, 59828
or notes in anticipation of bonds, described in division (B)(1)(b) 59829
of that section, a board of county commissioners, by resolution 59830
adopted within ninety days after December 22, 1992, by a majority 59831
of the members of the board, may levy an additional excise tax not 59832
to exceed one and one-half per cent on transactions by which 59833
lodging by a hotel is or is to be furnished to transient guests. 59834
The excise tax authorized by this division shall be in addition to 59835
any tax that is levied pursuant to divisions (A), (B), and (C) of 59836
this section, to any excise tax levied pursuant to section 5739.08 59837

of the Revised Code, and to any excise tax levied pursuant to 59838
section 351.021 of the Revised Code. The board of county 59839
commissioners shall establish all regulations necessary to provide 59840
for the administration and allocation of the tax that are not 59841
inconsistent with this section or section 307.671 of the Revised 59842
Code. The regulations may prescribe the time for payment of the 59843
tax, and may provide for the imposition of a penalty or interest, 59844
or both, for late payments, provided that the penalty does not 59845
exceed ten per cent of the amount of tax due, and the rate at 59846
which interest accrues does not exceed the rate per annum 59847
prescribed pursuant to section 5703.47 of the Revised Code. All 59848
revenues arising from the tax shall be expended in accordance with 59849
section 307.671 of the Revised Code and division (D) of this 59850
section. The levy of a tax imposed under this division may not 59851
commence prior to the first day of the month next following the 59852
execution of the cooperative agreement authorized by section 59853
307.671 of the Revised Code by all parties to that agreement. The 59854
tax shall remain in effect at the rate at which it is imposed for 59855
the period of time described in division (C) of section 307.671 of 59856
the Revised Code for which the revenue from the tax has been 59857
pledged by the county to the corporation pursuant to that section, 59858
but, to any extent provided for in the cooperative agreement, for 59859
no lesser period than the period of time required for payment of 59860
the debt service charges on bonds, or notes in anticipation of 59861
bonds, described in division (B)(1)(b) of that section. 59862

(E) For the purpose of paying the costs of acquiring, 59863
constructing, equipping, and improving a municipal educational and 59864
cultural facility, including debt service charges on bonds 59865
provided for in division (B) of section 307.672 of the Revised 59866
Code, and for any additional purposes determined by the county in 59867
the resolution levying the tax or amendments to the resolution, 59868
including subsequent amendments providing for paying costs of 59869
acquiring, constructing, renovating, rehabilitating, equipping, 59870

and improving a port authority educational and cultural performing 59871
arts facility, as defined in section 307.674 of the Revised Code, 59872
and including debt service charges on bonds provided for in 59873
division (B) of section 307.674 of the Revised Code, the 59874
legislative authority of a county, by resolution adopted within 59875
ninety days after June 30, 1993, by a majority of the members of 59876
the legislative authority, may levy an additional excise tax not 59877
to exceed one and one-half per cent on transactions by which 59878
lodging by a hotel is or is to be furnished to transient guests. 59879
The excise tax authorized by this division shall be in addition to 59880
any tax that is levied pursuant to divisions (A), (B), (C), and 59881
(D) of this section, to any excise tax levied pursuant to section 59882
5739.08 of the Revised Code, and to any excise tax levied pursuant 59883
to section 351.021 of the Revised Code. The legislative authority 59884
of the county shall establish all regulations necessary to provide 59885
for the administration and allocation of the tax. The regulations 59886
may prescribe the time for payment of the tax, and may provide for 59887
the imposition of a penalty or interest, or both, for late 59888
payments, provided that the penalty does not exceed ten per cent 59889
of the amount of tax due, and the rate at which interest accrues 59890
does not exceed the rate per annum prescribed pursuant to section 59891
5703.47 of the Revised Code. All revenues arising from the tax 59892
shall be expended in accordance with section 307.672 of the 59893
Revised Code and this division. The levy of a tax imposed under 59894
this division shall not commence prior to the first day of the 59895
month next following the execution of the cooperative agreement 59896
authorized by section 307.672 of the Revised Code by all parties 59897
to that agreement. The tax shall remain in effect at the rate at 59898
which it is imposed for the period of time determined by the 59899
legislative authority of the county. That period of time shall not 59900
exceed fifteen years, except that the legislative authority of a 59901
county with a population of less than two hundred fifty thousand 59902
according to the most recent federal decennial census, by 59903

resolution adopted by a majority of its members before the 59904
original tax expires, may extend the duration of the tax for an 59905
additional period of time. The additional period of time by which 59906
a legislative authority extends a tax levied under this division 59907
shall not exceed fifteen years. 59908

(F) The legislative authority of a county that has levied a 59909
tax under division (E) of this section may, by resolution adopted 59910
within one hundred eighty days after January 4, 2001, by a 59911
majority of the members of the legislative authority, amend the 59912
resolution levying a tax under that division to provide for the 59913
use of the proceeds of that tax, to the extent that it is no 59914
longer needed for its original purpose as determined by the 59915
parties to a cooperative agreement amendment pursuant to division 59916
(D) of section 307.672 of the Revised Code, to pay costs of 59917
acquiring, constructing, renovating, rehabilitating, equipping, 59918
and improving a port authority educational and cultural performing 59919
arts facility, including debt service charges on bonds provided 59920
for in division (B) of section 307.674 of the Revised Code, and to 59921
pay all obligations under any guaranty agreements, reimbursement 59922
agreements, or other credit enhancement agreements described in 59923
division (C) of section 307.674 of the Revised Code. The 59924
resolution may also provide for the extension of the tax at the 59925
same rate for the longer of the period of time determined by the 59926
legislative authority of the county, but not to exceed an 59927
additional twenty-five years, or the period of time required to 59928
pay all debt service charges on bonds provided for in division (B) 59929
of section 307.672 of the Revised Code and on port authority 59930
revenue bonds provided for in division (B) of section 307.674 of 59931
the Revised Code. All revenues arising from the amendment and 59932
extension of the tax shall be expended in accordance with section 59933
307.674 of the Revised Code, this division, and division (E) of 59934
this section. 59935

(G) For purposes of a tax levied by a county, township, or 59936
municipal corporation under this section or section 5739.08 of the 59937
Revised Code, a board of county commissioners, board of township 59938
trustees, or the legislative authority of a municipal corporation 59939
may adopt a resolution or ordinance at any time specifying that 59940
"hotel," as otherwise defined in section 5739.01 of the Revised 59941
Code, includes the following: 59942

(1) Establishments in which fewer than five rooms are used 59943
for the accommodation of guests. 59944

(2) Establishments at which rooms are used for the 59945
accommodation of guests regardless of whether each room is 59946
accessible through its own keyed entry or several rooms are 59947
accessible through the same keyed entry; and, in determining the 59948
number of rooms, all rooms are included regardless of the number 59949
of structures in which the rooms are situated or the number of 59950
parcels of land on which the structures are located if the 59951
structures are under the same ownership and the structures are not 59952
identified in advertisements of the accommodations as distinct 59953
establishments. For the purposes of division (G)(2) of this 59954
section, two or more structures are under the same ownership if 59955
they are owned by the same person, or if they are owned by two or 59956
more persons the majority of the ownership interests of which are 59957
owned by the same person. 59958

The resolution or ordinance may apply to a tax imposed 59959
pursuant to this section prior to the adoption of the resolution 59960
or ordinance if the resolution or ordinance so states, but the tax 59961
shall not apply to transactions by which lodging by such an 59962
establishment is provided to transient guests prior to the 59963
adoption of the resolution or ordinance. 59964

(H)(1) As used in this division: 59965

(a) "Convention facilities authority" has the same meaning as 59966

in section 351.01 of the Revised Code. 59967

(b) "Convention center" has the same meaning as in section 59968
307.695 of the Revised Code. 59969

(2) Notwithstanding any contrary provision of division (D) of 59970
this section, the legislative authority of a county with a 59971
population of one million or more according to the most recent 59972
federal decennial census that has levied a tax under division (D) 59973
of this section may, by resolution adopted by a majority of the 59974
members of the legislative authority, provide for the extension of 59975
such levy and may provide that the proceeds of that tax, to the 59976
extent that they are no longer needed for their original purpose 59977
as defined by a cooperative agreement entered into under section 59978
307.671 of the Revised Code, shall be deposited into the county 59979
general revenue fund. The resolution shall provide for the 59980
extension of the tax at a rate not to exceed the rate specified in 59981
division (D) of this section for a period of time determined by 59982
the legislative authority of the county, but not to exceed an 59983
additional forty years. 59984

(3) The legislative authority of a county with a population 59985
of one million or more that has levied a tax under division (A)(1) 59986
of this section may, by resolution adopted by a majority of the 59987
members of the legislative authority, increase the rate of the tax 59988
levied by such county under division (A)(1) of this section to a 59989
rate not to exceed five per cent on transactions by which lodging 59990
by a hotel is or is to be furnished to transient guests. 59991
Notwithstanding any contrary provision of division (A)(1) of this 59992
section, the resolution may provide that all collections resulting 59993
from the rate levied in excess of three per cent, after deducting 59994
the real and actual costs of administering the tax, shall be 59995
deposited in the county general fund. 59996

(4) The legislative authority of a county with a population 59997
of one million or more that has levied a tax under division (A)(1) 59998

of this section may, by resolution adopted on or before August 30, 59999
2004, by a majority of the members of the legislative authority, 60000
provide that all or a portion of the proceeds of the tax levied 60001
under division (A)(1) of this section, after deducting the real 60002
and actual costs of administering the tax and the amounts required 60003
to be returned to townships and municipal corporations with 60004
respect to the first three per cent levied under division (A)(1) 60005
of this section, shall be deposited in the county general fund, 60006
provided that such proceeds shall be used to satisfy any pledges 60007
made in connection with an agreement entered into under section 60008
307.695 of the Revised Code. 60009

(5) No amount collected from a tax levied, extended, or 60010
required to be deposited in the county general fund under division 60011
(H) of this section shall be contributed to a convention 60012
facilities authority, corporation, or other entity created after 60013
July 1, 2003, for the principal purpose of constructing, 60014
improving, expanding, equipping, financing, or operating a 60015
convention center unless the mayor of the municipal corporation in 60016
which the convention center is to be operated by that convention 60017
facilities authority, corporation, or other entity has consented 60018
to the creation of that convention facilities authority, 60019
corporation, or entity. Notwithstanding any contrary provision of 60020
section 351.04 of the Revised Code, if a tax is levied by a county 60021
under division (H) of this section, the board of county 60022
commissioners of that county may determine the manner of 60023
selection, the qualifications, the number, and terms of office of 60024
the members of the board of directors of any convention facilities 60025
authority, corporation, or other entity described in division 60026
(H)(5) of this section. 60027

(6)(a) No amount collected from a tax levied, extended, or 60028
required to be deposited in the county general fund under division 60029
(H) of this section may be used for any purpose other than paying 60030

the direct and indirect costs of constructing, improving, 60031
expanding, equipping, financing, or operating a convention center 60032
and for the real and actual costs of administering the tax, 60033
unless, prior to the adoption of the resolution of the legislative 60034
authority of the county authorizing the levy, extension, increase, 60035
or deposit, the county and the mayor of the most populous 60036
municipal corporation in that county have entered into an 60037
agreement as to the use of such amounts, provided that such 60038
agreement has been approved by a majority of the mayors of the 60039
other municipal corporations in that county. The agreement shall 60040
provide that the amounts to be used for purposes other than paying 60041
the convention center or administrative costs described in 60042
division (H)(6)(a) of this section be used only for the direct and 60043
indirect costs of capital improvements, including the financing of 60044
capital improvements. 60045

(b) If the county in which the tax is levied has an 60046
association of mayors and city managers, the approval of that 60047
association of an agreement described in division (H)(6)(a) of 60048
this section shall be considered to be the approval of the 60049
majority of the mayors of the other municipal corporations for 60050
purposes of that division. 60051

(7) Each year, the auditor of state shall conduct an audit of 60052
the uses of any amounts collected from taxes levied, extended, or 60053
deposited under division (H) of this section and shall prepare a 60054
report of the auditor of state's findings. The auditor of state 60055
shall submit the report to the legislative authority of the county 60056
that has levied, extended, or deposited the tax, the speaker of 60057
the house of representatives, the president of the senate, and the 60058
leaders of the minority parties of the house of representatives 60059
and the senate. 60060

(I)(1) As used in this division: 60061

(a) "Convention facilities authority" has the same meaning as 60062

in section 351.01 of the Revised Code. 60063

(b) "Convention center" has the same meaning as in section 60064
307.695 of the Revised Code. 60065

(2) Notwithstanding any contrary provision of division (D) of 60066
this section, the legislative authority of a county with a 60067
population of one million two hundred thousand or more according 60068
to the most recent federal decennial census or the most recent 60069
annual population estimate published or released by the United 60070
States census bureau at the time the resolution is adopted placing 60071
the levy on the ballot, that has levied a tax under division (D) 60072
of this section may, by resolution adopted by a majority of the 60073
members of the legislative authority, provide for the extension of 60074
such levy and may provide that the proceeds of that tax, to the 60075
extent that the proceeds are no longer needed for their original 60076
purpose as defined by a cooperative agreement entered into under 60077
section 307.671 of the Revised Code and after deducting the real 60078
and actual costs of administering the tax, shall be used for 60079
paying the direct and indirect costs of constructing, improving, 60080
expanding, equipping, financing, or operating a convention center. 60081
The resolution shall provide for the extension of the tax at a 60082
rate not to exceed the rate specified in division (D) of this 60083
section for a period of time determined by the legislative 60084
authority of the county, but not to exceed an additional forty 60085
years. 60086

(3) The legislative authority of a county with a population 60087
of one million two hundred thousand or more that has levied a tax 60088
under division (A)(1) of this section may, by resolution adopted 60089
by a majority of the members of the legislative authority, 60090
increase the rate of the tax levied by such county under division 60091
(A)(1) of this section to a rate not to exceed five per cent on 60092
transactions by which lodging by a hotel is or is to be furnished 60093
to transient guests. Notwithstanding any contrary provision of 60094

division (A)(1) of this section, the resolution shall provide that 60095
all collections resulting from the rate levied in excess of three 60096
per cent, after deducting the real and actual costs of 60097
administering the tax, shall be used for paying the direct and 60098
indirect costs of constructing, improving, expanding, equipping, 60099
financing, or operating a convention center. 60100

(4) The legislative authority of a county with a population 60101
of one million two hundred thousand or more that has levied a tax 60102
under division (A)(1) of this section may, by resolution adopted 60103
on or before July 1, 2008, by a majority of the members of the 60104
legislative authority, provide that all or a portion of the 60105
proceeds of the tax levied under division (A)(1) of this section, 60106
after deducting the real and actual costs of administering the tax 60107
and the amounts required to be returned to townships and municipal 60108
corporations with respect to the first three per cent levied under 60109
division (A)(1) of this section, shall be used to satisfy any 60110
pledges made in connection with an agreement entered into under 60111
section 307.695 of the Revised Code or shall otherwise be used for 60112
paying the direct and indirect costs of constructing, improving, 60113
expanding, equipping, financing, or operating a convention center. 60114

(5) Any amount collected from a tax levied or extended under 60115
division (I) of this section may be contributed to a convention 60116
facilities authority created before July 1, 2005, but no amount 60117
collected from a tax levied or extended under division (I) of this 60118
section may be contributed to a convention facilities authority, 60119
corporation, or other entity created after July 1, 2005, unless 60120
the mayor of the municipal corporation in which the convention 60121
center is to be operated by that convention facilities authority, 60122
corporation, or other entity has consented to the creation of that 60123
convention facilities authority, corporation, or entity. 60124

(J)(1) Except as provided in division (J)(2) of this section, 60125
money collected by a county and distributed under this section to 60126

a convention and visitors' bureau in existence as of June 30, 60127
2013, the effective date of H.B. 59 of the 130th general assembly, 60128
except for any such money pledged, as of that effective date, to 60129
the payment of debt service charges on bonds, notes, securities, 60130
or lease agreements, shall be used solely for tourism sales, 60131
marketing and promotion, and their associated costs, including, 60132
but not limited to, operational and administrative costs of the 60133
bureau, sales and marketing, and maintenance of the physical 60134
bureau structure. 60135

(2) A convention and visitors' bureau that has entered into 60136
an agreement under section 307.678 of the Revised Code may use 60137
revenue it receives from a tax levied under division (A)(1) of 60138
this section as described in division (E) of section 307.678 of 60139
the Revised Code. 60140

(K) The board of county commissioners of a county with a 60141
population between one hundred three thousand and one hundred 60142
seven thousand according to the most recent federal decennial 60143
census, by resolution adopted by a majority of the members of the 60144
board within six months after September 15, 2014, the effective 60145
date of H.B. 483 of the 130th general assembly, may levy a tax not 60146
to exceed three per cent on transactions by which a hotel is or is 60147
to be furnished to transient guests. The purpose of the tax shall 60148
be to pay the costs of expanding, maintaining, or operating a 60149
soldiers' memorial and the costs of administering the tax. All 60150
revenue arising from the tax shall be credited to one or more 60151
special funds in the county treasury and shall be spent solely for 60152
the purposes of paying those costs. The board of county 60153
commissioners shall adopt all rules necessary to provide for the 60154
administration of the tax subject to the same limitations on 60155
imposing penalty or interest under division (A)(1) of this 60156
section. 60157

As used in this division "soldiers' memorial" means a 60158

memorial constructed and funded under Chapter 345. of the Revised 60159
Code. 60160

(L) A board of county commissioners of an eligible county, by 60161
resolution adopted by a majority of the members of the board, may 60162
levy an excise tax at the rate of up to three per cent on 60163
transactions by which lodging by a hotel is or is to be furnished 60164
to transient guests for the purpose of paying the costs of 60165
permanent improvements at sites at which one or more agricultural 60166
societies conduct fairs or exhibits, paying the costs of 60167
maintaining or operating such permanent improvements, and paying 60168
the costs of administering the tax. A resolution adopted under 60169
this division, other than a resolution that only extends the 60170
period of time for which the tax is levied, shall direct the board 60171
of elections to submit the question of the proposed lodging tax to 60172
the electors of the county at a special election held on the date 60173
specified by the board in the resolution, provided that the 60174
election occurs not less than ninety days after a certified copy 60175
of the resolution is transmitted to the board of elections. A 60176
resolution submitted to the electors under this division shall not 60177
go into effect unless it is approved by a majority of those voting 60178
upon it. The resolution takes effect on the date the board of 60179
county commissioners receives notification from the board of 60180
elections of an affirmative vote. 60181

The tax shall remain in effect for the period specified in 60182
the resolution, not to exceed five years, and may be extended for 60183
an additional period of time not to exceed fifteen years 60184
thereafter by a resolution adopted by a majority of the members of 60185
the board. A resolution extending the period of time for which the 60186
tax is in effect is not subject to approval of the electors of the 60187
county, but is subject to referendum under sections 305.31 to 60188
305.99 of the Revised Code. All revenue arising from the tax shall 60189
be credited to one or more special funds in the county treasury 60190

and shall be spent solely for the purposes of paying the costs of 60191
such permanent improvements and maintaining or operating the 60192
improvements. Revenue allocated for the use of a county 60193
agricultural society may be credited to the county agricultural 60194
society fund created in section 1711.16 of the Revised Code upon 60195
appropriation by the board. If revenue is credited to that fund, 60196
it shall be expended only as provided in that section. 60197

The board of county commissioners shall adopt all rules 60198
necessary to provide for the administration of the tax. The rules 60199
may prescribe the time for payment of the tax, and may provide for 60200
the imposition or penalty or interest, or both, for late payments, 60201
provided that the penalty does not exceed ten per cent of the 60202
amount of tax due, and the rate at which interest accrues does not 60203
exceed the rate per annum prescribed in section 5703.47 of the 60204
Revised Code. 60205

As used in this division, "eligible county" means a county in 60206
which a county agricultural society or independent agricultural 60207
society is organized under section 1711.01 or 1711.02 of the 60208
Revised Code, provided the agricultural society owns a facility or 60209
site in the county at which an annual harness horse race is 60210
conducted where one-day attendance equals at least forty thousand 60211
attendees. 60212

(M) As used in this division, "eligible county" means a 60213
county in which a tax is levied under division (A) of this section 60214
at a rate of three per cent and whose territory includes a part of 60215
Lake Erie the shoreline of which represents at least fifty per 60216
cent of the linear length of the county's border with other 60217
counties of this state. 60218

The board of county commissioners of an eligible county that 60219
has entered into an agreement with a port authority in the county 60220
under section 4582.56 of the Revised Code may levy an additional 60221
lodging tax on transactions by which lodging by a hotel is or is 60222

to be furnished to transient guests for the purpose of financing 60223
lakeshore improvement projects constructed or financed by the port 60224
authority under that section. The resolution levying the tax shall 60225
specify the purpose of the tax, the rate of the tax, which shall 60226
not exceed two per cent, and the number of years the tax will be 60227
levied or that it will be levied for a continuing period of time. 60228
The tax shall be administered pursuant to the regulations adopted 60229
by the board under division (A) of this section, except that all 60230
the proceeds of the tax levied under this division shall be 60231
pledged to the payment of the costs, including debt charges, of 60232
lakeshore improvements undertaken by a port authority pursuant to 60233
the agreement under section 4582.56 of the Revised Code. No 60234
revenue from the tax may be used to pay the current expenses of 60235
the port authority. 60236

A resolution levying a tax under this division is subject to 60237
referendum under sections 305.31 to 305.41 and 305.99 of the 60238
Revised Code. 60239

(N)(1)(a) Notwithstanding division (A) of this section, the 60240
board of county commissioners, board of township trustees, or 60241
legislative authority of any county, township, or municipal 60242
corporation that levies a lodging tax on September 29, 2017, and 60243
in which any part of a tourism development district is located on 60244
or after that date shall amend the ordinance or resolution levying 60245
the tax to require either of the following: 60246

(i) In the case of a tax levied by a county, that all tourism 60247
development district lodging tax proceeds from that tax be used 60248
exclusively to foster and develop tourism in the tourism 60249
development district; 60250

(ii) In the case of a tax levied by a township or municipal 60251
corporation, that all tourism development district lodging tax 60252
proceeds from that tax be used exclusively to foster and develop 60253
tourism in the tourism development district. 60254

(b) Notwithstanding division (A) of this section, any ordinance or resolution levying a lodging tax adopted on or after September 29, 2017, by a county, township, or municipal corporation in which any part of a tourism development district is located on or after that date shall require that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district.

(c) A county shall not use any of the proceeds described in division (N)(1)(a)(i) or (N)(1)(b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed-upon purpose.

A municipal corporation or township shall not use any of the proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this section unless the convention and visitors' bureau operating within the municipal corporation or township approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the municipal corporation or township may pay such proceeds to the bureau to use for the agreed-upon purpose.

(2)(a) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that levies a lodging tax on March 23, 2018, may amend the resolution levying that tax to require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county shall be used to foster and develop tourism in a tourism development district.

(b) Notwithstanding division (A) of this section, the board

of county commissioners of an eligible county that adopts a 60287
resolution levying a lodging tax on or after March 23, 2018, may 60288
require that all or a portion of the proceeds of that tax 60289
otherwise required to be spent solely to make contributions to the 60290
convention and visitors' bureau operating within the county 60291
pursuant to division (A) of this section shall be used to foster 60292
and develop tourism in a tourism development district. 60293

(c) A county shall not use any of the proceeds in the manner 60294
described in division (N)(2)(a) or (b) of this section unless the 60295
convention and visitors' bureau operating within the county 60296
approves the manner in which such proceeds are used to foster and 60297
develop tourism in the tourism development district. Upon 60298
obtaining such approval, the county may pay such proceeds to the 60299
bureau to use for the agreed upon purpose. 60300

(3) As used in division (N) of this section: 60301

(a) "Tourism development district" means a district 60302
designated by a municipal corporation under section 715.014 of the 60303
Revised Code or by a township under section 503.56 of the Revised 60304
Code. 60305

(b) "Lodging tax" means a tax levied pursuant to this section 60306
or section 5739.08 of the Revised Code. 60307

(c) "Tourism development district lodging tax proceeds" means 60308
all proceeds of a lodging tax derived from transactions by which 60309
lodging by a hotel located in a tourism development district is or 60310
is to be provided to transient guests. 60311

(d) "Eligible county" has the same meaning as in section 60312
307.678 of the Revised Code. 60313

Sec. 5741.01. As used in this chapter: 60314

(A) "Person" includes individuals, receivers, assignees, 60315
trustees in bankruptcy, estates, firms, partnerships, 60316

associations, joint-stock companies, joint ventures, clubs, 60317
societies, corporations, business trusts, governments, and 60318
combinations of individuals of any form. 60319

(B) "Storage" means and includes any keeping or retention in 60320
this state for use or other consumption in this state. 60321

(C) "Use" means and includes the exercise of any right or 60322
power incidental to the ownership of the thing used. A thing is 60323
also "used" in this state if its consumer gives or otherwise 60324
distributes it, without charge, to recipients in this state. 60325

(D) "Purchase" means acquired or received for a 60326
consideration, whether such acquisition or receipt was effected by 60327
a transfer of title, or of possession, or of both, or a license to 60328
use or consume; whether such transfer was absolute or conditional, 60329
and by whatever means the transfer was effected; and whether the 60330
consideration was money, credit, barter, or exchange. Purchase 60331
includes production, even though the article produced was used, 60332
stored, or consumed by the producer. The transfer of copyrighted 60333
motion picture films for exhibition purposes is not a purchase, 60334
except such films as are used solely for advertising purposes. 60335

(E) "Seller" means the person from whom a purchase is made, 60336
and includes every person engaged in this state or elsewhere in 60337
the business of selling tangible personal property or providing a 60338
service for storage, use, or other consumption or benefit in this 60339
state; and when, in the opinion of the tax commissioner, it is 60340
necessary for the efficient administration of this chapter, to 60341
regard any salesperson, representative, peddler, or canvasser as 60342
the agent of a dealer, distributor, supervisor, or employer under 60343
whom the person operates, or from whom the person obtains tangible 60344
personal property, sold by the person for storage, use, or other 60345
consumption in this state, irrespective of whether or not the 60346
person is making such sales on the person's own behalf, or on 60347
behalf of such dealer, distributor, supervisor, or employer, the 60348

commissioner may regard the person as such agent, and may regard 60349
such dealer, distributor, supervisor, or employer as the seller. 60350
~~"Seller"~~ A marketplace facilitator shall be treated as the 60351
"seller" with respect to all sales facilitated by the marketplace 60352
facilitator on behalf of one or more marketplace sellers on and 60353
after the first day of the first month that begins at least thirty 60354
days after the marketplace facilitator first has substantial nexus 60355
with this state. Otherwise, "seller" does not include any person 60356
to the extent the person provides a communications medium, such 60357
as, but not limited to, newspapers, magazines, radio, television, 60358
or cable television, by means of which sellers solicit purchases 60359
of their goods or services. 60360

(F) "Consumer" means any person who has purchased tangible 60361
personal property or has been provided a service for storage, use, 60362
or other consumption or benefit in this state. "Consumer" does not 60363
include a person who receives, without charge, tangible personal 60364
property or a service. 60365

A person who performs a facility management or similar 60366
service contract for a contractee is a consumer of all tangible 60367
personal property and services purchased for use in connection 60368
with the performance of such contract, regardless of whether title 60369
to any such property vests in the contractee. The purchase of such 60370
property and services is not subject to the exception for resale 60371
under division (E) of section 5739.01 of the Revised Code. 60372

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 60373
of this section, has the same meaning as in division (H)(1) of 60374
section 5739.01 of the Revised Code. 60375

(2) In the case of watercraft, outboard motors, or new motor 60376
vehicles, "price" has the same meaning as in divisions (H)(2) and 60377
(3) of section 5739.01 of the Revised Code. 60378

(3) In the case of a nonresident business consumer that 60379

purchases and uses tangible personal property outside this state 60380
and subsequently temporarily stores, uses, or otherwise consumes 60381
such tangible personal property in the conduct of business in this 60382
state, the consumer or the tax commissioner may determine the 60383
price based on the value of the temporary storage, use, or other 60384
consumption, in lieu of determining the price pursuant to division 60385
(G)(1) of this section. A price determination made by the consumer 60386
is subject to review and redetermination by the commissioner. 60387

(4) In the case of tangible personal property held in this 60388
state as inventory for sale or lease, and that is temporarily 60389
stored, used, or otherwise consumed in a taxable manner, the price 60390
is the value of the temporary use. A price determination made by 60391
the consumer is subject to review and redetermination by the 60392
commissioner. 60393

(5) In the case of tangible personal property originally 60394
purchased and used by the consumer outside this state, and that 60395
becomes permanently stored, used, or otherwise consumed in this 60396
state more than six months after its acquisition by the consumer, 60397
the consumer or the commissioner may determine the price based on 60398
the current value of such tangible personal property, in lieu of 60399
determining the price pursuant to division (G)(1) of this section. 60400
A price determination made by the consumer is subject to review 60401
and redetermination by the commissioner. 60402

(6) If a consumer produces tangible personal property for 60403
sale and removes that property from inventory for the consumer's 60404
own use, the price is the produced cost of that tangible personal 60405
property. 60406

(H) "Nexus with this state" means that the seller engages in 60407
continuous and widespread solicitation of purchases from residents 60408
of this state or otherwise purposefully directs its business 60409
activities at residents of this state. 60410

(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state.

(2) "Substantial nexus with this state" is presumed to exist when the seller does any of the following:

(a) Uses an office, distribution facility, warehouse, storage facility, or similar place of business within this state, whether operated by the seller or any other person, other than a common carrier acting in its capacity as a common carrier.

(b) Regularly uses employees, agents, representatives, solicitors, installers, repairers, salespersons, or other persons in this state for the purpose of conducting the business of the seller or either to engage in a business with the same or a similar industry classification as the seller selling a similar product or line of products as the seller, or to use trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the seller.

(c) Uses any person, other than a common carrier acting in its capacity as a common carrier, in this state for any of the following purposes:

(i) Receiving or processing orders of the seller's goods or services;

(ii) Using that person's employees or facilities in this state to advertise, promote, or facilitate sales by the seller to customers;

(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;

(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business.

(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier.

(e) Has an affiliated person that has substantial nexus with this state.

(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state.

~~(g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months.~~

~~(h) Uses in state software to sell or lease taxable tangible personal property or services to consumers, provided the seller~~
~~has~~ Has gross receipts in excess of ~~five~~ one hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state.

~~(i) Provides or enters into an agreement with another person to provide a content distribution network in this state to accelerate or enhance the delivery of the seller's web site to consumers, provided the seller has gross receipts in excess of~~

~~five hundred thousand dollars~~ (h) Engages, in the current or 60472
preceding calendar year ~~from the sale of , in two hundred or more~~ 60473
separate transactions selling tangible personal property for 60474
storage, use, or consumption in this state or ~~from~~ providing 60475
services the benefit of which is realized in this state. 60476

(3) A seller presumed to have substantial nexus with this 60477
state under divisions (I)(2)(a) to (f), (g), and (h), ~~and (i)~~ of 60478
this section may rebut that presumption by demonstrating that 60479
activities described in any of those divisions that are conducted 60480
by a person in this state on the seller's behalf are not 60481
significantly associated with the seller's ability to establish or 60482
maintain a market in this state for the seller's sales. 60483

~~(4) A seller presumed to have substantial nexus with this~~ 60484
~~state under division (I)(2)(g) of this section may rebut that~~ 60485
~~presumption by submitting proof that each resident engaged by the~~ 60486
~~seller as described in that division did not engage in any~~ 60487
~~activity within this state during the preceding twelve months that~~ 60488
~~was significantly associated with the seller's ability to~~ 60489
~~establish or maintain the seller's market in this state during the~~ 60490
~~preceding twelve months. Such proof may consist of sworn written~~ 60491
~~statements from all the residents with whom the seller has an~~ 60492
~~agreement stating that the resident did not engage in any~~ 60493
~~solicitation in this state on behalf of the seller during the~~ 60494
~~preceding twelve months if such statements are provided and~~ 60495
~~obtained in good faith. A marketplace facilitator is presumed to~~ 60496
have substantial nexus with this state if either of the following 60497
apply in the current or preceding calendar year: 60498

(a) The aggregate gross receipts derived from sales of 60499
tangible personal property for storage, use, or consumption in 60500
this state or services the benefit of which is realized in this 60501
state, including sales made by the marketplace facilitator on its 60502
own behalf and sales facilitated by the marketplace facilitator on 60503

behalf of one or more marketplace sellers, exceed one hundred 60504
thousand dollars; 60505

(b) The marketplace facilitator engages in on its own behalf, 60506
or facilitates on behalf of one or more marketplace sellers, two 60507
hundred or more separate transactions selling tangible personal 60508
property for storage, use, or consumption in this state or 60509
services the benefit of which is realized in this state. 60510

(5) A seller that does not have substantial nexus with this 60511
state, and any affiliated person of the seller, before selling or 60512
leasing tangible personal property or services to a state agency, 60513
shall register with the tax commissioner in the same manner as a 60514
seller described in division (A)(1) of section 5741.17 of the 60515
Revised Code. 60516

(6) As used in division (I) of this section: 60517

(a) "Affiliated person" means any person that is a member of 60518
the same controlled group of corporations as the seller or any 60519
other person that, notwithstanding the form of organization, bears 60520
the same ownership relationship to the seller as a corporation 60521
that is a member of the same controlled group of corporations. 60522

(b) "Controlled group of corporations" has the same meaning 60523
as in section 1563(a) of the Internal Revenue Code. 60524

(c) "State agency" has the same meaning as in section 1.60 of 60525
the Revised Code. 60526

~~(d) "In-state software" means computer software, as that term~~ 60527
~~is defined in section 5739.01 of the Revised Code, that is stored~~ 60528
~~on property in this state or is distributed within this state for~~ 60529
~~the purpose of facilitating a seller's sales.~~ 60530

~~(e) "Content delivery network" means a system of distributed~~ 60531
~~servers that deliver web sites and other web content to a user~~ 60532
~~based on the geographic location of the user, the origin of the~~ 60533

~~web site or web content, and a content delivery server.~~ 60534

(J) "Fiscal officer" means, with respect to a regional 60535
transit authority, the secretary-treasurer thereof, and with 60536
respect to a county which is a transit authority, the fiscal 60537
officer of the county transit board appointed pursuant to section 60538
306.03 of the Revised Code or, if the board of county 60539
commissioners operates the county transit system, the county 60540
auditor. 60541

(K) "Territory of the transit authority" means all of the 60542
area included within the territorial boundaries of a transit 60543
authority as they from time to time exist. Such territorial 60544
boundaries must at all times include all the area of a single 60545
county or all the area of the most populous county which is a part 60546
of such transit authority. County population shall be measured by 60547
the most recent census taken by the United States census bureau. 60548

(L) "Transit authority" means a regional transit authority 60549
created pursuant to section 306.31 of the Revised Code or a county 60550
in which a county transit system is created pursuant to section 60551
306.01 of the Revised Code. For the purposes of this chapter, a 60552
transit authority must extend to at least the entire area of a 60553
single county. A transit authority which includes territory in 60554
more than one county must include all the area of the most 60555
populous county which is a part of such transit authority. County 60556
population shall be measured by the most recent census taken by 60557
the United States census bureau. 60558

(M) "Providing a service" has the same meaning as in section 60559
5739.01 of the Revised Code. 60560

(N) "Other consumption" includes receiving the benefits of a 60561
service. 60562

(O) "Lease" or "rental" has the same meaning as in section 60563
5739.01 of the Revised Code. 60564

(P) "Certified service provider" has the same meaning as in 60565
section 5740.01 of the Revised Code. 60566

(Q) "Remote sale" means a sale for which the seller could not 60567
be legally required to pay, collect, or remit a tax imposed under 60568
this chapter or Chapter 5739. of the Revised Code, unless 60569
otherwise provided by the laws of the United States. 60570

(R) "Remote seller" means a seller that lacks substantial 60571
nexus with this state but is required to register with the tax 60572
commissioner under section 5741.17 of the Revised Code pursuant to 60573
federal law authorizing states to require such sellers to 60574
register, collect, and remit use tax. A seller that is not 60575
required to register with the commissioner under division (A) of 60576
section 5741.17 of the Revised Code but registers voluntarily 60577
under division (B) of that section is not a "remote seller." A 60578
seller that registers with the commissioner under section 5741.17 60579
of the Revised Code after the effective date of any federal law 60580
that authorizes states to require sellers that lack substantial 60581
nexus with the state to register, collect, and remit use tax is 60582
presumed to be a "remote seller." The seller or the commissioner 60583
may rebut this presumption with evidence that the seller has 60584
substantial nexus with this state. 60585

(S) "Remote small seller" means a remote seller that has 60586
gross annual receipts from remote sales in the United States not 60587
exceeding one million dollars for the preceding calendar year. For 60588
the purposes of determining whether a person is a small remote 60589
seller, the sales of all persons related within the meaning of 60590
subsection (b) or (c) of section 267 or section 707(b)(1) of the 60591
Internal Revenue Code shall be aggregated, and persons with one or 60592
more ownership relationships shall be aggregated if those 60593
relationships were designed with the principal purpose to qualify 60594
as a remote small seller. 60595

(T) "Marketplace facilitator" means a person that owns, 60596

operates, or controls a physical or electronic marketplace through 60597
which retail sales are facilitated on behalf of one or more 60598
marketplace sellers, or an affiliate of such a person. 60599

(U) "Marketplace seller" means a person on behalf of which a 60600
marketplace facilitator facilitates the sale of tangible personal 60601
property for storage, use, or consumption in this state or 60602
services the benefit of which are realized in this state, 60603
regardless of whether or not the person has a substantial nexus 60604
with this state. 60605

(V) "Electronic marketplace" includes digital distribution 60606
services, digital distribution platforms, online portals, 60607
application stores, computer software applications, in-app 60608
purchase mechanisms, or other digital products. 60609

(W) A sale is "facilitated" by a marketplace facilitator on 60610
behalf of a marketplace seller if it satisfies divisions (W)(1), 60611
(2), and (3) of this section: 60612

(1) The marketplace facilitator, directly or indirectly, does 60613
any of the following: 60614

(a) Lists, makes available, or advertises the tangible 60615
personal property or services that are the subject of the sale in 60616
a physical or electronic marketplace owned, operated, or 60617
controlled by the marketplace facilitator; 60618

(b) Transmits or otherwise communicates an offer or 60619
acceptance of the sale between the marketplace seller and the 60620
purchaser in a shop, store, booth, catalog, internet site, or 60621
other similar forum; 60622

(c) Owns, rents, licenses, makes available, or operates any 60623
electronic or physical infrastructure or any property, process, 60624
method, copyright, trademark, or patent that connects the 60625
marketplace seller to the purchaser for the purpose of making 60626
sales; 60627

(d) Provides the marketplace in which the sale was made or otherwise facilitates the sale regardless of ownership or control of the tangible personal property or services that are the subject of the sale; 60628
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60631

(e) Provides software development or research and development services directly related to a physical or electronic marketplace that is involved in one or more of the activities described in division (W)(1) of this section; 60632
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(f) Provides fulfillment or storage services for the marketplace seller that are related to the tangible personal property or services that are the subject of the sale; 60636
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(g) Sets the price of the sale on behalf of the marketplace seller; 60639
60640

(h) Provides or offers customer service to the marketplace seller or the marketplace seller's customers, or accepts or assists with taking orders, returns, or exchanges of the tangible personal property or services that are the subject of the sale; 60641
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60644

(i) Brands or otherwise identifies the sale as a sale of the marketplace facilitator. 60645
60646

(2) The marketplace facilitator, directly or indirectly, does any of the following: 60647
60648

(a) Collects the price of the tangible personal property or services sold to the consumer; 60649
60650

(b) Provides payment processing services for the sale; 60651

(c) Charges, collects, or otherwise receives selling fees, listing fees, referral fees, closing fees, fees for inserting or making available the tangible personal property or services on a marketplace, or other consideration from the facilitation of the sale regardless of ownership or control of the tangible personal property or services that are the subject of the sale; 60652
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60657

(d) Collects payment in connection with the sale from the 60658
consumer through terms and conditions, agreements, or arrangements 60659
with a third party, and transmits that payment to the marketplace 60660
seller, regardless of whether the person collecting and 60661
transmitting such payment receives compensation or other 60662
consideration in exchange for the service; 60663

(e) Provides virtual currency that consumers are allowed or 60664
required to use to purchase the tangible personal property or 60665
services that are the subject of the sale. 60666

(3) The subject of the sale is tangible personal property or 60667
services other than lodging by a hotel that is or is to be 60668
furnished to transient guests. 60669

Sec. 5741.04. Every seller required to register with the tax 60670
commissioner pursuant to section 5741.17 of the Revised Code who 60671
is engaged in the business of selling or facilitating the sale of 60672
tangible personal property in this state for storage, use, or 60673
other consumption in this state, to which section 5741.02 of the 60674
Revised Code applies, or which is subject to a tax levied pursuant 60675
to section 5741.021, 5741.022, or 5741.023 of the Revised Code, 60676
shall, and any other seller who is authorized by rule of the tax 60677
commissioner to do so may, collect from the consumer the full and 60678
exact amount of the tax payable on each such storage, use, or 60679
consumption, in the manner and at the times provided as follows: 60680

(A) If the price is, at or prior to the delivery of 60681
possession of the thing sold to the consumer, paid in currency 60682
passed from hand to hand by the consumer or the consumer's agent, 60683
to the seller or the seller's agent, the seller or the seller's 60684
agent shall collect the tax with and at the same time as the 60685
price. 60686

(B) If the price is otherwise paid or to be paid, the seller 60687
or the seller's agent shall, at or prior to the delivery of 60688

possession of the thing sold to the consumer, charge the tax 60689
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 60690
5741.023 of the Revised Code to the account of the consumer, which 60691
amount shall be collected by the seller from the consumer in 60692
addition to the price. Such transaction shall be reported on the 60693
return for the period in which the transaction occurred, and the 60694
amount of tax applicable to the transaction shall be remitted with 60695
the return or, if the consumer is subject to section 5741.121 of 60696
the Revised Code, in the manner prescribed by that section. The 60697
amount of the tax shall become a legal charge in favor of the 60698
seller and against the consumer. 60699

(C) It shall be the obligation of each consumer, as required 60700
by section 5741.12 of the Revised Code, to report and pay the 60701
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 60702
Revised Code, if applicable, on any storage, use, or other 60703
consumption of tangible personal property purchased in this state 60704
from a vendor required to be licensed pursuant to section 5739.17 60705
of the Revised Code. 60706

Sec. 5741.05. As used in this section, "receive" means taking 60707
possession of tangible personal property or making first use of a 60708
service. "Receive" does not include possession by a shipping 60709
company on behalf of a consumer. 60710

(A) A Except as otherwise provided in division (B) of this 60711
section, a seller that collects the tax levied by sections 60712
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on 60713
transactions, other than sales of titled motor vehicles, titled 60714
watercraft, or titled outboard motors, shall determine under 60715
section 5739.033 or 5739.034 of the Revised Code the jurisdiction 60716
for which to collect the tax. A 60717

(B) A marketplace facilitator that collects the tax levied by 60718
sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 60719

Code on sales facilitated by the marketplace facilitator, other 60720
than sales of titled motor vehicles, titled watercraft, or titled 60721
outboard motors, shall determine the jurisdiction for which to 60722
collect the tax as follows: 60723

(1) The location known to the marketplace facilitator where 60724
the consumer or the donee designated by the consumer receives the 60725
tangible personal property or service, including the location 60726
indicated by instructions for delivery to the consumer or the 60727
consumer's donee; 60728

(2) If division (B)(1) of this section does not apply, the 60729
location indicated by an address for the consumer that is 60730
available from the marketplace facilitator's business records that 60731
are maintained in the ordinary course of the marketplace 60732
facilitator's business, when use of that address does not 60733
constitute bad faith; 60734

(3) If divisions (B)(1) and (2) of this section do not apply, 60735
the location indicated by an address for the consumer obtained 60736
during the consummation of the sale, including the address 60737
associated with the consumer's payment instrument, if no other 60738
address is available, when use of that address does not constitute 60739
bad faith. 60740

(4) If divisions (B)(1), (2), and (3) of this section do not 60741
apply, including in the circumstance where the marketplace 60742
facilitator is without sufficient information to apply any of 60743
those divisions, the address from which tangible personal property 60744
was shipped, or from which the service was provided, disregarding 60745
any location that merely provided the electronic transfer of the 60746
property sold or service provided. 60747

(C) A vendor or seller of motor vehicles, watercraft, or 60748
outboard motors required to be titled in this state shall collect 60749
the tax levied by section 5739.02 or 5741.02 of the Revised Code 60750

and the additional taxes levied by division (A)(1) of section 60751
5741.021, division (A)(1) of section 5741.022, and division (A)(1) 60752
of section 5741.023 of the Revised Code for the consumer's county 60753
of residence as provided in section 1548.06 and division (B) of 60754
section 4505.06 of the Revised Code. 60755

~~(B)~~(D) A vendor or seller is not responsible for collecting 60756
or remitting additional tax if a consumer subsequently stores, 60757
uses, or consumes the tangible personal property or service in 60758
another jurisdiction with a rate of tax imposed by sections 60759
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code that 60760
is higher than the amount collected by the vendor or seller 60761
pursuant to Chapter 5739. or 5741. of the Revised Code. 60762

Sec. 5741.07. Except as otherwise provided in section 5741.11 60763
of the Revised Code, a marketplace facilitator that is treated as 60764
a seller pursuant to division (E) of section 5741.01 of the 60765
Revised Code has the same rights and obligations under this 60766
chapter as other sellers. Such obligations include registering 60767
with the tax commissioner under section 5741.17 of the Revised 60768
Code and collecting and remitting the taxes levied under this 60769
chapter on sales facilitated by the marketplace facilitator in 60770
accordance with section 5741.04 of the Revised Code. A marketplace 60771
facilitator's rights and obligations regarding a sale are not 60772
affected by the amount of the price paid by the consumer that will 60773
accrue to or benefit the marketplace facilitator as compared to 60774
the marketplace seller for which the sale is facilitated, or by 60775
whether or not such marketplace seller has substantial nexus with 60776
this state, registers with the tax commissioner under section 60777
5741.17 of the Revised Code, or collects and remits taxes on sales 60778
not facilitated by a marketplace facilitator in accordance with 60779
section 5741.04 of the Revised Code. 60780

A marketplace seller that is required to collect and remit 60781

the taxes levied under this chapter shall continue to do so for 60782
all sales other than those facilitated by a marketplace 60783
facilitator that is treated as a seller pursuant to division (E) 60784
of section 5741.01 of the Revised Code, including sales 60785
facilitated before the first day of the first month that begins at 60786
least thirty days after the marketplace facilitator first has 60787
substantial nexus with this state. 60788

Sec. 5741.11. ~~If~~ (A) Except as otherwise provided in 60789
divisions (B) and (C) of this section, if any seller who is 60790
required or authorized to collect the tax imposed by or pursuant 60791
to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 60792
Code fails to do so, ~~he~~ the seller shall be liable personally for 60793
such amount as ~~he~~ the seller failed to collect. If any seller 60794
collects the tax imposed by or pursuant to any such section and 60795
fails to remit the same to the state as prescribed, ~~he~~ the seller 60796
shall be personally liable for any amount collected ~~which he~~ that 60797
the seller failed to remit. The tax commissioner may make an 60798
assessment against such seller, based upon any information within 60799
~~his~~ the commissioner's possession. The commissioner shall give to 60800
the seller written notice of such assessment. Such notice may be 60801
served upon the seller personally or by certified mail. 60802

(B) A marketplace facilitator is relieved of all liability 60803
under division (A) of this section for failure to collect the tax 60804
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 60805
5741.023 of the Revised Code on a sale facilitated by the 60806
marketplace facilitator on behalf of an unaffiliated marketplace 60807
seller if it is demonstrated to the satisfaction of the 60808
commissioner that the marketplace facilitator made a reasonable 60809
effort to obtain accurate information about the sale from the 60810
marketplace seller and that the marketplace facilitator failed to 60811
collect the correct amount of tax because of incorrect information 60812
provided by the marketplace seller. 60813

If a marketplace facilitator is relieved of liability under 60814
this division, the marketplace seller for which the sale was 60815
facilitated and the purchaser are personally liable for any amount 60816
of tax that is not properly collected, paid, or remitted. 60817

(C) Division (B) of this section does not absolve a 60818
marketplace facilitator, marketplace seller, or any other person 60819
from personal liability for collecting but failing to remit the 60820
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 60821
or 5741.023 of the Revised Code. 60822

(D) No class action may be brought against a marketplace 60823
facilitator in any court of this state on behalf of consumers 60824
arising from or in any way related to an overpayment of the tax 60825
imposed by or pursuant to sections 5741.02, 5741.021, 5741.022, or 60826
5741.023 of the Revised Code on sales facilitated by the 60827
marketplace facilitator, regardless of whether the claim is 60828
characterized as a tax refund claim. 60829

Sec. 5741.13. (A) Except as provided in division (B) of this 60830
section: 60831

(1) If any person required by section 5741.12 of the Revised 60832
Code to make a return to the tax commissioner fails to make such 60833
return at the time required by or under authority of such section, 60834
the commissioner may make an assessment against such person, based 60835
upon any information within the commissioner's possession. The 60836
commissioner shall give to such person written notice of the 60837
assessment as provided in section 5703.37 of the Revised Code. 60838

(2) If information in the possession of the commissioner 60839
indicates that the tax paid by any consumer is less than that due, 60840
the commissioner may audit a representative sample of that 60841
consumer's purchases and may issue an assessment based thereon. 60842
The commissioner shall make a good faith effort to reach agreement 60843
with the consumer on selecting a representative sample. 60844

(3) If information in the possession of the commissioner 60845
indicates that the amount required to be collected or paid under 60846
this chapter is greater than the amount remitted by the seller, 60847
the commissioner may audit a representative sample of the seller's 60848
sales to determine the per cent of exempt or taxable transactions 60849
or the effective tax rate and may issue an assessment based on the 60850
audit. The commissioner shall make a good faith effort to reach 60851
agreement with the seller in selecting a representative sample. 60852

(B) The commissioner may audit only the marketplace 60853
facilitator for sales with respect to which the marketplace 60854
facilitator is treated as the seller pursuant to division (E) of 60855
section 5741.01 of the Revised Code and may not audit the 60856
marketplace seller on behalf of which the sale was facilitated. 60857
This division does not absolve a marketplace seller or the 60858
purchaser from personal liability under division (B) of section 60859
5741.11 of the Revised Code for taxes that are not properly 60860
collected, paid, or remitted due to the inability of the 60861
marketplace facilitator to obtain accurate information about the 60862
sale from the marketplace seller. 60863

Sec. 5741.17. (A)(1) Except as otherwise provided in 60864
divisions (A)(2), (3), and (4) of this section, every seller of 60865
tangible personal property or services who has substantial nexus 60866
with this state shall register with the tax commissioner and 60867
supply any information concerning the seller's contacts with this 60868
state that may be required by the commissioner. 60869

(2) A seller who is licensed as a vendor pursuant to section 60870
5739.17 of the Revised Code shall not be required to register with 60871
the commissioner pursuant to this section if all sales to 60872
consumers in this state are made under the authority of the 60873
seller's vendor's license. 60874

~~(3) Unless the seller has substantial nexus with this state 60875~~

~~pursuant to division (I)(2)(g) of section 5741.01 of the Revised~~ 60876
~~Code,~~ a A seller is not required to register under this section if 60877
the seller has no contact with this state other than an agency 60878
relationship with a person engaged in the business of 60879
telemarketing in this state and engaged by the seller exclusively 60880
for the purpose of solicitation of customers in other states. 60881

(4) A seller is not required to register under this section 60882
if the seller has no contact with this state other than the 60883
ownership of property that is located at the facility of a printer 60884
with which the seller has contracted for printing and that 60885
consists of the final printed product, property that becomes a 60886
part of the final printed product, or copy from which the final 60887
printed product is produced. 60888

(B) A seller who does not have substantial nexus with this 60889
state may voluntarily register with the commissioner. A seller who 60890
voluntarily registers with the commissioner under this section is 60891
entitled to the same benefits and is subject to the same duties 60892
and requirements as a seller required to be registered with the 60893
commissioner under this chapter. 60894

The commissioner shall maintain an alphabetical index of all 60895
sellers registered under this chapter and records of the use tax 60896
reported and paid. Upon request, this information shall be made 60897
available to the treasurer of state. 60898

(C) A remote small seller is not required to register under 60899
this section. 60900

Sec. 5743.62. (A) To provide revenue for the general revenue 60901
fund of the state, an excise tax is hereby levied on the seller of 60902
tobacco products in this state at one of the following rates: 60903

(1) For tobacco products other than little cigars or premium 60904
cigars, seventeen per cent of the wholesale price of the tobacco 60905

product whenever the tobacco product is delivered to a consumer in 60906
this state for the storage, use, or other consumption of such 60907
tobacco products. 60908

(2) For little cigars, thirty-seven per cent of the wholesale 60909
price of the little cigars whenever the little cigars are 60910
delivered to a consumer in this state for the storage, use, or 60911
other consumption of the little cigars. 60912

(3) For premium cigars, whenever the premium cigars are 60913
delivered to a consumer in this state for the storage, use, or 60914
other consumption of the premium cigars, the lesser of seventeen 60915
per cent of the wholesale price of such premium cigars or the 60916
maximum tax amount per each such premium cigar. 60917

The tax imposed by this section applies only to sellers 60918
having substantial nexus ~~in~~ with this state, as defined in section 60919
5741.01 of the Revised Code. 60920

(B) A seller of tobacco products who has substantial nexus ~~in~~ 60921
with this state as defined in section 5741.01 of the Revised Code 60922
shall register with the tax commissioner and supply any 60923
information concerning the seller's contacts with this state as 60924
may be required by the tax commissioner. A seller who does not 60925
have substantial nexus ~~in~~ with this state may voluntarily register 60926
with the tax commissioner. A seller who voluntarily registers with 60927
the tax commissioner is entitled to the same benefits and is 60928
subject to the same duties and requirements as a seller required 60929
to be registered with the tax commissioner under this division. 60930

(C) Each seller of tobacco products subject to the tax levied 60931
by this section, on or before the last day of each month, shall 60932
file with the tax commissioner a return for the preceding month 60933
showing any information the tax commissioner finds necessary for 60934
the proper administration of sections 5743.51 to 5743.66 of the 60935
Revised Code, together with remittance of the tax due, payable to 60936

the treasurer of state. The return and payment of the tax required 60937
by this section shall be filed in such a manner that it is 60938
received by the tax commissioner on or before the last day of the 60939
month following the reporting period. If the return is filed and 60940
the amount of the tax shown on the return to be due is paid on or 60941
before the date the return is required to be filed, the seller is 60942
entitled to a discount equal to two and five-tenths per cent of 60943
the amount shown on the return to be due. 60944

(D) The tax commissioner shall immediately forward to the 60945
treasurer of state all money received from the tax levied by this 60946
section, and the treasurer shall credit the amount to the general 60947
revenue fund. 60948

(E) Each seller of tobacco products subject to the tax levied 60949
by this section shall mark on the invoices of tobacco products 60950
sold that the tax levied by that section has been paid and shall 60951
indicate the seller's account number as assigned by the tax 60952
commissioner. 60953

Sec. 5745.05. (A) Prior to the first day of March, June, 60954
September, and December, the tax commissioner shall certify to the 60955
director of budget and management the amount to be paid to each 60956
municipal corporation, as indicated on the declaration of 60957
estimated tax reports and annual reports received under sections 60958
5745.03 and 5745.04 of the Revised Code, less any amounts 60959
previously distributed and net of any audit adjustments made by 60960
the tax commissioner. Not later than the first day of March, June, 60961
September, and December, the director of budget and management 60962
shall provide for payment of the amount certified to each 60963
municipal corporation from the municipal income tax fund, plus a 60964
pro rata share of any investment earnings accruing to the fund 60965
since the previous payment under this section apportioned among 60966
municipal corporations entitled to such payments in proportion to 60967

the amount certified by the tax commissioner, and minus any 60968
reduction required by the commissioner under division (D) of 60969
section 718.83 of the Revised Code. All investment earnings on 60970
money in the municipal income tax fund shall be credited to that 60971
fund. 60972

(B) If the tax commissioner determines that the amount of tax 60973
paid by a taxpayer and distributed to a municipal corporation 60974
under this section for a taxable year exceeds the amount payable 60975
to that municipal corporation under this chapter after accounting 60976
for amounts remitted with the annual report and as estimated 60977
taxes, the tax commissioner shall permit the taxpayer to credit 60978
the excess against the taxpayer's payments to the municipal 60979
corporation of estimated taxes remitted for an ensuing taxable 60980
year under section 5745.04 of the Revised Code. If, upon the 60981
written request of the taxpayer, the tax commissioner determines 60982
that the excess to be so credited is likely to exceed the amount 60983
of estimated taxes payable by the taxpayer to the municipal 60984
corporation during the ensuing twelve months, the tax commissioner 60985
shall so notify the municipal corporation and the municipal 60986
corporation shall issue a refund of the excess to the taxpayer 60987
within ninety days after receiving such a notice. Interest shall 60988
accrue on the amount to be refunded and is payable to the taxpayer 60989
at the rate per annum prescribed by section 5703.47 of the Revised 60990
Code from the ninety-first day after the notice is received by the 60991
municipal corporation until the day the refund is paid. 60992
Immediately after notifying a municipal corporation under this 60993
division of an excess to be refunded, the commissioner also shall 60994
notify the director of budget and management of the amount of the 60995
excess, and the director shall transfer from the municipal income 60996
tax administrative fund to the municipal income tax fund one and 60997
one-half per cent of the amount of the excess. The commissioner 60998
shall include the transferred amount in the computation of the 60999
amount due the municipal corporation in the next certification to 61000

the director under division (A) of this section. 61001

Sec. 5747.01. Except as otherwise expressly provided or 61002
clearly appearing from the context, any term used in this chapter 61003
that is not otherwise defined in this section has the same meaning 61004
as when used in a comparable context in the laws of the United 61005
States relating to federal income taxes or if not used in a 61006
comparable context in those laws, has the same meaning as in 61007
section 5733.40 of the Revised Code. Any reference in this chapter 61008
to the Internal Revenue Code includes other laws of the United 61009
States relating to federal income taxes. 61010

As used in this chapter: 61011

(A) "Adjusted gross income" or "Ohio adjusted gross income" 61012
means federal adjusted gross income, as defined and used in the 61013
Internal Revenue Code, adjusted as provided in this section: 61014

(1) Add interest or dividends on obligations or securities of 61015
any state or of any political subdivision or authority of any 61016
state, other than this state and its subdivisions and authorities. 61017

(2) Add interest or dividends on obligations of any 61018
authority, commission, instrumentality, territory, or possession 61019
of the United States to the extent that the interest or dividends 61020
are exempt from federal income taxes but not from state income 61021
taxes. 61022

(3) Deduct interest or dividends on obligations of the United 61023
States and its territories and possessions or of any authority, 61024
commission, or instrumentality of the United States to the extent 61025
that the interest or dividends are included in federal adjusted 61026
gross income but exempt from state income taxes under the laws of 61027
the United States. 61028

(4) Deduct disability and survivor's benefits to the extent 61029
included in federal adjusted gross income. 61030

(5) Deduct benefits under Title II of the Social Security Act 61031
and tier 1 railroad retirement benefits to the extent included in 61032
federal adjusted gross income under section 86 of the Internal 61033
Revenue Code. 61034

(6) In the case of a taxpayer who is a beneficiary of a trust 61035
that makes an accumulation distribution as defined in section 665 61036
of the Internal Revenue Code, add, for the beneficiary's taxable 61037
years beginning before 2002, the portion, if any, of such 61038
distribution that does not exceed the undistributed net income of 61039
the trust for the three taxable years preceding the taxable year 61040
in which the distribution is made to the extent that the portion 61041
was not included in the trust's taxable income for any of the 61042
trust's taxable years beginning in 2002 or thereafter. 61043
"Undistributed net income of a trust" means the taxable income of 61044
the trust increased by (a)(i) the additions to adjusted gross 61045
income required under division (A) of this section and (ii) the 61046
personal exemptions allowed to the trust pursuant to section 61047
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 61048
deductions to adjusted gross income required under division (A) of 61049
this section, (ii) the amount of federal income taxes attributable 61050
to such income, and (iii) the amount of taxable income that has 61051
been included in the adjusted gross income of a beneficiary by 61052
reason of a prior accumulation distribution. Any undistributed net 61053
income included in the adjusted gross income of a beneficiary 61054
shall reduce the undistributed net income of the trust commencing 61055
with the earliest years of the accumulation period. 61056

(7) Deduct the amount of wages and salaries, if any, not 61057
otherwise allowable as a deduction but that would have been 61058
allowable as a deduction in computing federal adjusted gross 61059
income for the taxable year, had the targeted jobs credit allowed 61060
and determined under sections 38, 51, and 52 of the Internal 61061
Revenue Code not been in effect. 61062

(8) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income.

(9) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income.

(10) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code.

(11)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded

in computing federal or Ohio adjusted gross income during the 61095
taxable year, the amount the taxpayer paid during the taxable 61096
year, not compensated for by any insurance or otherwise, for 61097
medical care of the taxpayer, the taxpayer's spouse, and 61098
dependents, to the extent the expenses exceed seven and one-half 61099
per cent of the taxpayer's federal adjusted gross income. 61100

(c) Deduct, to the extent not otherwise deducted or excluded 61101
in computing federal or Ohio adjusted gross income, any amount 61102
included in federal adjusted gross income under section 105 or not 61103
excluded under section 106 of the Internal Revenue Code solely 61104
because it relates to an accident and health plan for a person who 61105
otherwise would be a "qualifying relative" and thus a "dependent" 61106
under section 152 of the Internal Revenue Code but for the fact 61107
that the person fails to meet the income and support limitations 61108
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 61109

(d) For purposes of division (A)(11) of this section, 61110
"medical care" has the meaning given in section 213 of the 61111
Internal Revenue Code, subject to the special rules, limitations, 61112
and exclusions set forth therein, and "qualified long-term care" 61113
has the same meaning given in section 7702B(c) of the Internal 61114
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 61115
of this section, "dependent" includes a person who otherwise would 61116
be a "qualifying relative" and thus a "dependent" under section 61117
152 of the Internal Revenue Code but for the fact that the person 61118
fails to meet the income and support limitations under section 61119
152(d)(1)(B) and (C) of the Internal Revenue Code. 61120

(12)(a) Deduct any amount included in federal adjusted gross 61121
income solely because the amount represents a reimbursement or 61122
refund of expenses that in any year the taxpayer had deducted as 61123
an itemized deduction pursuant to section 63 of the Internal 61124
Revenue Code and applicable United States department of the 61125
treasury regulations. The deduction otherwise allowed under 61126

division (A)(12)(a) of this section shall be reduced to the extent 61127
the reimbursement is attributable to an amount the taxpayer 61128
deducted under this section in any taxable year. 61129

(b) Add any amount not otherwise included in Ohio adjusted 61130
gross income for any taxable year to the extent that the amount is 61131
attributable to the recovery during the taxable year of any amount 61132
deducted or excluded in computing federal or Ohio adjusted gross 61133
income in any taxable year. 61134

(13) Deduct any portion of the deduction described in section 61135
1341(a)(2) of the Internal Revenue Code, for repaying previously 61136
reported income received under a claim of right, that meets both 61137
of the following requirements: 61138

(a) It is allowable for repayment of an item that was 61139
included in the taxpayer's adjusted gross income for a prior 61140
taxable year and did not qualify for a credit under division (A) 61141
or (B) of section 5747.05 of the Revised Code for that year; 61142

(b) It does not otherwise reduce the taxpayer's adjusted 61143
gross income for the current or any other taxable year. 61144

(14) Deduct an amount equal to the deposits made to, and net 61145
investment earnings of, a medical savings account during the 61146
taxable year, in accordance with section 3924.66 of the Revised 61147
Code. The deduction allowed by division (A)(14) of this section 61148
does not apply to medical savings account deposits and earnings 61149
otherwise deducted or excluded for the current or any other 61150
taxable year from the taxpayer's federal adjusted gross income. 61151

(15)(a) Add an amount equal to the funds withdrawn from a 61152
medical savings account during the taxable year, and the net 61153
investment earnings on those funds, when the funds withdrawn were 61154
used for any purpose other than to reimburse an account holder 61155
for, or to pay, eligible medical expenses, in accordance with 61156
section 3924.66 of the Revised Code; 61157

(b) Add the amounts distributed from a medical savings 61158
account under division (A)(2) of section 3924.68 of the Revised 61159
Code during the taxable year. 61160

(16) Add any amount claimed as a credit under section 61161
5747.059 or 5747.65 of the Revised Code to the extent that such 61162
amount satisfies either of the following: 61163

(a) The amount was deducted or excluded from the computation 61164
of the taxpayer's federal adjusted gross income as required to be 61165
reported for the taxpayer's taxable year under the Internal 61166
Revenue Code; 61167

(b) The amount resulted in a reduction of the taxpayer's 61168
federal adjusted gross income as required to be reported for any 61169
of the taxpayer's taxable years under the Internal Revenue Code. 61170

(17) Deduct the amount contributed by the taxpayer to an 61171
individual development account program established by a county 61172
department of job and family services pursuant to sections 329.11 61173
to 329.14 of the Revised Code for the purpose of matching funds 61174
deposited by program participants. On request of the tax 61175
commissioner, the taxpayer shall provide any information that, in 61176
the tax commissioner's opinion, is necessary to establish the 61177
amount deducted under division (A)(17) of this section. 61178

(18) Beginning in taxable year 2001 but not for any taxable 61179
year beginning after December 31, 2005, if the taxpayer is married 61180
and files a joint return and the combined federal adjusted gross 61181
income of the taxpayer and the taxpayer's spouse for the taxable 61182
year does not exceed one hundred thousand dollars, or if the 61183
taxpayer is single and has a federal adjusted gross income for the 61184
taxable year not exceeding fifty thousand dollars, deduct amounts 61185
paid during the taxable year for qualified tuition and fees paid 61186
to an eligible institution for the taxpayer, the taxpayer's 61187
spouse, or any dependent of the taxpayer, who is a resident of 61188

this state and is enrolled in or attending a program that 61189
culminates in a degree or diploma at an eligible institution. The 61190
deduction may be claimed only to the extent that qualified tuition 61191
and fees are not otherwise deducted or excluded for any taxable 61192
year from federal or Ohio adjusted gross income. The deduction may 61193
not be claimed for educational expenses for which the taxpayer 61194
claims a credit under section 5747.27 of the Revised Code. 61195

(19) Add any reimbursement received during the taxable year 61196
of any amount the taxpayer deducted under division (A)(18) of this 61197
section in any previous taxable year to the extent the amount is 61198
not otherwise included in Ohio adjusted gross income. 61199

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 61200
(v) of this section, add five-sixths of the amount of depreciation 61201
expense allowed by subsection (k) of section 168 of the Internal 61202
Revenue Code, including the taxpayer's proportionate or 61203
distributive share of the amount of depreciation expense allowed 61204
by that subsection to a pass-through entity in which the taxpayer 61205
has a direct or indirect ownership interest. 61206

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 61207
this section, add five-sixths of the amount of qualifying section 61208
179 depreciation expense, including the taxpayer's proportionate 61209
or distributive share of the amount of qualifying section 179 61210
depreciation expense allowed to any pass-through entity in which 61211
the taxpayer has a direct or indirect ownership interest. 61212

(iii) Subject to division (A)(20)(a)(v) of this section, for 61213
taxable years beginning in 2012 or thereafter, if the increase in 61214
income taxes withheld by the taxpayer is equal to or greater than 61215
ten per cent of income taxes withheld by the taxpayer during the 61216
taxpayer's immediately preceding taxable year, "two-thirds" shall 61217
be substituted for "five-sixths" for the purpose of divisions 61218
(A)(20)(a)(i) and (ii) of this section. 61219

(iv) Subject to division (A)(20)(a)(v) of this section, for 61220
taxable years beginning in 2012 or thereafter, a taxpayer is not 61221
required to add an amount under division (A)(20) of this section 61222
if the increase in income taxes withheld by the taxpayer and by 61223
any pass-through entity in which the taxpayer has a direct or 61224
indirect ownership interest is equal to or greater than the sum of 61225
(I) the amount of qualifying section 179 depreciation expense and 61226
(II) the amount of depreciation expense allowed to the taxpayer by 61227
subsection (k) of section 168 of the Internal Revenue Code, and 61228
including the taxpayer's proportionate or distributive shares of 61229
such amounts allowed to any such pass-through entities. 61230

(v) If a taxpayer directly or indirectly incurs a net 61231
operating loss for the taxable year for federal income tax 61232
purposes, to the extent such loss resulted from depreciation 61233
expense allowed by subsection (k) of section 168 of the Internal 61234
Revenue Code and by qualifying section 179 depreciation expense, 61235
"the entire" shall be substituted for "five-sixths of the" for the 61236
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 61237

The tax commissioner, under procedures established by the 61238
commissioner, may waive the add-backs related to a pass-through 61239
entity if the taxpayer owns, directly or indirectly, less than 61240
five per cent of the pass-through entity. 61241

(b) Nothing in division (A)(20) of this section shall be 61242
construed to adjust or modify the adjusted basis of any asset. 61243

(c) To the extent the add-back required under division 61244
(A)(20)(a) of this section is attributable to property generating 61245
nonbusiness income or loss allocated under section 5747.20 of the 61246
Revised Code, the add-back shall be situated to the same location 61247
as the nonbusiness income or loss generated by the property for 61248
the purpose of determining the credit under division (A) of 61249
section 5747.05 of the Revised Code. Otherwise, the add-back shall 61250
be apportioned, subject to one or more of the four alternative 61251

methods of apportionment enumerated in section 5747.21 of the 61252
Revised Code. 61253

(d) For the purposes of division (A)(20)(a)(v) of this 61254
section, net operating loss carryback and carryforward shall not 61255
include the allowance of any net operating loss deduction 61256
carryback or carryforward to the taxable year to the extent such 61257
loss resulted from depreciation allowed by section 168(k) of the 61258
Internal Revenue Code and by the qualifying section 179 61259
depreciation expense amount. 61260

(e) For the purposes of divisions (A)(20) and (21) of this 61261
section: 61262

(i) "Income taxes withheld" means the total amount withheld 61263
and remitted under sections 5747.06 and 5747.07 of the Revised 61264
Code by an employer during the employer's taxable year. 61265

(ii) "Increase in income taxes withheld" means the amount by 61266
which the amount of income taxes withheld by an employer during 61267
the employer's current taxable year exceeds the amount of income 61268
taxes withheld by that employer during the employer's immediately 61269
preceding taxable year. 61270

(iii) "Qualifying section 179 depreciation expense" means the 61271
difference between (I) the amount of depreciation expense directly 61272
or indirectly allowed to a taxpayer under section 179 of the 61273
Internal Revised Code, and (II) the amount of depreciation expense 61274
directly or indirectly allowed to the taxpayer under section 179 61275
of the Internal Revenue Code as that section existed on December 61276
31, 2002. 61277

(21)(a) If the taxpayer was required to add an amount under 61278
division (A)(20)(a) of this section for a taxable year, deduct one 61279
of the following: 61280

(i) One-fifth of the amount so added for each of the five 61281
succeeding taxable years if the amount so added was five-sixths of 61282

qualifying section 179 depreciation expense or depreciation 61283
expense allowed by subsection (k) of section 168 of the Internal 61284
Revenue Code; 61285

(ii) One-half of the amount so added for each of the two 61286
succeeding taxable years if the amount so added was two-thirds of 61287
such depreciation expense; 61288

(iii) One-sixth of the amount so added for each of the six 61289
succeeding taxable years if the entire amount of such depreciation 61290
expense was so added. 61291

(b) If the amount deducted under division (A)(21)(a) of this 61292
section is attributable to an add-back allocated under division 61293
(A)(20)(c) of this section, the amount deducted shall be situated 61294
to the same location. Otherwise, the add-back shall be apportioned 61295
using the apportionment factors for the taxable year in which the 61296
deduction is taken, subject to one or more of the four alternative 61297
methods of apportionment enumerated in section 5747.21 of the 61298
Revised Code. 61299

(c) No deduction is available under division (A)(21)(a) of 61300
this section with regard to any depreciation allowed by section 61301
168(k) of the Internal Revenue Code and by the qualifying section 61302
179 depreciation expense amount to the extent that such 61303
depreciation results in or increases a federal net operating loss 61304
carryback or carryforward. If no such deduction is available for a 61305
taxable year, the taxpayer may carry forward the amount not 61306
deducted in such taxable year to the next taxable year and add 61307
that amount to any deduction otherwise available under division 61308
(A)(21)(a) of this section for that next taxable year. The 61309
carryforward of amounts not so deducted shall continue until the 61310
entire addition required by division (A)(20)(a) of this section 61311
has been deducted. 61312

(d) No refund shall be allowed as a result of adjustments 61313

made by division (A)(21) of this section. 61314

(22) Deduct, to the extent not otherwise deducted or excluded 61315
in computing federal or Ohio adjusted gross income for the taxable 61316
year, the amount the taxpayer received during the taxable year as 61317
reimbursement for life insurance premiums under section 5919.31 of 61318
the Revised Code. 61319

(23) Deduct, to the extent not otherwise deducted or excluded 61320
in computing federal or Ohio adjusted gross income for the taxable 61321
year, the amount the taxpayer received during the taxable year as 61322
a death benefit paid by the adjutant general under section 5919.33 61323
of the Revised Code. 61324

(24) Deduct, to the extent included in federal adjusted gross 61325
income and not otherwise allowable as a deduction or exclusion in 61326
computing federal or Ohio adjusted gross income for the taxable 61327
year, military pay and allowances received by the taxpayer during 61328
the taxable year for active duty service in the United States 61329
army, air force, navy, marine corps, or coast guard or reserve 61330
components thereof or the national guard. The deduction may not be 61331
claimed for military pay and allowances received by the taxpayer 61332
while the taxpayer is stationed in this state. 61333

(25) Deduct, to the extent not otherwise allowable as a 61334
deduction or exclusion in computing federal or Ohio adjusted gross 61335
income for the taxable year and not otherwise compensated for by 61336
any other source, the amount of qualified organ donation expenses 61337
incurred by the taxpayer during the taxable year, not to exceed 61338
ten thousand dollars. A taxpayer may deduct qualified organ 61339
donation expenses only once for all taxable years beginning with 61340
taxable years beginning in 2007. 61341

For the purposes of division (A)(25) of this section: 61342

(a) "Human organ" means all or any portion of a human liver, 61343
pancreas, kidney, intestine, or lung, and any portion of human 61344

bone marrow. 61345

(b) "Qualified organ donation expenses" means travel 61346
expenses, lodging expenses, and wages and salary forgone by a 61347
taxpayer in connection with the taxpayer's donation, while living, 61348
of one or more of the taxpayer's human organs to another human 61349
being. 61350

(26) Deduct, to the extent not otherwise deducted or excluded 61351
in computing federal or Ohio adjusted gross income for the taxable 61352
year, amounts received by the taxpayer as retired personnel pay 61353
for service in the uniformed services or reserve components 61354
thereof, or the national guard, or received by the surviving 61355
spouse or former spouse of such a taxpayer under the survivor 61356
benefit plan on account of such a taxpayer's death. If the 61357
taxpayer receives income on account of retirement paid under the 61358
federal civil service retirement system or federal employees 61359
retirement system, or under any successor retirement program 61360
enacted by the congress of the United States that is established 61361
and maintained for retired employees of the United States 61362
government, and such retirement income is based, in whole or in 61363
part, on credit for the taxpayer's uniformed service, the 61364
deduction allowed under this division shall include only that 61365
portion of such retirement income that is attributable to the 61366
taxpayer's uniformed service, to the extent that portion of such 61367
retirement income is otherwise included in federal adjusted gross 61368
income and is not otherwise deducted under this section. Any 61369
amount deducted under division (A)(26) of this section is not 61370
included in a taxpayer's adjusted gross income for the purposes of 61371
section 5747.055 of the Revised Code. No amount may be deducted 61372
under division (A)(26) of this section on the basis of which a 61373
credit was claimed under section 5747.055 of the Revised Code. 61374

(27) Deduct, to the extent not otherwise deducted or excluded 61375
in computing federal or Ohio adjusted gross income for the taxable 61376

year, the amount the taxpayer received during the taxable year 61377
from the military injury relief fund created in section 5902.05 of 61378
the Revised Code. 61379

(28) Deduct, to the extent not otherwise deducted or excluded 61380
in computing federal or Ohio adjusted gross income for the taxable 61381
year, the amount the taxpayer received as a veterans bonus during 61382
the taxable year from the Ohio department of veterans services as 61383
authorized by Section 2r of Article VIII, Ohio Constitution. 61384

(29) Deduct, to the extent not otherwise deducted or excluded 61385
in computing federal or Ohio adjusted gross income for the taxable 61386
year, any income derived from a transfer agreement or from the 61387
enterprise transferred under that agreement under section 4313.02 61388
of the Revised Code. 61389

(30) Deduct, to the extent not otherwise deducted or excluded 61390
in computing federal or Ohio adjusted gross income for the taxable 61391
year, Ohio college opportunity or federal Pell grant amounts 61392
received by the taxpayer or the taxpayer's spouse or dependent 61393
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 61394
1070a, et seq., and used to pay room or board furnished by the 61395
educational institution for which the grant was awarded at the 61396
institution's facilities, including meal plans administered by the 61397
institution. For the purposes of this division, receipt of a grant 61398
includes the distribution of a grant directly to an educational 61399
institution and the crediting of the grant to the enrollee's 61400
account with the institution. 61401

~~(31)(a) For taxable years beginning in 2015, deduct from the 61402~~
~~portion of an individual's adjusted gross income that is business 61403~~
~~income, to the extent not otherwise deducted or excluded in 61404~~
~~computing federal or Ohio adjusted gross income for the taxable 61405~~
~~year, the lesser of the following amounts: 61406~~

~~(i) Seventy five per cent of the individual's business 61407~~

income; 61408

~~(ii) Ninety three thousand seven hundred fifty dollars for~~ 61409
~~each spouse if spouses file separate returns under section 5747.08~~ 61410
~~of the Revised Code or one hundred eighty seven thousand five~~ 61411
~~hundred dollars for all other individuals.~~ 61412

~~(b) For taxable years beginning in 2016 or thereafter, deduct~~ 61413
Deduct from the portion of an individual's adjusted gross income 61414
that is business income, to the extent not otherwise deducted or 61415
excluded in computing federal adjusted gross income for the 61416
taxable year, ~~one hundred twenty five~~ fifty thousand dollars for 61417
each spouse if spouses file separate returns under section 5747.08 61418
of the Revised Code or ~~two~~ one hundred ~~fifty~~ thousand dollars for 61419
all other individuals. 61420

(32) Deduct, as provided under section 5747.78 of the Revised 61421
Code, contributions to ABLE savings accounts made in accordance 61422
with sections 113.50 to 113.56 of the Revised Code. 61423

(33)(a) Deduct, to the extent not otherwise deducted or 61424
excluded in computing federal or Ohio adjusted gross income during 61425
the taxable year, all of the following: 61426

(i) Compensation paid to a qualifying employee described in 61427
division (A)(14)(a) of section 5703.94 of the Revised Code to the 61428
extent such compensation is for disaster work conducted in this 61429
state during a disaster response period pursuant to a qualifying 61430
solicitation received by the employee's employer; 61431

(ii) Compensation paid to a qualifying employee described in 61432
division (A)(14)(b) of section 5703.94 of the Revised Code to the 61433
extent such compensation is for disaster work conducted in this 61434
state by the employee during the disaster response period on 61435
critical infrastructure owned or used by the employee's employer; 61436

(iii) Income received by an out-of-state disaster business 61437
for disaster work conducted in this state during a disaster 61438

response period, or, if the out-of-state disaster business is a 61439
pass-through entity, a taxpayer's distributive share of the 61440
pass-through entity's income from the business conducting disaster 61441
work in this state during a disaster response period, if, in 61442
either case, the disaster work is conducted pursuant to a 61443
qualifying solicitation received by the business. 61444

(b) All terms used in division (A)(33) of this section have 61445
the same meanings as in section 5703.94 of the Revised Code. 61446

(B) "Business income" means income, including gain or loss, 61447
arising from transactions, activities, and sources in the regular 61448
course of a trade or business and includes income, gain, or loss 61449
from real property, tangible property, and intangible property if 61450
the acquisition, rental, management, and disposition of the 61451
property constitute integral parts of the regular course of a 61452
trade or business operation. "Business income" includes income, 61453
including gain or loss, from a partial or complete liquidation of 61454
a business, including, but not limited to, gain or loss from the 61455
sale or other disposition of goodwill. 61456

(C) "Nonbusiness income" means all income other than business 61457
income and may include, but is not limited to, compensation, rents 61458
and royalties from real or tangible personal property, capital 61459
gains, interest, dividends and distributions, patent or copyright 61460
royalties, or lottery winnings, prizes, and awards. 61461

(D) "Compensation" means any form of remuneration paid to an 61462
employee for personal services. 61463

(E) "Fiduciary" means a guardian, trustee, executor, 61464
administrator, receiver, conservator, or any other person acting 61465
in any fiduciary capacity for any individual, trust, or estate. 61466

(F) "Fiscal year" means an accounting period of twelve months 61467
ending on the last day of any month other than December. 61468

(G) "Individual" means any natural person. 61469

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion

of the trust's current taxable year; 61500

(iii) A person who was domiciled in this state for the 61501
purposes of this chapter when the trust document or instrument or 61502
part of the trust document or instrument became irrevocable, but 61503
only if at least one of the trust's qualifying beneficiaries is a 61504
resident domiciled in this state for the purposes of this chapter 61505
during all or some portion of the trust's current taxable year. If 61506
a trust document or instrument became irrevocable upon the death 61507
of a person who at the time of death was domiciled in this state 61508
for purposes of this chapter, that person is a person described in 61509
division (I)(3)(a)(iii) of this section. 61510

(b) A trust is irrevocable to the extent that the transferor 61511
is not considered to be the owner of the net assets of the trust 61512
under sections 671 to 678 of the Internal Revenue Code. 61513

(c) With respect to a trust other than a charitable lead 61514
trust, "qualifying beneficiary" has the same meaning as "potential 61515
current beneficiary" as defined in section 1361(e)(2) of the 61516
Internal Revenue Code, and with respect to a charitable lead trust 61517
"qualifying beneficiary" is any current, future, or contingent 61518
beneficiary, but with respect to any trust "qualifying 61519
beneficiary" excludes a person or a governmental entity or 61520
instrumentality to any of which a contribution would qualify for 61521
the charitable deduction under section 170 of the Internal Revenue 61522
Code. 61523

(d) For the purposes of division (I)(3)(a) of this section, 61524
the extent to which a trust consists directly or indirectly, in 61525
whole or in part, of assets, net of any related liabilities, that 61526
were transferred directly or indirectly, in whole or part, to the 61527
trust by any of the sources enumerated in that division shall be 61528
ascertained by multiplying the fair market value of the trust's 61529
assets, net of related liabilities, by the qualifying ratio, which 61530
shall be computed as follows: 61531

(i) The first time the trust receives assets, the numerator 61532
of the qualifying ratio is the fair market value of those assets 61533
at that time, net of any related liabilities, from sources 61534
enumerated in division (I)(3)(a) of this section. The denominator 61535
of the qualifying ratio is the fair market value of all the 61536
trust's assets at that time, net of any related liabilities. 61537

(ii) Each subsequent time the trust receives assets, a 61538
revised qualifying ratio shall be computed. The numerator of the 61539
revised qualifying ratio is the sum of (1) the fair market value 61540
of the trust's assets immediately prior to the subsequent 61541
transfer, net of any related liabilities, multiplied by the 61542
qualifying ratio last computed without regard to the subsequent 61543
transfer, and (2) the fair market value of the subsequently 61544
transferred assets at the time transferred, net of any related 61545
liabilities, from sources enumerated in division (I)(3)(a) of this 61546
section. The denominator of the revised qualifying ratio is the 61547
fair market value of all the trust's assets immediately after the 61548
subsequent transfer, net of any related liabilities. 61549

(iii) Whether a transfer to the trust is by or from any of 61550
the sources enumerated in division (I)(3)(a) of this section shall 61551
be ascertained without regard to the domicile of the trust's 61552
beneficiaries. 61553

(e) For the purposes of division (I)(3)(a)(i) of this 61554
section: 61555

(i) A trust is described in division (I)(3)(e)(i) of this 61556
section if the trust is a testamentary trust and the testator of 61557
that testamentary trust was domiciled in this state at the time of 61558
the testator's death for purposes of the taxes levied under 61559
Chapter 5731. of the Revised Code. 61560

(ii) A trust is described in division (I)(3)(e)(ii) of this 61561
section if the transfer is a qualifying transfer described in any 61562

of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 61563
irrevocable inter vivos trust, and at least one of the trust's 61564
qualifying beneficiaries is domiciled in this state for purposes 61565
of this chapter during all or some portion of the trust's current 61566
taxable year. 61567

(f) For the purposes of division (I)(3)(e)(ii) of this 61568
section, a "qualifying transfer" is a transfer of assets, net of 61569
any related liabilities, directly or indirectly to a trust, if the 61570
transfer is described in any of the following: 61571

(i) The transfer is made to a trust, created by the decedent 61572
before the decedent's death and while the decedent was domiciled 61573
in this state for the purposes of this chapter, and, prior to the 61574
death of the decedent, the trust became irrevocable while the 61575
decedent was domiciled in this state for the purposes of this 61576
chapter. 61577

(ii) The transfer is made to a trust to which the decedent, 61578
prior to the decedent's death, had directly or indirectly 61579
transferred assets, net of any related liabilities, while the 61580
decedent was domiciled in this state for the purposes of this 61581
chapter, and prior to the death of the decedent the trust became 61582
irrevocable while the decedent was domiciled in this state for the 61583
purposes of this chapter. 61584

(iii) The transfer is made on account of a contractual 61585
relationship existing directly or indirectly between the 61586
transferor and either the decedent or the estate of the decedent 61587
at any time prior to the date of the decedent's death, and the 61588
decedent was domiciled in this state at the time of death for 61589
purposes of the taxes levied under Chapter 5731. of the Revised 61590
Code. 61591

(iv) The transfer is made to a trust on account of a 61592
contractual relationship existing directly or indirectly between 61593

the transferor and another person who at the time of the 61594
decedent's death was domiciled in this state for purposes of this 61595
chapter. 61596

(v) The transfer is made to a trust on account of the will of 61597
a testator who was domiciled in this state at the time of the 61598
testator's death for purposes of the taxes levied under Chapter 61599
5731. of the Revised Code. 61600

(vi) The transfer is made to a trust created by or caused to 61601
be created by a court, and the trust was directly or indirectly 61602
created in connection with or as a result of the death of an 61603
individual who, for purposes of the taxes levied under Chapter 61604
5731. of the Revised Code, was domiciled in this state at the time 61605
of the individual's death. 61606

(g) The tax commissioner may adopt rules to ascertain the 61607
part of a trust residing in this state. 61608

(J) "Nonresident" means an individual or estate that is not a 61609
resident. An individual who is a resident for only part of a 61610
taxable year is a nonresident for the remainder of that taxable 61611
year. 61612

(K) "Pass-through entity" has the same meaning as in section 61613
5733.04 of the Revised Code. 61614

(L) "Return" means the notifications and reports required to 61615
be filed pursuant to this chapter for the purpose of reporting the 61616
tax due and includes declarations of estimated tax when so 61617
required. 61618

(M) "Taxable year" means the calendar year or the taxpayer's 61619
fiscal year ending during the calendar year, or fractional part 61620
thereof, upon which the adjusted gross income is calculated 61621
pursuant to this chapter. 61622

(N) "Taxpayer" means any person subject to the tax imposed by 61623

section 5747.02 of the Revised Code or any pass-through entity 61624
that makes the election under division (D) of section 5747.08 of 61625
the Revised Code. 61626

(O) "Dependents" means dependents as defined in the Internal 61627
Revenue Code and as claimed in the taxpayer's federal income tax 61628
return for the taxable year or which the taxpayer would have been 61629
permitted to claim had the taxpayer filed a federal income tax 61630
return. 61631

(P) "Principal county of employment" means, in the case of a 61632
nonresident, the county within the state in which a taxpayer 61633
performs services for an employer or, if those services are 61634
performed in more than one county, the county in which the major 61635
portion of the services are performed. 61636

(Q) As used in sections 5747.50 to 5747.55 of the Revised 61637
Code: 61638

(1) "Subdivision" means any county, municipal corporation, 61639
park district, or township. 61640

(2) "Essential local government purposes" includes all 61641
functions that any subdivision is required by general law to 61642
exercise, including like functions that are exercised under a 61643
charter adopted pursuant to the Ohio Constitution. 61644

(R) "Overpayment" means any amount already paid that exceeds 61645
the figure determined to be the correct amount of the tax. 61646

(S) "Taxable income" or "Ohio taxable income" applies only to 61647
estates and trusts, and means federal taxable income, as defined 61648
and used in the Internal Revenue Code, adjusted as follows: 61649

(1) Add interest or dividends, net of ordinary, necessary, 61650
and reasonable expenses not deducted in computing federal taxable 61651
income, on obligations or securities of any state or of any 61652
political subdivision or authority of any state, other than this 61653

state and its subdivisions and authorities, but only to the extent 61654
that such net amount is not otherwise includible in Ohio taxable 61655
income and is described in either division (S)(1)(a) or (b) of 61656
this section: 61657

(a) The net amount is not attributable to the S portion of an 61658
electing small business trust and has not been distributed to 61659
beneficiaries for the taxable year; 61660

(b) The net amount is attributable to the S portion of an 61661
electing small business trust for the taxable year. 61662

(2) Add interest or dividends, net of ordinary, necessary, 61663
and reasonable expenses not deducted in computing federal taxable 61664
income, on obligations of any authority, commission, 61665
instrumentality, territory, or possession of the United States to 61666
the extent that the interest or dividends are exempt from federal 61667
income taxes but not from state income taxes, but only to the 61668
extent that such net amount is not otherwise includible in Ohio 61669
taxable income and is described in either division (S)(1)(a) or 61670
(b) of this section; 61671

(3) Add the amount of personal exemption allowed to the 61672
estate pursuant to section 642(b) of the Internal Revenue Code; 61673

(4) Deduct interest or dividends, net of related expenses 61674
deducted in computing federal taxable income, on obligations of 61675
the United States and its territories and possessions or of any 61676
authority, commission, or instrumentality of the United States to 61677
the extent that the interest or dividends are exempt from state 61678
taxes under the laws of the United States, but only to the extent 61679
that such amount is included in federal taxable income and is 61680
described in either division (S)(1)(a) or (b) of this section; 61681

(5) Deduct the amount of wages and salaries, if any, not 61682
otherwise allowable as a deduction but that would have been 61683
allowable as a deduction in computing federal taxable income for 61684

the taxable year, had the targeted jobs credit allowed under 61685
sections 38, 51, and 52 of the Internal Revenue Code not been in 61686
effect, but only to the extent such amount relates either to 61687
income included in federal taxable income for the taxable year or 61688
to income of the S portion of an electing small business trust for 61689
the taxable year; 61690

(6) Deduct any interest or interest equivalent, net of 61691
related expenses deducted in computing federal taxable income, on 61692
public obligations and purchase obligations, but only to the 61693
extent that such net amount relates either to income included in 61694
federal taxable income for the taxable year or to income of the S 61695
portion of an electing small business trust for the taxable year; 61696

(7) Add any loss or deduct any gain resulting from sale, 61697
exchange, or other disposition of public obligations to the extent 61698
that such loss has been deducted or such gain has been included in 61699
computing either federal taxable income or income of the S portion 61700
of an electing small business trust for the taxable year; 61701

(8) Except in the case of the final return of an estate, add 61702
any amount deducted by the taxpayer on both its Ohio estate tax 61703
return pursuant to section 5731.14 of the Revised Code, and on its 61704
federal income tax return in determining federal taxable income; 61705

(9)(a) Deduct any amount included in federal taxable income 61706
solely because the amount represents a reimbursement or refund of 61707
expenses that in a previous year the decedent had deducted as an 61708
itemized deduction pursuant to section 63 of the Internal Revenue 61709
Code and applicable treasury regulations. The deduction otherwise 61710
allowed under division (S)(9)(a) of this section shall be reduced 61711
to the extent the reimbursement is attributable to an amount the 61712
taxpayer or decedent deducted under this section in any taxable 61713
year. 61714

(b) Add any amount not otherwise included in Ohio taxable 61715

income for any taxable year to the extent that the amount is 61716
attributable to the recovery during the taxable year of any amount 61717
deducted or excluded in computing federal or Ohio taxable income 61718
in any taxable year, but only to the extent such amount has not 61719
been distributed to beneficiaries for the taxable year. 61720

(10) Deduct any portion of the deduction described in section 61721
1341(a)(2) of the Internal Revenue Code, for repaying previously 61722
reported income received under a claim of right, that meets both 61723
of the following requirements: 61724

(a) It is allowable for repayment of an item that was 61725
included in the taxpayer's taxable income or the decedent's 61726
adjusted gross income for a prior taxable year and did not qualify 61727
for a credit under division (A) or (B) of section 5747.05 of the 61728
Revised Code for that year. 61729

(b) It does not otherwise reduce the taxpayer's taxable 61730
income or the decedent's adjusted gross income for the current or 61731
any other taxable year. 61732

(11) Add any amount claimed as a credit under section 61733
5747.059 or 5747.65 of the Revised Code to the extent that the 61734
amount satisfies either of the following: 61735

(a) The amount was deducted or excluded from the computation 61736
of the taxpayer's federal taxable income as required to be 61737
reported for the taxpayer's taxable year under the Internal 61738
Revenue Code; 61739

(b) The amount resulted in a reduction in the taxpayer's 61740
federal taxable income as required to be reported for any of the 61741
taxpayer's taxable years under the Internal Revenue Code. 61742

(12) Deduct any amount, net of related expenses deducted in 61743
computing federal taxable income, that a trust is required to 61744
report as farm income on its federal income tax return, but only 61745
if the assets of the trust include at least ten acres of land 61746

satisfying the definition of "land devoted exclusively to
agricultural use" under section 5713.30 of the Revised Code,
regardless of whether the land is valued for tax purposes as such
land under sections 5713.30 to 5713.38 of the Revised Code. If the
trust is a pass-through entity investor, section 5747.231 of the
Revised Code applies in ascertaining if the trust is eligible to
claim the deduction provided by division (S)(12) of this section
in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an
electing small business trust, the deduction provided by division
(S)(12) of this section is allowed only to the extent that the
trust has not distributed such farm income. Division (S)(12) of
this section applies only to taxable years of a trust beginning in
2002 or thereafter.

(13) Add the net amount of income described in section 641(c)
of the Internal Revenue Code to the extent that amount is not
included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required
to add or deduct under division (A)(20) or (21) of this section if
the taxpayer's Ohio taxable income were computed in the same
manner as an individual's Ohio adjusted gross income is computed
under this section. In the case of a trust, division (S)(14) of
this section applies only to any of the trust's taxable years
beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax"
have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7)
of this section, "public obligations," "purchase obligations," and
"interest or interest equivalent" have the same meanings as in
section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability

company formed under Chapter 1705. of the Revised Code or under 61778
the laws of any other state. 61779

(W) "Pass-through entity investor" means any person who, 61780
during any portion of a taxable year of a pass-through entity, is 61781
a partner, member, shareholder, or equity investor in that 61782
pass-through entity. 61783

(X) "Banking day" has the same meaning as in section 1304.01 61784
of the Revised Code. 61785

(Y) "Month" means a calendar month. 61786

(Z) "Quarter" means the first three months, the second three 61787
months, the third three months, or the last three months of the 61788
taxpayer's taxable year. 61789

(AA)(1) "Eligible institution" means a state university or 61790
state institution of higher education as defined in section 61791
3345.011 of the Revised Code, or a private, nonprofit college, 61792
university, or other post-secondary institution located in this 61793
state that possesses a certificate of authorization issued by the 61794
chancellor of higher education pursuant to Chapter 1713. of the 61795
Revised Code or a certificate of registration issued by the state 61796
board of career colleges and schools under Chapter 3332. of the 61797
Revised Code. 61798

(2) "Qualified tuition and fees" means tuition and fees 61799
imposed by an eligible institution as a condition of enrollment or 61800
attendance, not exceeding two thousand five hundred dollars in 61801
each of the individual's first two years of post-secondary 61802
education. If the individual is a part-time student, "qualified 61803
tuition and fees" includes tuition and fees paid for the academic 61804
equivalent of the first two years of post-secondary education 61805
during a maximum of five taxable years, not exceeding a total of 61806
five thousand dollars. "Qualified tuition and fees" does not 61807
include: 61808

(a) Expenses for any course or activity involving sports, 61809
games, or hobbies unless the course or activity is part of the 61810
individual's degree or diploma program; 61811

(b) The cost of books, room and board, student activity fees, 61812
athletic fees, insurance expenses, or other expenses unrelated to 61813
the individual's academic course of instruction; 61814

(c) Tuition, fees, or other expenses paid or reimbursed 61815
through an employer, scholarship, grant in aid, or other 61816
educational benefit program. 61817

(BB)(1) "Modified business income" means the business income 61818
included in a trust's Ohio taxable income after such taxable 61819
income is first reduced by the qualifying trust amount, if any. 61820

(2) "Qualifying trust amount" of a trust means capital gains 61821
and losses from the sale, exchange, or other disposition of equity 61822
or ownership interests in, or debt obligations of, a qualifying 61823
investee to the extent included in the trust's Ohio taxable 61824
income, but only if the following requirements are satisfied: 61825

(a) The book value of the qualifying investee's physical 61826
assets in this state and everywhere, as of the last day of the 61827
qualifying investee's fiscal or calendar year ending immediately 61828
prior to the date on which the trust recognizes the gain or loss, 61829
is available to the trust. 61830

(b) The requirements of section 5747.011 of the Revised Code 61831
are satisfied for the trust's taxable year in which the trust 61832
recognizes the gain or loss. 61833

Any gain or loss that is not a qualifying trust amount is 61834
modified business income, qualifying investment income, or 61835
modified nonbusiness income, as the case may be. 61836

(3) "Modified nonbusiness income" means a trust's Ohio 61837
taxable income other than modified business income, other than the 61838

qualifying trust amount, and other than qualifying investment 61839
income, as defined in section 5747.012 of the Revised Code, to the 61840
extent such qualifying investment income is not otherwise part of 61841
modified business income. 61842

(4) "Modified Ohio taxable income" applies only to trusts, 61843
and means the sum of the amounts described in divisions (BB)(4)(a) 61844
to (c) of this section: 61845

(a) The fraction, calculated under section 5747.013, and 61846
applying section 5747.231 of the Revised Code, multiplied by the 61847
sum of the following amounts: 61848

(i) The trust's modified business income; 61849

(ii) The trust's qualifying investment income, as defined in 61850
section 5747.012 of the Revised Code, but only to the extent the 61851
qualifying investment income does not otherwise constitute 61852
modified business income and does not otherwise constitute a 61853
qualifying trust amount. 61854

(b) The qualifying trust amount multiplied by a fraction, the 61855
numerator of which is the sum of the book value of the qualifying 61856
investee's physical assets in this state on the last day of the 61857
qualifying investee's fiscal or calendar year ending immediately 61858
prior to the day on which the trust recognizes the qualifying 61859
trust amount, and the denominator of which is the sum of the book 61860
value of the qualifying investee's total physical assets 61861
everywhere on the last day of the qualifying investee's fiscal or 61862
calendar year ending immediately prior to the day on which the 61863
trust recognizes the qualifying trust amount. If, for a taxable 61864
year, the trust recognizes a qualifying trust amount with respect 61865
to more than one qualifying investee, the amount described in 61866
division (BB)(4)(b) of this section shall equal the sum of the 61867
products so computed for each such qualifying investee. 61868

(c)(i) With respect to a trust or portion of a trust that is 61869

a resident as ascertained in accordance with division (I)(3)(d) of 61870
this section, its modified nonbusiness income. 61871

(ii) With respect to a trust or portion of a trust that is 61872
not a resident as ascertained in accordance with division 61873
(I)(3)(d) of this section, the amount of its modified nonbusiness 61874
income satisfying the descriptions in divisions (B)(2) to (5) of 61875
section 5747.20 of the Revised Code, except as otherwise provided 61876
in division (BB)(4)(c)(ii) of this section. With respect to a 61877
trust or portion of a trust that is not a resident as ascertained 61878
in accordance with division (I)(3)(d) of this section, the trust's 61879
portion of modified nonbusiness income recognized from the sale, 61880
exchange, or other disposition of a debt interest in or equity 61881
interest in a section 5747.212 entity, as defined in section 61882
5747.212 of the Revised Code, without regard to division (A) of 61883
that section, shall not be allocated to this state in accordance 61884
with section 5747.20 of the Revised Code but shall be apportioned 61885
to this state in accordance with division (B) of section 5747.212 61886
of the Revised Code without regard to division (A) of that 61887
section. 61888

If the allocation and apportionment of a trust's income under 61889
divisions (BB)(4)(a) and (c) of this section do not fairly 61890
represent the modified Ohio taxable income of the trust in this 61891
state, the alternative methods described in division (C) of 61892
section 5747.21 of the Revised Code may be applied in the manner 61893
and to the same extent provided in that section. 61894

(5)(a) Except as set forth in division (BB)(5)(b) of this 61895
section, "qualifying investee" means a person in which a trust has 61896
an equity or ownership interest, or a person or unit of government 61897
the debt obligations of either of which are owned by a trust. For 61898
the purposes of division (BB)(2)(a) of this section and for the 61899
purpose of computing the fraction described in division (BB)(4)(b) 61900
of this section, all of the following apply: 61901

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's

physical assets that the lower level pass-through entity directly 61934
or indirectly owns on the last day of the lower level pass-through 61935
entity's calendar or fiscal year ending within or with the last 61936
day of the upper level pass-through entity's fiscal or calendar 61937
year. If the upper level pass-through entity directly and 61938
indirectly owns less than fifty per cent of the equity of the 61939
lower level pass-through entity on each day of the upper level 61940
pass-through entity's calendar or fiscal year in which or with 61941
which ends the calendar or fiscal year of the lower level 61942
pass-through entity and if, based upon clear and convincing 61943
evidence, complete information about the location and cost of the 61944
physical assets of the lower pass-through entity is not available 61945
to the upper level pass-through entity, then solely for purposes 61946
of ascertaining if a gain or loss constitutes a qualifying trust 61947
amount, the upper level pass-through entity shall be deemed as 61948
owning no equity of the lower level pass-through entity for each 61949
day during the upper level pass-through entity's calendar or 61950
fiscal year in which or with which ends the lower level 61951
pass-through entity's calendar or fiscal year. Nothing in division 61952
(BB)(5)(a)(iii) of this section shall be construed to provide for 61953
any deduction or exclusion in computing any trust's Ohio taxable 61954
income. 61955

(b) With respect to a trust that is not a resident for the 61956
taxable year and with respect to a part of a trust that is not a 61957
resident for the taxable year, "qualifying investee" for that 61958
taxable year does not include a C corporation if both of the 61959
following apply: 61960

(i) During the taxable year the trust or part of the trust 61961
recognizes a gain or loss from the sale, exchange, or other 61962
disposition of equity or ownership interests in, or debt 61963
obligations of, the C corporation. 61964

(ii) Such gain or loss constitutes nonbusiness income. 61965

(6) "Available" means information is such that a person is
able to learn of the information by the due date plus extensions,
if any, for filing the return for the taxable year in which the
trust recognizes the gain or loss.

(CC) "Qualifying controlled group" has the same meaning as in
section 5733.04 of the Revised Code.

(DD) "Related member" has the same meaning as in section
5733.042 of the Revised Code.

(EE)(1) For the purposes of division (EE) of this section:

(a) "Qualifying person" means any person other than a
qualifying corporation.

(b) "Qualifying corporation" means any person classified for
federal income tax purposes as an association taxable as a
corporation, except either of the following:

(i) A corporation that has made an election under subchapter
S, chapter one, subtitle A, of the Internal Revenue Code for its
taxable year ending within, or on the last day of, the investor's
taxable year;

(ii) A subsidiary that is wholly owned by any corporation
that has made an election under subchapter S, chapter one,
subtitle A of the Internal Revenue Code for its taxable year
ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated
otherwise, no qualifying person indirectly owns any asset directly
or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the
Revised Code:

(1) "Trust" does not include a qualified pre-income tax
trust.

(2) A "qualified pre-income tax trust" is any pre-income tax

trust that makes a qualifying pre-income tax trust election as 61996
described in division (FF)(3) of this section. 61997

(3) A "qualifying pre-income tax trust election" is an 61998
election by a pre-income tax trust to subject to the tax imposed 61999
by section 5751.02 of the Revised Code the pre-income tax trust 62000
and all pass-through entities of which the trust owns or controls, 62001
directly, indirectly, or constructively through related interests, 62002
five per cent or more of the ownership or equity interests. The 62003
trustee shall notify the tax commissioner in writing of the 62004
election on or before April 15, 2006. The election, if timely 62005
made, shall be effective on and after January 1, 2006, and shall 62006
apply for all tax periods and tax years until revoked by the 62007
trustee of the trust. 62008

(4) A "pre-income tax trust" is a trust that satisfies all of 62009
the following requirements: 62010

(a) The document or instrument creating the trust was 62011
executed by the grantor before January 1, 1972; 62012

(b) The trust became irrevocable upon the creation of the 62013
trust; and 62014

(c) The grantor was domiciled in this state at the time the 62015
trust was created. 62016

(GG) "Uniformed services" has the same meaning as in 10 62017
U.S.C. 101. 62018

(HH) "Taxable business income" means the amount by which an 62019
individual's business income that is included in federal adjusted 62020
gross income exceeds the amount of business income the individual 62021
is authorized to deduct under division (A)(31) of this section for 62022
the taxable year. 62023

(II) "Employer" does not include a franchisor with respect to 62024
the franchisor's relationship with a franchisee or an employee of 62025

a franchisee, unless the franchisor agrees to assume that role in 62026
writing or a court of competent jurisdiction determines that the 62027
franchisor exercises a type or degree of control over the 62028
franchisee or the franchisee's employees that is not customarily 62029
exercised by a franchisor for the purpose of protecting the 62030
franchisor's trademark, brand, or both. For purposes of this 62031
division, "franchisor" and "franchisee" have the same meanings as 62032
in 16 C.F.R. 436.1. 62033

(JJ) "Modified adjusted gross income" means Ohio adjusted 62034
gross income plus any amount deducted under division (A)(31) of 62035
this section for the taxable year. 62036

Sec. 5747.02. (A) For the purpose of providing revenue for 62037
the support of schools and local government functions, to provide 62038
relief to property taxpayers, to provide revenue for the general 62039
revenue fund, and to meet the expenses of administering the tax 62040
levied by this chapter, there is hereby levied on every 62041
individual, trust, and estate residing in or earning or receiving 62042
income in this state, on every individual, trust, and estate 62043
earning or receiving lottery winnings, prizes, or awards pursuant 62044
to Chapter 3770. of the Revised Code, on every individual, trust, 62045
and estate earning or receiving winnings on casino gaming, and on 62046
every individual, trust, and estate otherwise having nexus with or 62047
in this state under the Constitution of the United States, an 62048
annual tax measured as prescribed in divisions (A)(1) to (4) of 62049
this section. 62050

(1) In the case of trusts, the tax imposed by this section 62051
shall be measured by modified Ohio taxable income under division 62052
(D) of this section and levied in the same amount as the tax is 62053
imposed on estates as prescribed in division (A)(2) of this 62054
section. 62055

(2) In the case of estates, the tax imposed by this section 62056

shall be measured by Ohio taxable income and levied at the rate of 62057
~~seven thousand one and~~ four hundred ~~twenty five ten~~ eighteen 62058
thousandths per cent for the first ~~ten~~ twenty-two thousand ~~five~~ 62059
two hundred fifty dollars of such income and, for income in excess 62060
of that amount, at the same rates prescribed in division (A)(3) of 62061
this section for individuals. 62062

(3) In the case of individuals, ~~for taxable years beginning~~ 62063
~~in 2017 or thereafter~~, the tax imposed by this section on income 62064
other than taxable business income shall be measured by Ohio 62065
adjusted gross income, less taxable business income and less an 62066
exemption for the taxpayer, the taxpayer's spouse, and each 62067
dependent as provided in section 5747.025 of the Revised Code. If 62068
the balance thus obtained is equal to or less than ~~ten~~ twenty-two 62069
thousand ~~five~~ two hundred fifty dollars, no tax shall be imposed 62070
on that balance. If the balance thus obtained is greater than ~~ten~~ 62071
twenty-two thousand ~~five~~ two hundred fifty dollars, the tax is 62072
hereby levied as follows: 62073

OHIO ADJUSTED GROSS INCOME LESS 62074

TAXABLE BUSINESS INCOME AND

EXEMPTIONS (INDIVIDUALS)

OR

MODIFIED OHIO

TAXABLE INCOME (TRUSTS)

OR

OHIO TAXABLE INCOME (ESTATES)

TAX

More than ~~\$10,500 but not more~~ ~~\$77.96 plus 1.980% of the amount~~ 62082
~~than \$15,800~~ ~~in excess of \$10,500~~
More than ~~\$15,800 but not more~~ ~~\$182.90 plus 2.476% of the~~ 62083
~~than \$21,100~~ ~~amount in excess of \$15,800~~
More than ~~\$21,100~~ 22,250 but not ~~\$314.13~~ 315.41 plus ~~2.969~~ 2.829% 62084

more than <u>\$42,10044,400</u>	of the amount in excess of	
	<u>\$21,10022,250</u>	
More than <u>\$42,10044,400</u> but not	<u>\$937.62942.14</u> plus <u>3.4653.302%</u>	62085
more than <u>\$84,20088,800</u>	of the amount in excess of	
	<u>\$42,10044,400</u>	
More than <u>\$84,20088,800</u> but not	<u>\$2,396.392,408.31</u> plus 3.960% of	62086
more than <u>\$105,300111,100</u>	the amount in excess of	
	<u>\$84,20088,800</u>	
More than <u>\$105,300111,100</u> but not	<u>\$3,231.953,291.39</u> plus 4.597% of	62087
more than <u>\$210,600222,200</u>	the amount in excess of	
	<u>\$105,300111,100</u>	
More than <u>\$210,600222,200</u>	<u>\$8,072.598,398.66</u> plus 4.997% of	62088
	the amount in excess of	
	<u>\$210,600222,200</u>	

(4)(a) In the case of individuals, for taxable years	62089
beginning in 2016 or thereafter , the tax imposed by this section	62090
on taxable business income shall equal three per cent of the	62091
result obtained by subtracting any amount allowed under division	62092
(A)(4)(b) of this section from the individual's taxable business	62093
income.	62094

(b) If the exemptions allowed to an individual under division	62095
(A)(3) of this section exceed the taxpayer's Ohio adjusted gross	62096
income less taxable business income, the excess shall be deducted	62097
from taxable business income before computing the tax under	62098
division (A)(4)(a) of this section.	62099

(5) Except as otherwise provided in this division, in August	62100
of each year, the tax commissioner shall make a new adjustment to	62101
the income amounts prescribed in divisions (A)(2) and (3) of this	62102
section by multiplying the percentage increase in the gross	62103
domestic product deflator computed that year under section	62104
5747.025 of the Revised Code by each of the income amounts	62105
resulting from the adjustment under this division in the preceding	62106

year, adding the resulting product to the corresponding income 62107
amount resulting from the adjustment in the preceding year, and 62108
rounding the resulting sum to the nearest multiple of fifty 62109
dollars. The tax commissioner also shall recompute each of the tax 62110
dollar amounts to the extent necessary to reflect the new 62111
adjustment of the income amounts. To recompute the tax dollar 62112
amount corresponding to the lowest tax rate in division (A)(3) of 62113
this section, the commissioner shall multiply the tax rate 62114
prescribed in division (A)(2) of this section by the income amount 62115
specified in that division and as adjusted according to this 62116
paragraph. The rates of taxation shall not be adjusted. 62117

The adjusted amounts apply to taxable years beginning in the 62118
calendar year in which the adjustments are made and to taxable 62119
years beginning in each ensuing calendar year until a calendar 62120
year in which a new adjustment is made pursuant to this division. 62121
The tax commissioner shall not make a new adjustment in any year 62122
in which the amount resulting from the adjustment would be less 62123
than the amount resulting from the adjustment in the preceding 62124
year. 62125

(B) If the director of budget and management makes a 62126
certification to the tax commissioner under division (B) of 62127
section 131.44 of the Revised Code, the amount of tax as 62128
determined under divisions (A)(1) to (3) of this section shall be 62129
reduced by the percentage prescribed in that certification for 62130
taxable years beginning in the calendar year in which that 62131
certification is made. 62132

(C) The levy of this tax on income does not prevent a 62133
municipal corporation, a joint economic development zone created 62134
under section 715.691, or a joint economic development district 62135
created under section 715.70, 715.71, or 715.72 of the Revised 62136
Code from levying a tax on income. 62137

(D) This division applies only to taxable years of a trust 62138

beginning in 2002 or thereafter. 62139

(1) The tax imposed by this section on a trust shall be 62140
computed by multiplying the Ohio modified taxable income of the 62141
trust by the rates prescribed by division (A) of this section. 62142

(2) A resident trust may claim a credit against the tax 62143
computed under division (D) of this section equal to the lesser of 62144
(a) the tax paid to another state or the District of Columbia on 62145
the resident trust's modified nonbusiness income, other than the 62146
portion of the resident trust's nonbusiness income that is 62147
qualifying investment income as defined in section 5747.012 of the 62148
Revised Code, or (b) the effective tax rate, based on modified 62149
Ohio taxable income, multiplied by the resident trust's modified 62150
nonbusiness income other than the portion of the resident trust's 62151
nonbusiness income that is qualifying investment income. The 62152
credit applies before any other applicable credits. 62153

(3) The credits ~~enumerated in divisions (A)(1) to (9) and~~ 62154
~~(A)(18) to (20) of section 5747.98~~ authorized by the following 62155
sections of the Revised Code do not apply to a trust subject to 62156
division (D) of this section: section 5747.022, 5747.05, 5747.054, 62157
5747.055, 5747.27, 5747.29, 5747.37, 5747.66, or 5747.71 of the 62158
Revised Code. Any ~~credits enumerated in other divisions of credit~~ 62159
authorized against the tax imposed by this ~~section 5747.98 of the~~ 62160
~~Revised Code apply~~ applies to a trust subject to division (D) of 62161
this section that otherwise qualifies for such a credit. To the 62162
extent that the trust distributes income for the taxable year for 62163
which a credit is available to the trust, the credit shall be 62164
shared by the trust and its beneficiaries. The tax commissioner 62165
and the trust shall be guided by applicable regulations of the 62166
United States treasury regarding the sharing of credits. 62167

(E) For the purposes of this section, "trust" means any trust 62168
described in Subchapter J of Chapter 1 of the Internal Revenue 62169
Code, excluding trusts that are not irrevocable as defined in 62170

division (I)(3)(b) of section 5747.01 of the Revised Code and that 62171
have no modified Ohio taxable income for the taxable year, 62172
charitable remainder trusts, qualified funeral trusts and preneed 62173
funeral contract trusts established pursuant to sections 4717.31 62174
to 4717.38 of the Revised Code that are not qualified funeral 62175
trusts, endowment and perpetual care trusts, qualified settlement 62176
trusts and funds, designated settlement trusts and funds, and 62177
trusts exempted from taxation under section 501(a) of the Internal 62178
Revenue Code. 62179

(F) Nothing in division (A)(3) of this section shall prohibit 62180
an individual with an Ohio adjusted gross income, less taxable 62181
business income and exemptions, of ~~ten~~ twenty-two thousand ~~five~~ 62182
two hundred fifty dollars or less from filing a return under this 62183
chapter to receive a refund of taxes withheld or to claim any 62184
refundable credit allowed under this chapter. 62185

Sec. 5747.022. An individual subject to the tax imposed by 62186
section 5747.02 of the Revised Code whose ~~Ohio~~ modified adjusted 62187
gross income, less applicable exemptions under section 5747.025 of 62188
the Revised Code, for the taxable year as shown on an individual 62189
or joint annual return is less than thirty thousand dollars may 62190
claim a credit equal to twenty dollars times the number of 62191
exemptions allowed for the taxpayer, the taxpayer's spouse, and 62192
each dependent under section 5747.02 of the Revised Code. The 62193
credit shall be claimed in the order required under section 62194
5747.98 of the Revised Code. The credit shall not be considered in 62195
determining the taxes required to be withheld under section 62196
5747.06 of the Revised Code or the estimated taxes required to be 62197
paid under section 5747.09 of the Revised Code. In the case of an 62198
individual with respect to whom an exemption under section 5747.02 62199
of the Revised Code is allowable to another taxpayer for a taxable 62200
year beginning in the calendar year in which the individual's 62201
taxable year begins, the "number of exemptions allowed" for 62202

purposes of calculating the credit allowed under this section to 62203
such individual for the individual's taxable year shall not 62204
include an exemption for the individual. 62205

Sec. 5747.025. (A) For taxable years beginning in 2014 or 62206
2015, the personal exemption for the taxpayer, the taxpayer's 62207
spouse, and each dependent shall be one of the following amounts: 62208

(1) Two thousand two hundred dollars if the taxpayer's ~~Ohio~~ 62209
modified adjusted gross income for the taxable year as shown on an 62210
individual or joint annual return is less than or equal to forty 62211
thousand dollars; 62212

(2) One thousand nine hundred fifty dollars if the taxpayer's 62213
~~Ohio~~ modified adjusted gross income for the taxable year as shown 62214
on an individual or joint annual return is greater than forty 62215
thousand dollars but less than or equal to eighty thousand 62216
dollars; 62217

(3) One thousand seven hundred dollars if the taxpayer's ~~Ohio~~ 62218
modified adjusted gross income for the taxable year as shown on an 62219
individual or joint annual return is greater than eighty thousand 62220
dollars. 62221

(B) For taxable years beginning in 2016 and thereafter, the 62222
personal exemption amounts prescribed in division (A) of this 62223
section shall be adjusted each year in the manner prescribed in 62224
division (C) of this section. In the case of an individual with 62225
respect to whom an exemption under section 5747.02 of the Revised 62226
Code is allowable to another taxpayer for a taxable year beginning 62227
in the calendar year in which the individual's taxable year 62228
begins, the exemption amount applicable to such individual for 62229
such individual's taxable year shall be zero. 62230

(C) Except as otherwise provided in this division, in August 62231
of each year, the tax commissioner shall determine the percentage 62232

increase in the gross domestic product deflator determined by the 62233
bureau of economic analysis of the United States department of 62234
commerce from the first day of January of the preceding calendar 62235
year to the last day of December of the preceding year, and make a 62236
new adjustment to the personal exemption amount for taxable years 62237
beginning in the current calendar year by multiplying that amount 62238
by the percentage increase in the gross domestic product deflator 62239
for that period; adding the resulting product to the personal 62240
exemption amount for taxable years beginning in the preceding 62241
calendar year; and rounding the resulting sum upward to the 62242
nearest multiple of fifty dollars. The adjusted amount applies to 62243
taxable years beginning in the calendar year in which the 62244
adjustment is made and to taxable years beginning in each ensuing 62245
calendar year until a calendar year in which a new adjustment is 62246
made pursuant to this division. The commissioner shall not make a 62247
new adjustment in any calendar year in which the amount resulting 62248
from the adjustment would be less than the amount resulting from 62249
the adjustment in the preceding calendar year. 62250

Sec. 5747.05. As used in this section, "income tax" includes 62251
both a tax on net income and a tax measured by net income. 62252

The following credits shall be allowed against the aggregate 62253
income tax liability imposed by section 5747.02 of the Revised 62254
Code on individuals and estates: 62255

(A)(1) The amount of tax otherwise due under section 5747.02 62256
of the Revised Code on such portion of the combined adjusted gross 62257
income and business income of any nonresident taxpayer that is not 62258
allocable or apportionable to this state pursuant to sections 62259
5747.20 to 5747.23 of the Revised Code. The credit provided under 62260
this division shall not exceed the total tax due under section 62261
5747.02 of the Revised Code. 62262

(2) The tax commissioner may enter into an agreement with the 62263

taxing authorities of any state or of the District of Columbia 62264
that imposes an income tax to provide that compensation paid in 62265
this state to a nonresident taxpayer shall not be subject to the 62266
tax levied in section 5747.02 of the Revised Code so long as 62267
compensation paid in such other state or in the District of 62268
Columbia to a resident taxpayer shall likewise not be subject to 62269
the income tax of such other state or of the District of Columbia. 62270

(B) The lesser of division (B)(1) or (2) of this section: 62271

(1) The aggregate amount of tax otherwise due under section 62272
5747.02 of the Revised Code on such portion of the combined 62273
adjusted gross income and business income of a resident taxpayer 62274
that in another state or in the District of Columbia is subjected 62275
to an income tax. The credit provided under division (B)(1) of 62276
this section shall not exceed the total tax due under section 62277
5747.02 of the Revised Code. 62278

(2) The amount of income tax liability to another state or 62279
the District of Columbia on the portion of the combined adjusted 62280
gross income and business income of a resident taxpayer that in 62281
another state or in the District of Columbia is subjected to an 62282
income tax. The credit provided under division (B)(2) of this 62283
section shall not exceed the total amount of tax otherwise due 62284
under section 5747.02 of the Revised Code. 62285

(3) If the credit provided under division (B) of this section 62286
is affected by a change in either the portion of the combined 62287
adjusted gross income and business income of a resident taxpayer 62288
subjected to an income tax in another state or the District of 62289
Columbia or the amount of income tax liability that has been paid 62290
to another state or the District of Columbia, the taxpayer shall 62291
report the change to the tax commissioner within sixty days of the 62292
change in such form as the commissioner requires. 62293

(a) In the case of an underpayment, the report shall be 62294

accompanied by payment of any additional tax due as a result of 62295
the reduction in credit together with interest on the additional 62296
tax and is a return subject to assessment under section 5747.13 of 62297
the Revised Code solely for the purpose of assessing any 62298
additional tax due under this division, together with any 62299
applicable penalty and interest. It shall not reopen the 62300
computation of the taxpayer's tax liability under this chapter 62301
from a previously filed return no longer subject to assessment 62302
except to the extent that such liability is affected by an 62303
adjustment to the credit allowed by division (B) of this section. 62304

(b) In the case of an overpayment, an application for refund 62305
may be filed under this division within the sixty-day period 62306
prescribed for filing the report even if it is beyond the period 62307
prescribed in section 5747.11 of the Revised Code if it otherwise 62308
conforms to the requirements of such section. An application filed 62309
under this division shall only claim refund of overpayments 62310
resulting from an adjustment to the credit allowed by division (B) 62311
of this section unless it is also filed within the time prescribed 62312
in section 5747.11 of the Revised Code. It shall not reopen the 62313
computation of the taxpayer's tax liability except to the extent 62314
that such liability is affected by an adjustment to the credit 62315
allowed by division (B) of this section. 62316

(4) No credit shall be allowed under division (B) of this 62317
section: 62318

(a) For income tax paid or accrued to another state or to the 62319
District of Columbia if the taxpayer, when computing federal 62320
adjusted gross income, has directly or indirectly deducted, or was 62321
required to directly or indirectly deduct, the amount of that 62322
income tax; 62323

(b) For compensation that is not subject to the income tax of 62324
another state or the District of Columbia as the result of an 62325
agreement entered into by the tax commissioner under division 62326

(A)(3) of this section; or 62327

(c) For income tax paid or accrued to another state or the 62328
District of Columbia if the taxpayer fails to furnish such proof 62329
as the tax commissioner shall require that such income tax 62330
liability has been paid. 62331

(C) An individual who is a resident for part of a taxable 62332
year and a nonresident for the remainder of the taxable year is 62333
allowed the credits under divisions (A) and (B) of this section in 62334
accordance with rules prescribed by the tax commissioner. In no 62335
event shall the same income be subject to both credits. 62336

(D) The credit allowed under division (A) of this section 62337
shall be calculated based upon the amount of tax due under section 62338
5747.02 of the Revised Code after subtracting any other credits 62339
that precede the credit under that division in the order required 62340
under section 5747.98 of the Revised Code. The credit allowed 62341
under division (B) of this section shall be calculated based upon 62342
the amount of tax due under section 5747.02 of the Revised Code 62343
after subtracting any other credits that precede the credit under 62344
that division in the order required under section 5747.98 of the 62345
Revised Code. 62346

(E)(1) On a joint return filed by a husband and wife, each of 62347
whom had adjusted gross income of at least five hundred dollars, 62348
exclusive of interest, dividends and distributions, royalties, 62349
rent, and capital gains, a credit equal to the lesser of six 62350
hundred fifty dollars or the percentage shown in column B that 62351
corresponds with the taxpayer's modified adjusted gross income, 62352
less exemptions for the taxable year, of the total amount of tax 62353
due after allowing for any other credit that precedes this credit 62354
as required under section 5747.98 of the Revised Code: 62355

A.	B.	
IF THE <u>MODIFIED</u> ADJUSTED GROSS	THE CREDIT FOR THE TAXABLE	62356
		62357

INCOME, LESS EXEMPTIONS, FOR THE YEAR IS:

TAX YEAR IS:

\$25,000 or less	20%	62358
More than \$25,000 but not more than \$50,000	15%	62359
More than \$50,000 but not more than \$75,000	10%	62360
More than \$75,000	5%	62361

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 62362
62363

(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules. 62364
62365
62366

Sec. 5747.054. In addition to all other credits allowed by this chapter, a credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers with modified adjusted gross income of less than forty thousand dollars. The amount of the credit shall equal twenty-five per cent of the federal dependent care credit for which the taxpayer is eligible for the taxable year under section 21 of the Internal Revenue Code, 26 U.S.C.A. 21; except that the amount of the credit for a taxpayer with modified adjusted gross income of less than twenty thousand dollars shall equal the federal credit for which the taxpayer is eligible, in any case without regard to any limitation imposed by section 26 of the Internal Revenue Code, 26 U.S.C.A. 26. 62367
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The credit allowed by this section shall be claimed in the order required under section 5747.98 of the Revised Code. 62380
62381

Sec. 5747.055. (A) As used in this section "retirement income" means retirement benefits, annuities, or distributions 62382
62383

that are made from or pursuant to a pension, retirement, or 62384
profit-sharing plan and that: 62385

(1) In the case of an individual, are received by the 62386
individual on account of retirement and are included in the 62387
individual's adjusted gross income; 62388

(2) In the case of an estate, are payable to the estate for 62389
the benefit of the surviving spouse of the decedent and are 62390
included in the estate's taxable income. 62391

(B) A credit shall be allowed against a taxpayer's aggregate 62392
tax liability under section 5747.02 of the Revised Code for 62393
taxpayers who received retirement income during the taxable year 62394
and whose modified adjusted gross income for the taxable year, 62395
less applicable exemptions under section 5747.025 of the Revised 62396
Code, as shown on an individual or joint annual return is less 62397
than one hundred thousand dollars. Only one such credit shall be 62398
allowed for each return, and the amount of the credit shall be 62399
computed in accordance with the following schedule: 62400

AMOUNT OF RETIREMENT INCOME RECEIVED	CREDIT FOR THE	
DURING THE TAXABLE YEAR	TAXABLE YEAR	
\$500 or less	\$ 0	62403
Over \$500 but not more than \$1,500	\$ 25	62404
Over \$1,500 but not more than \$3,000	\$ 50	62405
Over \$3,000 but not more than \$5,000	\$ 80	62406
Over \$5,000 but not more than \$8,000	\$130	62407
Over \$8,000	\$200	62408

(C) A taxpayer who received a lump-sum distribution from a 62409
pension, retirement, or profit-sharing plan in the taxable year 62410
and whose modified adjusted gross income for the taxable year, 62411
less applicable exemptions under section 5747.025 of the Revised 62412
Code, as shown on an individual or joint annual return is less 62413
than one hundred thousand dollars, may elect to receive a credit 62414

under this division in lieu of the credit allowed under division 62415
(B) of this section. A taxpayer making such an election is not 62416
entitled to the credit authorized under this division or division 62417
(B) of this section in subsequent taxable years. A taxpayer 62418
electing the credit under this division shall receive a credit for 62419
the taxable year against the taxpayer's aggregate tax liability 62420
under section 5747.02 of the Revised Code computed as follows: 62421

(1) Divide the amount of retirement income received during 62422
the taxable year by the taxpayer's expected remaining life on the 62423
last day of the taxable year, as shown by annuity tables issued 62424
under the provisions of the Internal Revenue Code and in effect 62425
for the calendar year that includes the last day of the taxable 62426
year; 62427

(2) Using the quotient thus obtained as the amount of 62428
retirement income received during the taxable year, compute the 62429
credit for the taxable year in accordance with division (B) of 62430
this section; 62431

(3) Multiply the credit thus obtained by the taxpayer's 62432
expected remaining life. The product thus obtained shall be the 62433
credit under this division for the taxable year. 62434

(D) If the credit under division (C) or (E) of this section 62435
exceeds the taxpayer's aggregate tax liability under section 62436
5747.02 of the Revised Code for the taxable year after allowing 62437
for any other credit that precedes that credit in the order 62438
required under section 5747.98 of the Revised Code, the taxpayer 62439
may elect to receive a credit for each subsequent taxable year. 62440
The amount of the credit for each such year shall be computed as 62441
follows: 62442

(1) Determine the amount by which the unused credit elected 62443
under division (C) or (E) of this section exceeded the total tax 62444
due for the taxable year after allowing for any preceding credit 62445

in the required order; 62446

(2) Divide the amount of such excess by one year less than 62447
the taxpayer's expected remaining life on the last day of the 62448
taxable year of the distribution for which the credit was allowed 62449
under division (C) or (E) of this section. The quotient thus 62450
obtained shall be the credit for each subsequent year. 62451

(E) If subsequent to the receipt of a lump-sum distribution 62452
and an election under division (C) of this section an individual 62453
receives another lump-sum distribution within one taxable year, 62454
and the taxpayer's modified adjusted gross income for the taxable 62455
year, less applicable exemptions under section 5747.025 of the 62456
Revised Code, as shown on an individual or joint annual return is 62457
less than one hundred thousand dollars, the taxpayer may elect to 62458
receive a credit for that taxable year. The credit shall equal the 62459
lesser of: 62460

(1) A credit computed in the manner prescribed in division 62461
(C) of this section; 62462

(2) The amount of credit, if any, to which the taxpayer would 62463
otherwise be entitled for the taxable year under division (D) of 62464
this section times the taxpayer's expected remaining life on the 62465
last day of the taxable year. A taxpayer who elects to receive a 62466
credit under this division is not entitled to a credit under this 62467
division or division (B) or (C) of this section for any subsequent 62468
year except as provided in division (D) of this section. 62469

(F) A credit equal to fifty dollars for each return required 62470
to be filed under section 5747.08 of the Revised Code shall be 62471
allowed against a taxpayer's aggregate tax liability under section 62472
5747.02 of the Revised Code for taxpayers sixty-five years of age 62473
or older during the taxable year whose modified adjusted gross 62474
income, less applicable exemptions under section 5747.025 of the 62475
Revised Code, as shown on an individual or joint annual return is 62476

less than one hundred thousand dollars for that taxable year. 62477

(G) A taxpayer sixty-five years of age or older during the 62478
taxable year who has received a lump-sum distribution from a 62479
pension, retirement, or profit-sharing plan in the taxable year, 62480
and whose modified adjusted gross income, less applicable 62481
exemptions under section 5747.025 of the Revised Code, as shown on 62482
an individual or joint annual return is less than one hundred 62483
thousand dollars for that taxable year may elect to receive a 62484
credit under this division in lieu of the credit to which the 62485
taxpayer is entitled under division (F) of this section. A 62486
taxpayer making such an election shall receive a credit for the 62487
taxable year against the taxpayer's aggregate tax liability under 62488
section 5747.02 of the Revised Code equal to fifty dollars times 62489
the taxpayer's expected remaining life as shown by annuity tables 62490
issued under the Internal Revenue Code and in effect for the 62491
calendar year that includes the last day of the taxable year. A 62492
taxpayer making an election under this division is not entitled to 62493
the credit authorized under this division or division (F) of this 62494
section in subsequent taxable years. 62495

(H) The credits allowed by this section shall be claimed in 62496
the order required under section 5747.98 of the Revised Code. The 62497
tax commissioner may require a taxpayer to furnish any information 62498
necessary to support a claim for credit under this section, and no 62499
credit shall be allowed unless such information is provided. 62500

Sec. 5747.08. An annual return with respect to the tax 62501
imposed by section 5747.02 of the Revised Code and each tax 62502
imposed under Chapter 5748. of the Revised Code shall be made by 62503
every taxpayer for any taxable year for which the taxpayer is 62504
liable for the tax imposed by that section or under that chapter, 62505
unless the total credits allowed under division (E) of section 62506
5747.05 and divisions (F) and (G) of section 5747.055 of the 62507

Revised Code for the year are equal to or exceed the tax imposed 62508
by section 5747.02 of the Revised Code, in which case no return 62509
shall be required unless the taxpayer is liable for a tax imposed 62510
pursuant to Chapter 5748. of the Revised Code. 62511

(A) If an individual is deceased, any return or notice 62512
required of that individual under this chapter shall be made and 62513
filed by that decedent's executor, administrator, or other person 62514
charged with the property of that decedent. 62515

(B) If an individual is unable to make a return or notice 62516
required by this chapter, the return or notice required of that 62517
individual shall be made and filed by the individual's duly 62518
authorized agent, guardian, conservator, fiduciary, or other 62519
person charged with the care of the person or property of that 62520
individual. 62521

(C) Returns or notices required of an estate or a trust shall 62522
be made and filed by the fiduciary of the estate or trust. 62523

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 62524
of this section, any pass-through entity may file a single return 62525
on behalf of one or more of the entity's investors other than an 62526
investor that is a person subject to the tax imposed under section 62527
5733.06 of the Revised Code. The single return shall set forth the 62528
name, address, and social security number or other identifying 62529
number of each of those pass-through entity investors and shall 62530
indicate the distributive share of each of those pass-through 62531
entity investor's income taxable in this state in accordance with 62532
sections 5747.20 to 5747.231 of the Revised Code. Such 62533
pass-through entity investors for whom the pass-through entity 62534
elects to file a single return are not entitled to the exemption 62535
or credit provided for by sections 5747.02 and 5747.022 of the 62536
Revised Code; shall calculate the tax before business credits at 62537
the highest rate of tax set forth in section 5747.02 of the 62538
Revised Code for the taxable year for which the return is filed; 62539

and are entitled to only their distributive share of the business 62540
credits as defined in division (D)(2) of this section. A single 62541
check drawn by the pass-through entity shall accompany the return 62542
in full payment of the tax due, as shown on the single return, for 62543
such investors, other than investors who are persons subject to 62544
the tax imposed under section 5733.06 of the Revised Code. 62545

(b)(i) A pass-through entity shall not include in such a 62546
single return any investor that is a trust to the extent that any 62547
direct or indirect current, future, or contingent beneficiary of 62548
the trust is a person subject to the tax imposed under section 62549
5733.06 of the Revised Code. 62550

(ii) A pass-through entity shall not include in such a single 62551
return any investor that is itself a pass-through entity to the 62552
extent that any direct or indirect investor in the second 62553
pass-through entity is a person subject to the tax imposed under 62554
section 5733.06 of the Revised Code. 62555

(c) Nothing in division (D) of this section precludes the tax 62556
commissioner from requiring such investors to file the return and 62557
make the payment of taxes and related interest, penalty, and 62558
interest penalty required by this section or section 5747.02, 62559
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 62560
of this section precludes such an investor from filing the annual 62561
return under this section, utilizing the refundable credit equal 62562
to the investor's proportionate share of the tax paid by the 62563
pass-through entity on behalf of the investor under division (I) 62564
of this section, and making the payment of taxes imposed under 62565
section 5747.02 of the Revised Code. Nothing in division (D) of 62566
this section shall be construed to provide to such an investor or 62567
pass-through entity any additional deduction or credit, other than 62568
the credit provided by division (I) of this section, solely on 62569
account of the entity's filing a return in accordance with this 62570
section. Such a pass-through entity also shall make the filing and 62571

payment of estimated taxes on behalf of the pass-through entity 62572
investors other than an investor that is a person subject to the 62573
tax imposed under section 5733.06 of the Revised Code. 62574

(2) For the purposes of this section, "business credits" 62575
means the credits listed in section 5747.98 of the Revised Code 62576
excluding the following credits: 62577

(a) The retirement income credit under division (B) of 62578
section 5747.055 of the Revised Code; 62579

(b) The senior citizen credit under division (F) of section 62580
5747.055 of the Revised Code; 62581

(c) The lump sum distribution credit under division (G) of 62582
section 5747.055 of the Revised Code; 62583

(d) The dependent care credit under section 5747.054 of the 62584
Revised Code; 62585

(e) The lump sum retirement income credit under division (C) 62586
of section 5747.055 of the Revised Code; 62587

(f) The lump sum retirement income credit under division (D) 62588
of section 5747.055 of the Revised Code; 62589

(g) The lump sum retirement income credit under division (E) 62590
of section 5747.055 of the Revised Code; 62591

(h) The credit for displaced workers who pay for job training 62592
under section 5747.27 of the Revised Code; 62593

(i) The twenty-dollar personal exemption credit under section 62594
5747.022 of the Revised Code; 62595

(j) The joint filing credit under division (E) of section 62596
5747.05 of the Revised Code; 62597

(k) The nonresident credit under division (A) of section 62598
5747.05 of the Revised Code; 62599

(l) The credit for a resident's out-of-state income under 62600

division (B) of section 5747.05 of the Revised Code; 62601

(m) The earned income tax credit under section 5747.71 of the 62602
Revised Code; 62603

(n) The lead abatement credit under section 5747.26 of the 62604
Revised Code. 62605

(3) The election provided for under division (D) of this 62606
section applies only to the taxable year for which the election is 62607
made by the pass-through entity. Unless the tax commissioner 62608
provides otherwise, this election, once made, is binding and 62609
irrevocable for the taxable year for which the election is made. 62610
Nothing in this division shall be construed to provide for any 62611
deduction or credit that would not be allowable if a nonresident 62612
pass-through entity investor were to file an annual return. 62613

(4) If a pass-through entity makes the election provided for 62614
under division (D) of this section, the pass-through entity shall 62615
be liable for any additional taxes, interest, interest penalty, or 62616
penalties imposed by this chapter if the tax commissioner finds 62617
that the single return does not reflect the correct tax due by the 62618
pass-through entity investors covered by that return. Nothing in 62619
this division shall be construed to limit or alter the liability, 62620
if any, imposed on pass-through entity investors for unpaid or 62621
underpaid taxes, interest, interest penalty, or penalties as a 62622
result of the pass-through entity's making the election provided 62623
for under division (D) of this section. For the purposes of 62624
division (D) of this section, "correct tax due" means the tax that 62625
would have been paid by the pass-through entity had the single 62626
return been filed in a manner reflecting the commissioner's 62627
findings. Nothing in division (D) of this section shall be 62628
construed to make or hold a pass-through entity liable for tax 62629
attributable to a pass-through entity investor's income from a 62630
source other than the pass-through entity electing to file the 62631
single return. 62632

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the

extension results in an extension of time for the payment of any 62665
state or school district income tax liability with respect to 62666
which the return is filed, the taxpayer shall pay at the time the 62667
tax liability is paid an amount of interest computed at the rate 62668
per annum prescribed by section 5703.47 of the Revised Code on 62669
that liability from the time that payment is due without extension 62670
to the time of actual payment. Except as provided in section 62671
5747.132 of the Revised Code, in addition to all other interest 62672
charges and penalties, all taxes imposed under this chapter or 62673
Chapter 5748. of the Revised Code and remaining unpaid after they 62674
become due, except combined amounts due of one dollar or less, 62675
bear interest at the rate per annum prescribed by section 5703.47 62676
of the Revised Code until paid or until the day an assessment is 62677
issued under section 5747.13 of the Revised Code, whichever occurs 62678
first. 62679

If the commissioner considers it necessary in order to ensure 62680
the payment of the tax imposed by section 5747.02 of the Revised 62681
Code or any tax imposed under Chapter 5748. of the Revised Code, 62682
the commissioner may require returns and payments to be made 62683
otherwise than as provided in this section. 62684

To the extent that any provision in this division conflicts 62685
with any provision in section 5747.026 of the Revised Code, the 62686
provision in that section prevails. 62687

(H) The amounts withheld by an employer pursuant to section 62688
5747.06 of the Revised Code, a casino operator pursuant to section 62689
5747.063 of the Revised Code, or a lottery sales agent pursuant to 62690
section 5747.064 of the Revised Code shall be allowed to the 62691
recipient of the compensation casino winnings, or lottery prize 62692
award as credits against payment of the appropriate taxes imposed 62693
on the recipient by section 5747.02 and under Chapter 5748. of the 62694
Revised Code. 62695

(I) If a pass-through entity elects to file a single return 62696

under division (D) of this section and if any investor is required 62697
to file the annual return and make the payment of taxes required 62698
by this chapter on account of the investor's other income that is 62699
not included in a single return filed by a pass-through entity or 62700
any other investor elects to file the annual return, the investor 62701
is entitled to a refundable credit equal to the investor's 62702
proportionate share of the tax paid by the pass-through entity on 62703
behalf of the investor. The investor shall claim the credit for 62704
the investor's taxable year in which or with which ends the 62705
taxable year of the pass-through entity. Nothing in this chapter 62706
shall be construed to allow any credit provided in this chapter to 62707
be claimed more than once. For the purpose of computing any 62708
interest, penalty, or interest penalty, the investor shall be 62709
deemed to have paid the refundable credit provided by this 62710
division on the day that the pass-through entity paid the 62711
estimated tax or the tax giving rise to the credit. 62712

(J) The tax commissioner shall ensure that each return 62713
required to be filed under this section includes a box that the 62714
taxpayer may check to authorize a paid tax preparer who prepared 62715
the return to communicate with the department of taxation about 62716
matters pertaining to the return. The return or instructions 62717
accompanying the return shall indicate that by checking the box 62718
the taxpayer authorizes the department of taxation to contact the 62719
preparer concerning questions that arise during the processing of 62720
the return and authorizes the preparer only to provide the 62721
department with information that is missing from the return, to 62722
contact the department for information about the processing of the 62723
return or the status of the taxpayer's refund or payments, and to 62724
respond to notices about mathematical errors, offsets, or return 62725
preparation that the taxpayer has received from the department and 62726
has shown to the preparer. 62727

(K) The tax commissioner shall permit individual taxpayers to 62728

instruct the department of taxation to cause any refund of 62729
overpaid taxes to be deposited directly into a checking account, 62730
savings account, or an individual retirement account or individual 62731
retirement annuity, or preexisting college savings plan or program 62732
account offered by the Ohio tuition trust authority under Chapter 62733
3334. of the Revised Code, as designated by the taxpayer, when the 62734
taxpayer files the annual return required by this section 62735
electronically. 62736

(L) The tax commissioner may adopt rules to administer this 62737
section. 62738

Sec. 5747.10. ~~If~~ (A) As used in this section: 62739

(1) "Administrative adjustment request" means an 62740
administrative adjustment request filed by a partnership under 62741
section 6227 of the Internal Revenue Code. 62742

(2) "Audited partnership" means a partnership subject to a 62743
partnership level audit resulting in a federal adjustment. 62744

(3) "Direct partner" means a partner that holds a direct 62745
interest in a partnership or other pass-through entity. 62746

(4) "Exempt partner" means a partner that is not subject to 62747
the tax levied by section 5747.02 of the Revised Code. 62748

(5) "Federal adjustment" means a change to an item or amount 62749
required to be determined under the Internal Revenue Code that 62750
affects a taxpayer's aggregate tax liability under section 5747.02 62751
or Chapter 5748. of the Revised Code and that results from an 62752
action by the internal revenue service, including a partnership 62753
level audit, or from the filing of an amended federal tax return, 62754
a claim for a federal tax refund, or an administrative adjustment 62755
request. A federal adjustment is positive to the extent that it 62756
increases a taxpayer's aggregate tax liability under section 62757
5747.02 or Chapter 5748. of the Revised Code and is negative to 62758

the extent that it decreases a taxpayer's aggregate tax liability. 62759

(6) "Federal adjustments report" means the form or other 62760
document prescribed by the tax commissioner for use by a taxpayer 62761
in reporting final federal adjustments. 62762

(7) "Federal partnership representative" means the person 62763
designated as the partnership's representative for federal income 62764
tax purposes pursuant to section 6223(a) of the Internal Revenue 62765
Code. 62766

(8) "Final determination date" means one of the following: 62767

(a) If the federal adjustment arises from an audit or other 62768
action by the internal revenue service, the first day on which no 62769
federal adjustments arising from that audit or action remain to be 62770
finally determined, whether by decision of the internal revenue 62771
service with respect to which all rights of appeal have been 62772
waived or exhausted, by agreement, or, if appealed or contested, 62773
by a final decision with respect to which all rights of appeal 62774
have been waived or exhausted. For agreements required to be 62775
signed by the internal revenue service and the taxpayer, the final 62776
determination date is the date on which the last party signed the 62777
agreement. 62778

(b) If the federal adjustment arises from the filing of an 62779
amended federal return, a claim for a federal tax refund, an 62780
administrative adjustment request, or a similar report filed 62781
pursuant to section 6225(c) of the Internal Revenue Code, the date 62782
on which the amended return, refund claim, administrative 62783
adjustment request, or similar report was filed. 62784

(9) "Final federal adjustment" means a federal adjustment 62785
after the final determination date for that federal adjustment has 62786
passed. 62787

(10) "Indirect partner" means a partner in a partnership or 62788
other pass-through entity that itself holds an interest directly, 62789

or through another indirect partner, in a partnership or other 62790
pass-through entity. 62791

(11) "Nonresident partner" means a partner that is not a 62792
resident partner. 62793

(12) "Partner" means a person that holds an interest directly 62794
or indirectly in a partnership or other pass-through entity. 62795

(13) "Partnership" means an entity subject to taxation under 62796
subchapter K of the Internal Revenue Code. 62797

(14) "Partnership level audit" means an examination by the 62798
internal revenue service at the partnership level pursuant to 62799
subchapter C, chapter 63, subtitle F of the Internal Revenue Code 62800
that results in final federal adjustments. 62801

(15) "Resident partner" means a partner that is a resident 62802
under this chapter. 62803

(16) "Reviewed year" means the taxable year of a partnership 62804
that is subject to a partnership level audit that results in final 62805
federal adjustments. 62806

(17) "Taxpayer" includes a partnership that is subject to a 62807
partnership level audit or that has filed an administrative 62808
adjustment request, and any tiered partner of such a partnership. 62809

(18) "Tiered partner" means a partner that is a partnership 62810
or other pass-through entity. 62811

(B) Except in the case of final federal adjustments that are 62812
required to be reported by a partnership and its partners under 62813
division (C) of this section, if any of the facts, figures, 62814
computations, or attachments required in a taxpayer's annual 62815
return to determine the tax charged by this chapter or Chapter 62816
5748. of the Revised Code must be altered as the result of ~~an a~~ 62817
final federal adjustment ~~to the taxpayer's federal income tax~~ 62818
~~return, whether initiated by the taxpayer or the internal revenue~~ 62819

~~service,~~ and such alteration affects the taxpayer's tax liability 62820
under this chapter or Chapter 5748. of the Revised Code, the 62821
taxpayer shall file an amended return with the tax commissioner in 62822
such form as the commissioner requires. The amended return shall 62823
be filed not later than ~~sixty~~ one hundred eighty days after the 62824
~~adjustment has been agreed to or finally determined for federal~~ 62825
~~income tax purposes or any federal income tax deficiency or~~ 62826
~~refund, or the abatement or credit resulting therefrom, has been~~ 62827
~~assessed or paid, whichever occurs first~~ final determination date. 62828

~~(A)~~ In the case of an underpayment, the amended return shall 62829
be accompanied by payment of any combined additional tax due 62830
together with interest thereon. ~~An amended return required by this~~ 62831
~~section is a return subject to assessment under section 5747.13 of~~ 62832
~~the Revised Code for the purpose of assessing any additional tax~~ 62833
~~due under this section, together with any applicable penalty and~~ 62834
~~interest. It shall not reopen those facts, figures, computations,~~ 62835
~~or attachments from a previously filed return no longer subject to~~ 62836
~~assessment that are not affected, either directly or indirectly,~~ 62837
~~by the adjustment to the taxpayer's federal income tax return.~~ 62838

~~(B)~~ In the case of an overpayment, an application for refund 62839
may be filed under this division within the ~~sixty day period~~ 62840
~~prescribed for filing the amended return even if it is filed~~ 62841
~~beyond the period prescribed in section 5747.11 of the Revised~~ 62842
~~Code if it otherwise conforms to the requirements of such section.~~ 62843
~~An application filed under this division shall claim refund of~~ 62844
~~overpayments resulting from alterations to only those facts,~~ 62845
~~figures, computations, or attachments required in the taxpayer's~~ 62846
~~annual return that are affected, either directly or indirectly, by~~ 62847
~~the adjustment to the taxpayer's federal income tax return unless~~ 62848
~~it is also filed within the time prescribed in section 5747.11 of~~ 62849
~~the Revised Code. It shall not reopen those facts, figures,~~ 62850
~~computations, or attachments that are not affected, either~~ 62851

directly or indirectly, by the adjustment to the taxpayer's 62852
federal income tax return. 62853

(C) Except for adjustments required to be reported for 62854
federal purposes pursuant to section 6225(a)(2) of the Internal 62855
Revenue Code and adjustments that are taken into account on a 62856
federal amended return or similar report filed pursuant to section 62857
6225(c)(2) of the Internal Revenue Code, partnerships and partners 62858
shall report final federal adjustments arising from a partnership 62859
level audit or an administrative adjustment request and make 62860
payments as required under division (C) of this section. 62861

(1)(a) With respect to an action required or permitted to be 62862
taken by a partnership under this section, and any petition for 62863
reassessment or appeal to the board of tax appeals or any court 62864
with respect to such an action, the state partnership 62865
representative shall have the sole authority to act on behalf of 62866
the partnership, and the partnership's direct partners and 62867
indirect partners shall be bound by those actions. 62868

(b) A partnership's state partnership representative for a 62869
reviewed year shall be the partnership's federal partnership 62870
representative for that year, unless the partnership designates, 62871
on the form prescribed by the tax commissioner, another person as 62872
the state partnership representative. 62873

(c) The tax commissioner may establish reasonable 62874
qualifications and procedures for the designation of a person 62875
other than the federal partnership representative as a 62876
partnership's state partnership representative. 62877

(2)(a) Unless an audited partnership makes the election under 62878
division (C)(3) of this section, the audited partnership shall do 62879
all of the following within ninety days after a final 62880
determination date: 62881

(i) File a federal adjustments report with the tax 62882

commissioner; 62883

(ii) Notify each of its direct partners of their distributive 62884
share of the final federal adjustments; 62885

(iii) File an amended tax return on behalf of its partners 62886
and pay any additional tax that would have been due under section 62887
5747.41 of the Revised Code with respect to those partners had the 62888
final federal adjustments been reported properly. 62889

(b) Unless a partnership or tiered partner paid an amount on 62890
behalf of its partners under division (C)(3) of this section, each 62891
direct partner that is subject to the tax levied by section 62892
5747.02 of the Revised Code shall do all of the following within 62893
one hundred eighty days after a final determination date: 62894

(i) File a federal adjustments report that reports the 62895
distributive share of the adjustments reported to the direct 62896
partner under division (C)(2)(a)(ii) of this section; 62897

(ii) Pay any additional tax that would have been due from the 62898
direct partner had the final federal adjustments been reported 62899
properly, less any amounts paid on the direct partner's behalf 62900
under division (C)(2)(a)(iii) of this section. 62901

(3) If an audited partnership or a tiered partner makes the 62902
election under division (C)(3) of this section, the partnership or 62903
tiered partner shall do all of the following: 62904

(a) Within ninety days after a final determination date, file 62905
a federal adjustments report and notify the tax commissioner that 62906
the partnership or tiered partner is making the election under 62907
division (C)(3) of this section; 62908

(b) Pay the amount described in division (C)(3)(b)(iv) of 62909
this section, calculated as follows: 62910

(i) Exclude from final federal adjustments each exempt 62911
partner's distributive share of such adjustments that are 62912

allocable or apportionable to this state; 62913

(ii) Determine each nonresident direct partner's and tiered partner's distributive share of the remaining final federal adjustments that are allocable or apportionable to this state. 62914
62915
62916

(iii) Determine each resident direct partner's distributive share of the remaining final federal adjustments; 62917
62918

(iv) Add the amounts computed under division (C)(3)(b)(ii) and (iii) of this section, and multiply the resulting sum by the highest rate of tax set forth in section 5747.02 of the Revised Code. 62919
62920
62921
62922

An audited partnership shall pay the amount within one hundred eighty days after the final determination date. A tiered partnership shall pay the amount within ninety days after the deadline for filing and furnishing statements to tiered partners and their partners under section 6226 of the Internal Revenue Code and regulations adopted pursuant thereto. 62923
62924
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62928

(4) Upon application by an audited partnership or tiered partner, the tax commissioner may enter into an agreement with a partnership or tiered partner under which the partnership or tiered partner uses a reporting and payment method that is different than those specified in divisions (C)(2) and (3) of this section. The application must be submitted before the applicable deadline for payment under division (C)(3)(b) of this section. 62929
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(5) An election made under division (C)(3) of this section is irrevocable, unless the tax commissioner determines otherwise. 62936
62937

(6)(a) If properly reported and paid by the audited partnership or tiered partner, an amount paid pursuant to division (C)(3) or (4) of this section shall be treated as paid in lieu of the taxes due from such person's partners with respect to the reported final federal adjustments. No partner may take any deduction or credit for such amount paid, claim a refund of such 62938
62939
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amount, or include such amount on the partner's return in any 62944
manner. 62945

(b) Nothing in division (C)(6) of this section shall preclude 62946
a resident direct partner from claiming a credit against taxes 62947
paid to this state for any amounts paid by the audited partnership 62948
or tiered partner on such partner's behalf to another state as 62949
otherwise authorized by this chapter. 62950

(7) Nothing in division (C) of this section precludes the tax 62951
commissioner from issuing an assessment under this chapter against 62952
any direct partner or indirect partner for taxes due from the 62953
partner in the event that an audited partnership or tiered 62954
partnership fails to timely make any report or payment required by 62955
this section for any reason. 62956

(D) A federal adjustments report or amended return required 62957
by this section is a return subject to assessment under section 62958
5747.13 of the Revised Code for the purpose of assessing any 62959
additional tax due under this section, together with any 62960
applicable penalty and interest. It shall not reopen those facts, 62961
figures, computations, or attachments from a previously filed 62962
return no longer subject to assessment that are not affected, 62963
either directly or indirectly, by the federal adjustments reported 62964
on the federal adjustments report or amended return. 62965
Notwithstanding section 5747.13 of the Revised Code, the tax 62966
commissioner shall assess any additional tax, interest, and 62967
penalties arising from final federal adjustments on or before the 62968
later of the dates described in division (D)(1) or (2) of this 62969
section if the taxpayer timely filed the federal adjustments 62970
report or amended return, or the later of the dates described in 62971
division (D)(1), (2), or (3) of this section if the taxpayer 62972
failed to timely file a federal adjustments report or amended 62973
return as required under this section, omits final federal 62974
adjustments on a report, or understates the amount of tax due on a 62975

report. 62976

(1) The expiration of the period for issuing an assessment 62977
under section 5747.13 of the Revised Code; 62978

(2) The expiration of the one-year period after the date on 62979
which the taxpayer filed a federal adjustments report or amended 62980
return with the tax commissioner; 62981

(3) Absent fraud, the expiration of the six-year period after 62982
the final determination date. 62983

(E) The tax commissioner may accept estimated payments of the 62984
tax arising from federal adjustments expected to result from a 62985
pending partnership level audit before the date for filing a 62986
federal adjustments report. The commissioner may adopt rules for 62987
the payment of such estimated taxes. 62988

(F) Except for final federal adjustments described in section 62989
6225(a)(2) of the Internal Revenue Code, a taxpayer may apply for 62990
a refund of any overpayment made under this chapter arising from 62991
federal adjustments made by the internal revenue service on or 62992
before the later of the following dates: 62993

(1) The deadline for filing a refund application under 62994
section 5747.11 of the Revised Code; 62995

(2) The expiration of the one-year period after the date the 62996
taxpayer was required to file a federal adjustments report or 62997
amended return under this section. 62998

An application filed under this division shall claim a refund 62999
of overpayments resulting from alterations to only those facts, 63000
figures, computations, or attachments required in the taxpayer's 63001
annual return that are affected, either directly or indirectly, by 63002
the federal adjustments unless it is also filed within the time 63003
prescribed in section 5747.11 of the Revised Code. It shall not 63004
reopen those facts, figures, computations, or attachments that are 63005

not affected, either directly or indirectly, by the federal 63006
adjustments. 63007

(G)(1) Unless otherwise agreed in writing by the taxpayer and 63008
the tax commissioner, or except as provided in division (G)(2) of 63009
this section, any adjustments made by either party after the end 63010
of the period for issuing an assessment under section 5747.13 of 63011
the Revised Code are limited to changes to the taxpayer's 63012
aggregate tax liability under section 5747.02 of the Revised Code 63013
arising from federal adjustments. 63014

(2) The deadline specified in division (G)(1) of this section 63015
shall be extended by sixty days if an audited partnership or 63016
tiered partner with ten thousand or more direct partners submits a 63017
request for extension before that deadline. 63018

(3) Any extension authorized under this section shall also 63019
extend the period for issuing assessments or applying for a refund 63020
by the same amount of time. 63021

Sec. 5747.26. (A) Terms used in this section have the same 63022
meanings as in section 3742.50 of the Revised Code. 63023

(B) There is hereby allowed a nonrefundable credit against a 63024
taxpayer's aggregate tax liability under section 5747.02 of the 63025
Revised Code for a taxpayer to whom a lead abatement tax credit 63026
certificate was issued under section 3742.50 of the Revised Code. 63027
The credit equals the amount listed on the certificate and shall 63028
be claimed for the taxable year in which the certificate was 63029
issued. 63030

The credit shall be claimed in the order required under 63031
section 5747.98 of the Revised Code. If the credit exceeds the 63032
taxpayer's aggregate tax due under section 5747.02 of the Revised 63033
Code for that taxable year after allowing for credits that precede 63034
the credit under this section in that order, such excess shall be 63035

allowed as a credit in each of the ensuing seven taxable years, 63036
but the amount of any excess credit allowed in any such taxable 63037
year shall be deducted from the balance carried forward to the 63038
ensuing taxable year. 63039

(C) The taxpayer shall provide, upon request of the tax 63040
commissioner, any documentation necessary to verify the taxpayer 63041
is entitled to the credit under this section. 63042

Sec. 5747.41. For the same purposes for which the tax is 63043
levied under section 5747.02 of the Revised Code, there is hereby 63044
levied a withholding tax on every qualifying pass-through entity 63045
having at least one qualifying investor who is an individual and 63046
on every qualifying trust having at least one qualifying 63047
beneficiary who is an individual. The withholding tax imposed by 63048
this section is imposed on the sum of the adjusted qualifying 63049
amounts of a qualifying pass-through entity's qualifying investors 63050
who are individuals and on the sum of the adjusted qualifying 63051
amounts of a qualifying trust's qualifying beneficiaries, at the 63052
rate of ~~five~~ three per cent of that sum. 63053

The tax imposed by this section applies only if the 63054
qualifying entity has nexus with this state under the Constitution 63055
of the United States for any portion of the qualifying entity's 63056
qualifying taxable year, and the sum of the qualifying entity's 63057
adjusted qualifying amounts exceeds one thousand dollars for the 63058
qualifying entity's qualifying taxable year. 63059

The levy of the tax under this section does not prevent a 63060
municipal corporation or a joint economic development district 63061
created under section 715.70, 715.71, or 715.72 of the Revised 63062
Code from levying a tax on income. 63063

Sec. 5747.461. There is hereby created in the state treasury 63064
the local government audit support fund. The fund shall consist of 63065

revenue credited pursuant to section 131.511 of the Revised Code 63066
and any other revenue as provided by law. The auditor of state 63067
shall use the fund to support the cost of financial audits, 63068
performance audits, and other audits of local public offices 63069
performed pursuant to Chapter 117. of the Revised Code or as 63070
otherwise provided by law. 63071

The fund shall be used in a manner to be determined by the 63072
auditor of state to offset the audit costs that would otherwise be 63073
charged to local public offices in the absence of the fund. 63074

Sec. 5747.73. There is hereby allowed a nonrefundable credit 63075
against a taxpayer's aggregate tax liability under section 5747.02 63076
of the Revised Code equal to thirty per cent of the amount of the 63077
credit the taxpayer claims for the taxable year under section 51 63078
of the Internal Revenue Code on the basis of service rendered by a 63079
qualified ex-felon, as that term is defined under that section. 63080
The credit shall be claimed in the order required under section 63081
5747.98 of the Revised Code. Any credit amount in excess of the 63082
tax due, after allowing for other credits preceding the credit in 63083
that order, may be carried forward for seven taxable years, but 63084
the amount of the excess credit allowed in any such year shall be 63085
deducted from the balance carried forward to the next year. 63086

Sec. 5747.82. (A) Any term used in this section that is 63087
defined in section 122.84 of the Revised Code has the same meaning 63088
as defined in that section. 63089

(B) A nonrefundable credit is allowed against a taxpayer's 63090
aggregate tax liability under section 5747.02 of the Revised Code 63091
for a taxpayer to whom a tax credit certificate was issued under 63092
section 122.84 of the Revised Code. The credit shall be claimed 63093
for the taxpayer's taxable year for which the certificate was 63094
issued. 63095

The credit equals ten per cent of the amount of the 63096
taxpayer's investment in Ohio qualified opportunity zone funds as 63097
indicated on the certificate. 63098

The credit shall be claimed in the order prescribed by 63099
section 5747.98 of the Revised Code. 63100

Sec. 5747.98. (A) To provide a uniform procedure for 63101
calculating a taxpayer's aggregate tax liability under section 63102
5747.02 of the Revised Code, a taxpayer shall claim any credits to 63103
which the taxpayer is entitled in the following order: 63104

(1) Either the retirement income credit under division (B) of 63105
section 5747.055 of the Revised Code or the lump sum retirement 63106
income credits under divisions (C), (D), and (E) of that section; 63107

(2) Either the senior citizen credit under division (F) of 63108
section 5747.055 of the Revised Code or the lump sum distribution 63109
credit under division (G) of that section; 63110

(3) The dependent care credit under section 5747.054 of the 63111
Revised Code; 63112

(4) The credit for displaced workers who pay for job training 63113
under section 5747.27 of the Revised Code; 63114

~~(5) The campaign contribution credit under section 5747.29 of~~ 63115
~~the Revised Code;~~ 63116

~~(6)~~ The twenty-dollar personal exemption credit under section 63117
5747.022 of the Revised Code; 63118

~~(7)~~(6) The joint filing credit under division (G) of section 63119
5747.05 of the Revised Code; 63120

~~(8)~~(7) The earned income credit under section 5747.71 of the 63121
Revised Code; 63122

~~(9)~~(8) The credit for adoption of a minor child under section 63123
5747.37 of the Revised Code; 63124

(10) (9) The nonrefundable job retention credit under division	63125
(B) of section 5747.058 of the Revised Code;	63126
(11) (10) The enterprise zone credit under section 5709.66 of	63127
the Revised Code;	63128
(12) (11) The ethanol plant investment credit under section	63129
5747.75 of the Revised Code;	63130
(13) (12) The credit for purchases of qualifying grape	63131
production property under section 5747.28 of the Revised Code;	63132
(14) (13) The small business investment credit under section	63133
5747.81 of the Revised Code;	63134
(15) (14) <u>The nonrefundable lead abatement credit under</u>	63135
<u>section 5747.26 of the Revised Code;</u>	63136
<u>(15) The opportunity zone investment credit under section</u>	63137
<u>5747.82 of the Revised Code;</u>	63138
<u>(16) The nonrefundable credit for employing ex-felons under</u>	63139
<u>section 5747.74 of the Revised Code;</u>	63140
<u>(17) The enterprise zone credits under section 5709.65 of the</u>	63141
<u>Revised Code;</u>	63142
(16) (18) The research and development credit under section	63143
5747.331 of the Revised Code;	63144
(17) (19) The credit for rehabilitating a historic building	63145
under section 5747.76 of the Revised Code;	63146
(18) (20) The nonresident credit under division (A) of section	63147
5747.05 of the Revised Code;	63148
(19) (21) The credit for a resident's out-of-state income	63149
under division (B) of section 5747.05 of the Revised Code;	63150
(20) (22) The refundable motion picture production credit	63151
under section 5747.66 of the Revised Code;	63152
(21) (23) The refundable jobs creation credit or job retention	63153

credit under division (A) of section 5747.058 of the Revised Code; 63154

~~(22)~~(24) The refundable credit for taxes paid by a qualifying 63155
entity granted under section 5747.059 of the Revised Code; 63156

~~(23)~~(25) The refundable credits for taxes paid by a 63157
qualifying pass-through entity granted under division (I) of 63158
section 5747.08 of the Revised Code; 63159

~~(24)~~(26) The refundable credit under section 5747.80 of the 63160
Revised Code for losses on loans made to the Ohio venture capital 63161
program under sections 150.01 to 150.10 of the Revised Code; 63162

~~(25)~~(27) The refundable credit for rehabilitating a historic 63163
building under section 5747.76 of the Revised Code; 63164

~~(26) The refundable credit for financial institution taxes 63165
paid by a pass through entity granted under section 5747.65 of the 63166
Revised Code. 63167~~

(B) For any credit, except the refundable credits enumerated 63168
in this section and the credit granted under division (H) of 63169
section 5747.08 of the Revised Code, the amount of the credit for 63170
a taxable year shall not exceed the taxpayer's aggregate amount of 63171
tax due under section 5747.02 of the Revised Code, after allowing 63172
for any other credit that precedes it in the order required under 63173
this section. Any excess amount of a particular credit may be 63174
carried forward if authorized under the section creating that 63175
credit. Nothing in this chapter shall be construed to allow a 63176
taxpayer to claim, directly or indirectly, a credit more than once 63177
for a taxable year. 63178

Sec. 5748.01. As used in this chapter: 63179

(A) "School district income tax" means an income tax adopted 63180
under one of the following: 63181

(1) Former section 5748.03 of the Revised Code as it existed 63182
prior to its repeal by Amended Substitute House Bill No. 291 of 63183

the 115th general assembly; 63184

(2) Section 5748.03 of the Revised Code as enacted in 63185
Substitute Senate Bill No. 28 of the 118th general assembly; 63186

(3) Section 5748.08 of the Revised Code as enacted in Amended 63187
Substitute Senate Bill No. 17 of the 122nd general assembly; 63188

(4) Section 5748.021 of the Revised Code; 63189

(5) Section 5748.081 of the Revised Code; 63190

(6) Section 5748.09 of the Revised Code. 63191

(B) "Individual" means an individual subject to the tax 63192
levied by section 5747.02 of the Revised Code. 63193

(C) "Estate" means an estate subject to the tax levied by 63194
section 5747.02 of the Revised Code. 63195

(D) "Taxable year" means a taxable year as defined in 63196
division (M) of section 5747.01 of the Revised Code. 63197

(E) "Taxable income" means: 63198

(1) In the case of an individual, one of the following, as 63199
specified in the resolution imposing the tax: 63200

(a) ~~Ohio Modified~~ adjusted gross income for the taxable year, 63201
as defined in ~~division (A) of~~ section 5747.01 of the Revised Code, 63202
less the exemptions provided by section 5747.02 of the Revised 63203
Code, ~~plus any amount deducted under division (A)(31) of section~~ 63204
~~5747.01 of the Revised Code for the taxable year;~~ 63205

(b) Wages, salaries, tips, and other employee compensation to 63206
the extent included in Ohio adjusted gross income as defined in 63207
section 5747.01 of the Revised Code, and net earnings from 63208
self-employment, as defined in section 1402(a) of the Internal 63209
Revenue Code, to the extent included in Ohio adjusted gross 63210
income. 63211

(2) In the case of an estate, taxable income for the taxable 63212

year as defined in division (S) of section 5747.01 of the Revised Code. 63213
63214

(F) "Resident" of the school district means: 63215

(1) An individual who is a resident of this state as defined 63216
in division (I) of section 5747.01 of the Revised Code during all 63217
or a portion of the taxable year and who, during all or a portion 63218
of such period of state residency, is domiciled in the school 63219
district or lives in and maintains a permanent place of abode in 63220
the school district; 63221

(2) An estate of a decedent who, at the time of death, was 63222
domiciled in the school district. 63223

(G) "School district income" means: 63224

(1) With respect to an individual, the portion of the taxable 63225
income of an individual that is received by the individual during 63226
the portion of the taxable year that the individual is a resident 63227
of the school district and the school district income tax is in 63228
effect in that school district. An individual may have school 63229
district income with respect to more than one school district. 63230

(2) With respect to an estate, the taxable income of the 63231
estate for the portion of the taxable year that the school 63232
district income tax is in effect in that school district. 63233

(H) "Taxpayer" means an individual or estate having school 63234
district income upon which a school district income tax is 63235
imposed. 63236

(I) "School district purposes" means any of the purposes for 63237
which a tax may be levied pursuant to division (A) of section 63238
5705.21 of the Revised Code, including the combined purposes 63239
authorized by section 5705.217 of the Revised Code. 63240

Sec. 5751.02. (A) For the purpose of funding the needs of 63241
this state and its local governments, there is hereby levied a 63242

commercial activity tax on each person with taxable gross receipts 63243
for the privilege of doing business in this state. For the 63244
purposes of this chapter, "doing business" means engaging in any 63245
activity, whether legal or illegal, that is conducted for, or 63246
results in, gain, profit, or income, at any time during a calendar 63247
year. Persons on which the commercial activity tax is levied 63248
include, but are not limited to, persons with substantial nexus 63249
with this state. The tax imposed under this section is not a 63250
transactional tax and is not subject to Public Law No. 86-272, 73 63251
Stat. 555. The tax imposed under this section is in addition to 63252
any other taxes or fees imposed under the Revised Code. The tax 63253
levied under this section is imposed on the person receiving the 63254
gross receipts and is not a tax imposed directly on a purchaser. 63255
The tax imposed by this section is an annual privilege tax for the 63256
calendar year that, in the case of calendar year taxpayers, is the 63257
annual tax period and, in the case of calendar quarter taxpayers, 63258
contains all quarterly tax periods in the calendar year. A 63259
taxpayer is subject to the annual privilege tax for doing business 63260
during any portion of such calendar year. 63261

(B) The tax imposed by this section is a tax on the taxpayer 63262
and shall not be billed or invoiced to another person. Even if the 63263
tax or any portion thereof is billed or invoiced and separately 63264
stated, such amounts remain part of the price for purposes of the 63265
sales and use taxes levied under Chapters 5739. and 5741. of the 63266
Revised Code. Nothing in division (B) of this section prohibits: 63267

(1) A person from including in the price charged for a good 63268
or service an amount sufficient to recover the tax imposed by this 63269
section; or 63270

(2) A lessor from including an amount sufficient to recover 63271
the tax imposed by this section in a lease payment charged, or 63272
from including such an amount on a billing or invoice pursuant to 63273

the terms of a written lease agreement providing for the recovery 63274
of the lessor's tax costs. The recovery of such costs shall be 63275
based on an estimate of the total tax cost of the lessor during 63276
the tax period, as the tax liability of the lessor cannot be 63277
calculated until the end of that period. 63278

(C)(1) The commercial activities tax receipts fund is hereby 63279
created in the state treasury and shall consist of money arising 63280
from the tax imposed under this chapter. ~~Seventy-five~~ Sixty-five 63281
one-hundredths of one per cent of the money credited to that fund 63282
shall be credited to the revenue enhancement fund and shall be 63283
used to defray the costs incurred by the department of taxation in 63284
administering the tax imposed by this chapter and in implementing 63285
tax reform measures. The remainder of the money in the commercial 63286
activities tax receipts fund shall first be credited to the 63287
commercial activity tax motor fuel receipts fund, pursuant to 63288
division (C)(2) of this section, and the remainder shall be 63289
credited in the following percentages each fiscal year to the 63290
general revenue fund, to the school district tangible property tax 63291
replacement fund, which is hereby created in the state treasury 63292
for the purpose of making the payments described in section 63293
5709.92 of the Revised Code, and to the local government tangible 63294
property tax replacement fund, which is hereby created in the 63295
state treasury for the purpose of making the payments described in 63296
section 5709.93 of the Revised Code, in the following percentages: 63297

Fiscal year	General Revenue	School District	Local Government	
	Fund	Tangible	Tangible	
		Property Tax	Property Tax	
		Replacement Fund	Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	63299
2016 and 2017	75.0%	20.0%	5.0%	63300
2018 and	85.0%	13.0%	2.0%	63301
thereafter				

(2) Not later than the twentieth day of February, May, 63302
August, and November of each year, the commissioner shall provide 63303
for payment from the commercial activities tax receipts fund to 63304
the commercial activity tax motor fuel receipts fund an amount 63305
that bears the same ratio to the balance in the commercial 63306
activities tax receipts fund that (a) the taxable gross receipts 63307
attributed to motor fuel used for propelling vehicles on public 63308
highways as indicated by returns filed by the tenth day of that 63309
month for a liability that is due and payable on or after July 1, 63310
2013, for a tax period ending before July 1, 2014, bears to (b) 63311
all taxable gross receipts as indicated by those returns for such 63312
liabilities. 63313

(D)(1) If the total amount in the school district tangible 63314
property tax replacement fund is insufficient to make all payments 63315
under section 5709.92 of the Revised Code at the times the 63316
payments are to be made, the director of budget and management 63317
shall transfer from the general revenue fund to the school 63318
district tangible property tax replacement fund the difference 63319
between the total amount to be paid and the amount in the school 63320
district tangible property tax replacement fund. 63321

(2) If the total amount in the local government tangible 63322
property tax replacement fund is insufficient to make all payments 63323
under section 5709.93 of the Revised Code at the times the 63324
payments are to be made, the director of budget and management 63325
shall transfer from the general revenue fund to the local 63326
government tangible property tax replacement fund the difference 63327
between the total amount to be paid and the amount in the local 63328
government tangible property tax replacement fund. 63329

(E)(1) On or after the first day of June of each year, the 63330
director of budget and management may transfer any balance in the 63331
school district tangible property tax replacement fund to the 63332
general revenue fund. 63333

(2) On or after the first day of June of each year, the 63334
director of budget and management may transfer any balance in the 63335
local government tangible property tax replacement fund to the 63336
general revenue fund. 63337

(F)(1) There is hereby created in the state treasury the 63338
commercial activity tax motor fuel receipts fund. 63339

(2) On or before the fifteenth day of June of each fiscal 63340
year beginning with fiscal year 2015, the director of the Ohio 63341
public works commission shall certify to the director of budget 63342
and management the amount of debt service paid from the general 63343
revenue fund in the current fiscal year on bonds issued to finance 63344
or assist in the financing of the cost of local subdivision public 63345
infrastructure capital improvement projects, as provided for in 63346
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 63347
that are attributable to costs for construction, reconstruction, 63348
maintenance, or repair of public highways and bridges and other 63349
statutory highway purposes. That certification shall allocate the 63350
total amount of debt service paid from the general revenue fund 63351
and attributable to those costs in the current fiscal year 63352
according to the applicable section of the Ohio Constitution under 63353
which the bonds were originally issued. 63354

(3) On or before the thirtieth day of June of each fiscal 63355
year beginning with fiscal year 2015, the director of budget and 63356
management shall determine an amount up to but not exceeding the 63357
amount certified under division (F)(2) of this section and shall 63358
reserve that amount from the cash balance in the petroleum 63359
activity tax public highways fund or the commercial activity tax 63360
motor fuel receipts fund for transfer to the general revenue fund 63361
at times and in amounts to be determined by the director. The 63362
director shall transfer the cash balance in the petroleum activity 63363
tax public highways fund or the commercial activity tax motor fuel 63364
receipts fund in excess of the amount so reserved to the highway 63365

operating fund on or before the thirtieth day of June of the 63366
current fiscal year. 63367

Sec. 5903.12. (A) As used in this section: 63368

"Continuing education" means continuing education required of 63369
a licensee by law and includes, but is not limited to, the 63370
continuing education required of licensees under sections 63371
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 63372
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 63373
4735.141, 4736.11, 4741.16, 4741.19, ~~4751.07~~, 4751.24, 4751.25, 63374
4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised 63375
Code. 63376

"Reporting period" means the period of time during which a 63377
licensee must complete the number of hours of continuing education 63378
required of the licensee by law. 63379

(B) A licensee may submit an application to a licensing 63380
agency, stating that the licensee requires an extension of the 63381
current reporting period because the licensee has served on active 63382
duty during the current or a prior reporting period. The licensee 63383
shall submit proper documentation certifying the active duty 63384
service and the length of that active duty service. Upon receiving 63385
the application and proper documentation, the licensing agency 63386
shall extend the current reporting period by an amount of time 63387
equal to the total number of months that the licensee spent on 63388
active duty during the current reporting period. For purposes of 63389
this division, any portion of a month served on active duty shall 63390
be considered one full month. 63391

Section 101.02. That existing sections 101.38, 103.41, 63392
103.416, 103.50, 107.036, 109.572, 111.15, 111.28, 113.50, 113.51, 63393
113.53, 113.55, 113.56, 117.13, 120.04, 120.18, 120.28, 120.33, 63394
120.34, 120.35, 121.083, 121.22, 121.37, 122.075, 122.175, 122.85, 63395

122.86, 123.21, 124.132, 124.82, 124.824, 125.01, 125.14, 125.18,	63396
125.25, 126.48, 131.02, 131.35, 141.04, 141.16, 149.11, 149.43,	63397
153.02, 166.01, 169.06, 173.04, 173.27, 173.38, 173.391, 177.02,	63398
183.18, 183.33, 307.622, 319.302, 321.24, 323.151, 323.155,	63399
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2929.15, 2929.34, 2941.51, 2950.08, 3107.14, 3119.05, 3119.23,	63406
3301.07, 3301.0710, 3301.0711, 3301.0714, 3301.52, 3301.53,	63407
3302.01, 3302.021, 3302.03, 3302.042, 3302.061, 3302.12, 3302.18,	63408
3310.03, 3312.01, 3313.411, 3313.413, 3313.5315, 3313.603,	63409
3313.608, 3313.61, 3313.611, 3313.612, 3313.618, 3313.813,	63410
3313.978, 3314.016, 3314.017, 3314.02, 3314.03, 3314.034, 3314.08,	63411
3314.085, 3314.18, 3314.19, 3314.21, 3314.27, 3314.35, 3317.016,	63412
3317.02, 3317.022, 3317.023, 3317.028, 3317.03, 3317.06, 3317.16,	63413
3317.25, 3317.40, 3318.036, 3319.074, 3319.226, 3319.26, 3319.272,	63414
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3333.65, 3345.48, 3353.07, 3365.03, 3501.12, 3701.044, 3701.139,	63416
3701.24, 3701.262, 3701.351, 3701.36, 3701.501, 3701.571,	63417
3701.601, 3701.611, 3701.612, 3701.68, 3701.95, 3701.99, 3702.12,	63418
3702.13, 3702.30, 3702.967, 3704.01, 3704.111, 3704.14, 3705.07,	63419
3705.09, 3705.10, 3706.25, 3706.29, 3710.01, 3710.04, 3710.05,	63420
3710.051, 3710.06, 3710.07, 3710.08, 3710.12, 3711.02, 3713.022,	63421
3713.99, 3721.022, 3721.027, 3734.01, 3734.57, 3734.901, 3742.03,	63422
3742.04, 3742.18, 3742.32, 3742.40, 3745.11, 3769.07, 3770.06,	63423
3772.19, 3781.10, 3798.01, 3798.07, 3798.10, 3901.381, 3901.3814,	63424
3959.01, 3959.12, 4109.05, 4109.99, 4141.35, 4141.50, 4301.43,	63425
4313.02, 4501.10, 4501.24, 4503.29, 4503.515, 4506.03, 4507.12,	63426
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4715.52, 4717.03, 4717.05, 4717.07, 4717.41, 4723.08, 4723.28,	63428
4727.03, 4728.03, 4729.20, 4729.571, 4729.80, 4730.02, 4730.12,	63429
4730.14, 4730.19, 4730.25, 4730.28, 4730.43, 4730.49, 4731.04,	63430
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4731.19, 4731.222, 4731.228, 4731.229, 4731.281, 4731.282,	63432
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4731.573, 4734.281, 4735.023, 4735.052, 4735.06, 4735.09, 4735.12,	63434
4735.13, 4735.15, 4735.182, 4735.27, 4735.28, 4737.045, 4743.02,	63435
4745.04, 4751.01, 4751.03, 4751.041, 4751.042, 4751.043, 4751.044,	63436
4751.05, 4751.06, 4751.07, 4751.08, 4751.10, 4751.11, 4751.12,	63437
4751.13, 4751.14, 4751.99, 4757.10, 4757.13, 4757.18, 4757.22,	63438
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4760.03, 4760.031, 4760.032, 4760.04, 4760.05, 4760.06, 4760.13,	63440
4760.131, 4760.132, 4760.14, 4760.15, 4760.16, 4760.18, 4761.05,	63441
4761.06, 4762.02, 4762.03, 4762.031, 4762.04, 4762.05, 4762.06,	63442
4762.08, 4762.09, 4762.10, 4762.13, 4762.131, 4762.132, 4762.14,	63443
4762.15, 4762.16, 4762.18, 4762.22, 4763.16, 4766.17, 4768.09,	63444
4773.01, 4773.02, 4773.08, 4774.02, 4774.03, 4774.031, 4774.04,	63445
4774.05, 4774.06, 4774.09, 4774.11, 4774.13, 4774.131, 4774.132,	63446
4774.14, 4774.15, 4774.16, 4774.18, 4776.01, 4776.20, 4778.03,	63447
4778.05, 4778.06, 4778.07, 4928.02, 4928.143, 4937.01, 4937.05,	63448
5101.061, 5101.14, 5101.141, 5101.1411, 5101.1412, 5101.1414,	63449
5101.56, 5101.83, 5103.02, 5103.0328, 5103.13, 5103.30, 5104.01,	63450
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5123.046, 5123.0414, 5123.0419, 5123.081, 5123.092, 5123.166,	63455
5126.054, 5126.055, 5126.056, 5126.15, 5139.87, 5145.162, 5149.38,	63456
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5164.01, 5164.05, 5164.342, 5164.38, 5164.7510, 5165.01, 5165.15,	63458
5165.152, 5165.16, 5165.17, 5165.19, 5165.21, 5165.25, 5165.69,	63459

5165.80, 5166.01, 5166.04, 5166.22, 5167.01, 5167.03, 5167.04, 63460
5167.10, 5167.11, 5167.12, 5167.121, 5167.13, 5167.14, 5167.17, 63461
5167.171, 5167.172, 5167.18, 5167.20, 5167.201, 5167.26, 5167.41, 63462
5168.03, 5168.05, 5168.06, 5168.07, 5168.08, 5168.75, 5501.20, 63463
5502.63, 5513.06, 5525.03, 5537.17, 5705.091, 5709.17, 5709.40, 63464
5709.41, 5709.73, 5709.78, 5713.08, 5715.27, 5726.04, 5733.40, 63465
5733.41, 5739.01, 5739.011, 5739.02, 5739.021, 5739.023, 5739.025, 63466
5739.026, 5739.03, 5739.05, 5739.09, 5741.01, 5741.04, 5741.05, 63467
5741.11, 5741.13, 5741.17, 5743.62, 5745.05, 5747.01, 5747.02, 63468
5747.022, 5747.025, 5747.05, 5747.054, 5747.055, 5747.08, 5747.10, 63469
5747.41, 5747.98, 5748.01, 5751.02, and 5903.12 of the Revised 63470
Code are hereby repealed. 63471

Section 105.01. That sections 166.30, 173.60, 191.01, 191.02, 63472
191.04, 191.06, 191.08, 191.09, 191.10, 1505.12, 1505.13, 1561.24, 63473
2151.861, 3319.271, 3701.25, 3701.26, 3701.264, 3701.27, 3706.27, 63474
3706.30, 3721.072, 3721.41, 3721.42, 3798.06, 3798.08, 3798.14, 63475
3798.15, 3798.16, 4501.16, 4731.292, 4751.02, 4751.04, 4751.09, 63476
5104.035, 5104.036, 5104.20, 5104.37, 5120.135, 5162.58, 5162.60, 63477
5162.62, 5162.64, 5165.361, 5165.771, 5167.16, 5167.25, 5747.29, 63478
and 5747.65 of the Revised Code are hereby repealed. 63479
63480

Section 125.10. Section 103.416 of the Revised Code is hereby 63481
repealed, effective July 1, 2020. The amendment by this act to 63482
section 103.416 of the Revised Code does not affect this repeal. 63483

Section 130.10. That sections 921.06, 955.43, 3301.07, 63484
3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 63485
3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 63486
3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 3313.539, 63487
3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 3313.718, 63488
3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 3313.86, 63489

3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 63490
3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 63491
3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032, 63492
3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133, 63493
3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and 63494
5139.18 be amended and section 3301.165 of the Revised Code be 63495
enacted to read as follows: 63496

Sec. 921.06. (A)(1) No individual shall do any of the 63497
following without having a commercial applicator license issued by 63498
the director of agriculture: 63499

(a) Apply pesticides for a pesticide business without direct 63500
supervision; 63501

(b) Apply pesticides as part of the individual's duties while 63502
acting as an employee of the United States government, a state, 63503
county, township, or municipal corporation, or a park district, 63504
port authority, or sanitary district created under Chapter 1545., 63505
4582., or 6115. of the Revised Code, respectively; 63506

(c) Apply restricted use pesticides. Division (A)(1)(c) of 63507
this section does not apply to a private applicator or an 63508
immediate family member or a subordinate employee of a private 63509
applicator who is acting under the direct supervision of that 63510
private applicator. 63511

(d) If the individual is the owner of a business other than a 63512
pesticide business or an employee of such an owner, apply 63513
pesticides at any of the following publicly accessible sites that 63514
are located on the property: 63515

(i) Food service operations that are licensed under Chapter 63516
3717. of the Revised Code; 63517

(ii) Retail food establishments that are licensed under 63518
Chapter 3717. of the Revised Code; 63519

(iii) Golf courses;	63520
(iv) Rental properties of more than four apartment units at one location;	63521 63522
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	63523 63524
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	63525 63526
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education, <u>or an accredited nonpublic school as described in section 3301.165 of the Revised Code;</u>	63527 63528 63529 63530 63531 63532 63533
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	63534 63535 63536 63537 63538 63539 63540 63541 63542 63543
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	63544 63545
(x) Any other site designated by rule.	63546
(e) Conduct authorized diagnostic inspections.	63547
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under	63548 63549

the direct supervision of a commercial applicator. 63550

(3) Licenses shall be issued for a period of time established 63551
by rule and shall be renewed in accordance with deadlines 63552
established by rule. The fee for each such license shall be 63553
established by rule. If a license is not issued or renewed, the 63554
application fee shall be retained by the state as payment for the 63555
reasonable expense of processing the application. The director 63556
shall by rule classify by pesticide-use category licenses to be 63557
issued under this section. A single license may include more than 63558
one pesticide-use category. No individual shall be required to pay 63559
an additional license fee if the individual is licensed for more 63560
than one category. 63561

The fee for each license or renewal does not apply to an 63562
applicant who is an employee of the department of agriculture 63563
whose job duties require licensure as a commercial applicator as a 63564
condition of employment. 63565

(B) Application for a commercial applicator license shall be 63566
made on a form prescribed by the director. Each application for a 63567
license shall state the pesticide-use category or categories of 63568
license for which the applicant is applying and other information 63569
that the director determines essential to the administration of 63570
this chapter. 63571

(C) If the director finds that the applicant is competent to 63572
apply pesticides and conduct diagnostic inspections and that the 63573
applicant has passed both the general examination and each 63574
applicable pesticide-use category examination as required under 63575
division (A) of section 921.12 of the Revised Code, the director 63576
shall issue a commercial applicator license limited to the 63577
pesticide-use category or categories for which the applicant is 63578
found to be competent. If the director rejects an application, the 63579
director may explain why the application was rejected, describe 63580
the additional requirements necessary for the applicant to obtain 63581

a license, and return the application. The applicant may resubmit 63582
the application without payment of any additional fee. 63583

(D)(1) A person who is a commercial applicator shall be 63584
deemed to hold a private applicator's license for purposes of 63585
applying pesticides on agricultural commodities that are produced 63586
by the commercial applicator. 63587

(2) A commercial applicator shall apply pesticides only in 63588
the pesticide-use category or categories in which the applicator 63589
is licensed under this chapter. 63590

(E) All money collected under this section shall be credited 63591
to the pesticide, fertilizer, and lime program fund created in 63592
section 921.22 of the Revised Code. 63593

Sec. 955.43. (A) When either a blind, deaf or hearing 63594
impaired, or mobility impaired person or a trainer of an 63595
assistance dog is accompanied by an assistance dog, the person or 63596
the trainer, as applicable, is entitled to the full and equal 63597
accommodations, advantages, facilities, and privileges of all 63598
public conveyances, hotels, lodging places, all places of public 63599
accommodation, amusement, or resort, all institutions of 63600
education, and other places to which the general public is 63601
invited, and may take the dog into such conveyances and places, 63602
subject only to the conditions and limitations applicable to all 63603
persons not so accompanied, except that: 63604

(1) The dog shall not occupy a seat in any public conveyance. 63605

(2) The dog shall be upon a leash while using the facilities 63606
of a common carrier. 63607

(3) Any dog in training to become an assistance dog shall be 63608
covered by a liability insurance policy provided by the nonprofit 63609
special agency engaged in such work protecting members of the 63610
public against personal injury or property damage caused by the 63611

dog. 63612

(B) No person shall deprive a blind, deaf or hearing 63613
impaired, or mobility impaired person or a trainer of an 63614
assistance dog who is accompanied by an assistance dog of any of 63615
the advantages, facilities, or privileges provided in division (A) 63616
of this section, nor charge the person or trainer a fee or charge 63617
for the dog. 63618

(C) As used in this section, "institutions of education" 63619
means: 63620

(1) Any state university or college as defined in section 63621
3345.32 of the Revised Code; 63622

(2) Any private college or university that holds a 63623
certificate of authorization issued by the Ohio board of regents 63624
pursuant to Chapter 1713. of the Revised Code; 63625

(3) Any elementary or secondary school operated by a board of 63626
education; 63627

(4) Any chartered, accredited, or nonchartered nonpublic 63628
elementary or secondary school~~+~~. As used in this section, 63629
"accredited nonpublic school" means an accredited nonpublic school 63630
as described in section 3301.165 of the Revised Code. 63631

(5) Any school issued a certificate of registration by the 63632
state board of career colleges and schools. 63633

Sec. 3301.07. The state board of education shall exercise 63634
under the acts of the general assembly general supervision of the 63635
system of public education in the state. In addition to the powers 63636
otherwise imposed on the state board under the provisions of law, 63637
the board shall have the powers described in this section. 63638

(A) The state board shall exercise policy forming, planning, 63639
and evaluative functions for the public schools of the state 63640
except as otherwise provided by law. 63641

(B)(1) The state board shall exercise leadership in the 63642
improvement of public education in this state, and administer the 63643
educational policies of this state relating to public schools, and 63644
relating to instruction and instructional material, building and 63645
equipment, transportation of pupils, administrative 63646
responsibilities of school officials and personnel, and finance 63647
and organization of school districts, educational service centers, 63648
and territory. Consultative and advisory services in such matters 63649
shall be provided by the board to school districts and educational 63650
service centers of this state. 63651

(2) The state board also shall develop a standard of 63652
financial reporting which shall be used by each school district 63653
board of education and each governing board of an educational 63654
service center, each governing authority of a community school 63655
established under Chapter 3314., each governing body of a STEM 63656
school established under Chapter 3328., and each board of trustees 63657
of a college-preparatory boarding school established under Chapter 63658
3328. of the Revised Code to make its financial information and 63659
annual budgets for each school building under its control 63660
available to the public in a format understandable by the average 63661
citizen. The format shall show, both at the district and at the 63662
school building level, revenue by source; expenditures for 63663
salaries, wages, and benefits of employees, showing such amounts 63664
separately for classroom teachers, other employees required to 63665
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 63666
the Revised Code, and all other employees; expenditures other than 63667
for personnel, by category, including utilities, textbooks and 63668
other educational materials, equipment, permanent improvements, 63669
pupil transportation, extracurricular athletics, and other 63670
extracurricular activities; and per pupil expenditures. The format 63671
shall also include information on total revenue and expenditures, 63672
per pupil revenue, and expenditures for both classroom and 63673
nonclassroom purposes, as defined by the standards adopted under 63674

section 3302.20 of the Revised Code in the aggregate and for each 63675
subgroup of students, as defined by section 3317.40 of the Revised 63676
Code, that receives services provided for by state or federal 63677
funding. 63678

(3) Each school district board, governing authority, 63679
governing body, or board of trustees, or its respective designee, 63680
shall annually report, to the department of education, all 63681
financial information required by the standards for financial 63682
reporting, as prescribed by division (B)(2) of this section and 63683
adopted by the state board. The department shall make all reports 63684
submitted pursuant to this division available in such a way that 63685
allows for comparison between financial information included in 63686
these reports and financial information included in reports 63687
produced prior to July 1, 2013. The department shall post these 63688
reports in a prominent location on its web site and shall notify 63689
each school when reports are made available. 63690

(C) The state board shall administer and supervise the 63691
allocation and distribution of all state and federal funds for 63692
public school education under the provisions of law, and may 63693
prescribe such systems of accounting as are necessary and proper 63694
to this function. It may require county auditors and treasurers, 63695
boards of education, educational service center governing boards, 63696
treasurers of such boards, teachers, and other school officers and 63697
employees, or other public officers or employees, to file with it 63698
such reports as it may prescribe relating to such funds, or to the 63699
management and condition of such funds. 63700

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 63701
XLVII, and LI of the Revised Code a reference is made to standards 63702
prescribed under this section or division (D) of this section, 63703
that reference shall be construed to refer to the standards 63704
prescribed under division (D)(2) of this section, unless the 63705
context specifically indicates a different meaning or intent. 63706

(2) The state board shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of providing children access to a general education of high quality according to the learning needs of each individual, including students with disabilities, economically disadvantaged students, limited English proficient students, and students identified as gifted. Such standards shall provide adequately for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; the provision of safe buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

The state board shall base any standards governing the promotion of students or requirements for graduation on the ability of students, at any grade level, to earn credits or advance upon demonstration of mastery of knowledge and skills through competency-based learning models. Credits of grade level advancement shall not require a minimum number of days or hours in a classroom.

The state board shall base any standards governing the assignment of staff on ensuring each school has a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet each student's personal learning goals.

In the formulation and administration of such standards for

nonpublic schools the board shall also consider the particular 63739
needs, methods and objectives of those schools, provided they do 63740
not conflict with the provision of a general education of a high 63741
quality and provided that regular procedures shall be followed for 63742
promotion from grade to grade of pupils who have met the 63743
educational requirements prescribed. 63744

All chartered, nonchartered, and accredited nonpublic schools 63745
shall comply with the minimum education standards adopted by the 63746
state board under this division. However, the state board shall 63747
not prescribe additional operating standards for nonchartered or 63748
accredited nonpublic schools. As used in this section, "accredited 63749
nonpublic school" means an accredited nonpublic school as 63750
described in section 3301.165 of the Revised Code. 63751

(3) In addition to the minimum standards required by division 63752
(D)(2) of this section, the state board may formulate and 63753
prescribe the following additional minimum operating standards for 63754
school districts: 63755

(a) Standards for the effective and efficient organization, 63756
administration, and supervision of each school district with a 63757
commitment to high expectations for every student based on the 63758
learning needs of each individual, including students with 63759
disabilities, economically disadvantaged students, limited English 63760
proficient students, and students identified as gifted, and 63761
commitment to closing the achievement gap without suppressing the 63762
achievement levels of higher achieving students so that all 63763
students achieve core knowledge and skills in accordance with the 63764
statewide academic standards adopted under section 3301.079 of the 63765
Revised Code; 63766

(b) Standards for the establishment of business advisory 63767
councils under section 3313.82 of the Revised Code; 63768

(c) Standards for school district buildings that may require 63769

the effective and efficient organization, administration, and 63770
supervision of each school district building with a commitment to 63771
high expectations for every student based on the learning needs of 63772
each individual, including students with disabilities, 63773
economically disadvantaged students, limited English proficient 63774
students, and students identified as gifted, and commitment to 63775
closing the achievement gap without suppressing the achievement 63776
levels of higher achieving students so that all students achieve 63777
core knowledge and skills in accordance with the statewide 63778
academic standards adopted under section 3301.079 of the Revised 63779
Code. 63780

(E) The state board may require as part of the health 63781
curriculum information developed under section 2108.34 of the 63782
Revised Code promoting the donation of anatomical gifts pursuant 63783
to Chapter 2108. of the Revised Code and may provide the 63784
information to high schools, educational service centers, and 63785
joint vocational school district boards of education; 63786

(F) The state board shall prepare and submit annually to the 63787
governor and the general assembly a report on the status, needs, 63788
and major problems of the public schools of the state, with 63789
recommendations for necessary legislative action and a ten-year 63790
projection of the state's public and nonpublic school enrollment, 63791
by year and by grade level. 63792

(G) The state board shall prepare and submit to the director 63793
of budget and management the biennial budgetary requests of the 63794
state board of education, for its agencies and for the public 63795
schools of the state. 63796

(H) The state board shall cooperate with federal, state, and 63797
local agencies concerned with the health and welfare of children 63798
and youth of the state. 63799

(I) The state board shall require such reports from school 63800

districts and educational service centers, school officers, and 63801
employees as are necessary and desirable. The superintendents and 63802
treasurers of school districts and educational service centers 63803
shall certify as to the accuracy of all reports required by law or 63804
state board or state department of education rules to be submitted 63805
by the district or educational service center and which contain 63806
information necessary for calculation of state funding. Any 63807
superintendent who knowingly falsifies such report shall be 63808
subject to license revocation pursuant to section 3319.31 of the 63809
Revised Code. 63810

(J) In accordance with Chapter 119. of the Revised Code, the 63811
state board shall adopt procedures, standards, and guidelines for 63812
the education of children with disabilities pursuant to Chapter 63813
3323. of the Revised Code, including procedures, standards, and 63814
guidelines governing programs and services operated by county 63815
boards of developmental disabilities pursuant to section 3323.09 63816
of the Revised Code. 63817

(K) For the purpose of encouraging the development of special 63818
programs of education for academically gifted children, the state 63819
board shall employ competent persons to analyze and publish data, 63820
promote research, advise and counsel with boards of education, and 63821
encourage the training of teachers in the special instruction of 63822
gifted children. The board may provide financial assistance out of 63823
any funds appropriated for this purpose to boards of education and 63824
educational service center governing boards for developing and 63825
conducting programs of education for academically gifted children. 63826

(L) The state board shall require that all public schools 63827
emphasize and encourage, within existing units of study, the 63828
teaching of energy and resource conservation as recommended to 63829
each district board of education by leading business persons 63830
involved in energy production and conservation, beginning in the 63831
primary grades. 63832

(M) The state board shall formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the state board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three.

(N) The state board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

Sec. 3301.071. (A)(1) In the case of nontax-supported schools other than accredited nonpublic schools, as described in section 3301.165 of the Revised Code, standards for teacher certification

prescribed under section 3301.07 of the Revised Code shall provide 63864
for certification, without further educational requirements, of 63865
any administrator, supervisor, or teacher who has attended and 63866
received a bachelor's degree from a college or university 63867
accredited by a national or regional association in the United 63868
States except that, at the discretion of the state board of 63869
education, this requirement may be met by having an equivalent 63870
degree from a foreign college or university of comparable 63871
standing. Standards for certification of any administrator, 63872
supervisor, or teacher of an accredited nonpublic school shall 63873
require compliance with the educational qualifications prescribed 63874
by the independent schools association of the central states. 63875
However, nothing in this section exempts an accredited nonpublic 63876
school from the requirement that each applicant undergo a criminal 63877
records check under section 3319.39 of the Revised Code. 63878

(2) In the case of nonchartered, nontax-supported schools, 63879
the standards for teacher certification prescribed under section 63880
3301.07 of the Revised Code shall provide for certification, 63881
without further educational requirements, of any administrator, 63882
supervisor, or teacher who has attended and received a diploma 63883
from a "bible college" or "bible institute" described in division 63884
(E) of section 1713.02 of the Revised Code. 63885

(3) A certificate issued under division (A)(3) of this 63886
section shall be valid only for teaching foreign language, music, 63887
religion, computer technology, or fine arts. 63888

Notwithstanding division (A)(1) of this section, the 63889
standards for teacher certification prescribed under section 63890
3301.07 of the Revised Code shall provide for certification of a 63891
person as a teacher upon receipt by the state board of an 63892
affidavit signed by the chief administrative officer of a 63893
chartered nonpublic school seeking to employ the person, stating 63894

that the person meets one of the following conditions: 63895

(a) The person has specialized knowledge, skills, or 63896
expertise that qualifies the person to provide instruction. 63897

(b) The person has provided to the chief administrative 63898
officer evidence of at least three years of teaching experience in 63899
a public or nonpublic school. 63900

(c) The person has provided to the chief administrative 63901
officer evidence of completion of a teacher training program named 63902
in the affidavit. 63903

(B) Each person applying for a certificate under this section 63904
for purposes of serving in a nonpublic school chartered by the 63905
state board under section 3301.16 of the Revised Code shall pay a 63906
fee in the amount established under division (A) of section 63907
3319.51 of the Revised Code. Any fees received under this division 63908
shall be paid into the state treasury to the credit of the state 63909
board of education certification fund established under division 63910
(B) of section 3319.51 of the Revised Code. 63911

(C) A person applying for or holding any certificate pursuant 63912
to this section for purposes of serving in a nonpublic school 63913
chartered by the state board is subject to sections 3123.41 to 63914
3123.50 of the Revised Code and any applicable rules adopted under 63915
section 3123.63 of the Revised Code and sections 3319.31 and 63916
3319.311 of the Revised Code. 63917

(D) Divisions (B) and (C) of this section and sections 63918
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 63919
to any administrators, supervisors, or teachers in nonchartered, 63920
nontax-supported schools. 63921

Sec. 3301.0711. (A) The department of education shall: 63922

(1) Annually furnish to, grade, and score all assessments 63923
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 63924

the Revised Code to be administered by city, local, exempted 63925
village, and joint vocational school districts, except that each 63926
district shall score any assessment administered pursuant to 63927
division (B)(10) of this section. Each assessment so furnished 63928
shall include the data verification code of the student to whom 63929
the assessment will be administered, as assigned pursuant to 63930
division (D)(2) of section 3301.0714 of the Revised Code. In 63931
furnishing the practice versions of Ohio graduation tests 63932
prescribed by division (D) of section 3301.0710 of the Revised 63933
Code, the department shall make the tests available on its web 63934
site for reproduction by districts. In awarding contracts for 63935
grading assessments, the department shall give preference to 63936
Ohio-based entities employing Ohio residents. 63937

(2) Adopt rules for the ethical use of assessments and 63938
prescribing the manner in which the assessments prescribed by 63939
section 3301.0710 of the Revised Code shall be administered to 63940
students. 63941

(B) Except as provided in divisions (C) and (J) of this 63942
section, the board of education of each city, local, and exempted 63943
village school district shall, in accordance with rules adopted 63944
under division (A) of this section: 63945

(1) Administer the English language arts assessments 63946
prescribed under division (A)(1)(a) of section 3301.0710 of the 63947
Revised Code twice annually to all students in the third grade who 63948
have not attained the score designated for that assessment under 63949
division (A)(2)(c) of section 3301.0710 of the Revised Code. 63950

(2) Administer the mathematics assessment prescribed under 63951
division (A)(1)(a) of section 3301.0710 of the Revised Code at 63952
least once annually to all students in the third grade. 63953

(3) Administer the assessments prescribed under division 63954
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 63955

annually to all students in the fourth grade. 63956

(4) Administer the assessments prescribed under division 63957
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 63958
annually to all students in the fifth grade. 63959

(5) Administer the assessments prescribed under division 63960
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 63961
annually to all students in the sixth grade. 63962

(6) Administer the assessments prescribed under division 63963
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 63964
annually to all students in the seventh grade. 63965

(7) Administer the assessments prescribed under division 63966
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 63967
annually to all students in the eighth grade. 63968

(8) Except as provided in division (B)(9) of this section, 63969
administer any assessment prescribed under division (B)(1) of 63970
section 3301.0710 of the Revised Code as follows: 63971

(a) At least once annually to all tenth grade students and at 63972
least twice annually to all students in eleventh or twelfth grade 63973
who have not yet attained the score on that assessment designated 63974
under that division; 63975

(b) To any person who has successfully completed the 63976
curriculum in any high school or the individualized education 63977
program developed for the person by any high school pursuant to 63978
section 3323.08 of the Revised Code but has not received a high 63979
school diploma and who requests to take such assessment, at any 63980
time such assessment is administered in the district. 63981

(9) In lieu of the board of education of any city, local, or 63982
exempted village school district in which the student is also 63983
enrolled, the board of a joint vocational school district shall 63984
administer any assessment prescribed under division (B)(1) of 63985

section 3301.0710 of the Revised Code at least twice annually to 63986
any student enrolled in the joint vocational school district who 63987
has not yet attained the score on that assessment designated under 63988
that division. A board of a joint vocational school district may 63989
also administer such an assessment to any student described in 63990
division (B)(8)(b) of this section. 63991

(10) If the district has a three-year average graduation rate 63992
of not more than seventy-five per cent, administer each assessment 63993
prescribed by division (D) of section 3301.0710 of the Revised 63994
Code in September to all ninth grade students who entered ninth 63995
grade prior to July 1, 2014. 63996

Except as provided in section 3313.614 of the Revised Code 63997
for administration of an assessment to a person who has fulfilled 63998
the curriculum requirement for a high school diploma but has not 63999
passed one or more of the required assessments, the assessments 64000
prescribed under division (B)(1) of section 3301.0710 of the 64001
Revised Code shall not be administered after the date specified in 64002
the rules adopted by the state board of education under division 64003
(D)(1) of section 3301.0712 of the Revised Code. 64004

(11)(a) Except as provided in division (B)(11)(b) of this 64005
section, administer the assessments prescribed by division (B)(2) 64006
of section 3301.0710 and section 3301.0712 of the Revised Code in 64007
accordance with the timeline and plan for implementation of those 64008
assessments prescribed by rule of the state board adopted under 64009
division (D)(1) of section 3301.0712 of the Revised Code; 64010

(b) A student who has presented evidence to the district or 64011
school of having satisfied the condition prescribed by division 64012
(A)(1) of section 3313.618 of the Revised Code to qualify for a 64013
high school diploma prior to the date of the administration of the 64014
assessment prescribed under division (B)(1) of section 3301.0712 64015
of the Revised Code shall not be required to take that assessment. 64016
However, no board shall prohibit a student who is not required to 64017

take such assessment from taking the assessment. 64018

(C)(1)(a) In the case of a student receiving special 64019
education services under Chapter 3323. of the Revised Code, the 64020
individualized education program developed for the student under 64021
that chapter shall specify the manner in which the student will 64022
participate in the assessments administered under this section, 64023
except that a student with significant cognitive disabilities to 64024
whom an alternate assessment is administered in accordance with 64025
division (C)(1) of this section and a student determined to have a 64026
disability that includes an intellectual disability as outlined in 64027
guidance issued by the department shall not be required to take 64028
the assessment prescribed under division (B)(1) of section 64029
3301.0712 of the Revised Code. The individualized education 64030
program may excuse the student from taking any particular 64031
assessment required to be administered under this section if it 64032
instead specifies an alternate assessment method approved by the 64033
department of education as conforming to requirements of federal 64034
law for receipt of federal funds for disadvantaged pupils. To the 64035
extent possible, the individualized education program shall not 64036
excuse the student from taking an assessment unless no reasonable 64037
accommodation can be made to enable the student to take the 64038
assessment. No board shall prohibit a student who is not required 64039
to take an assessment under division (C)(1) of this section from 64040
taking the assessment. 64041

(b) Any alternate assessment approved by the department for a 64042
student under this division shall produce measurable results 64043
comparable to those produced by the assessment it replaces in 64044
order to allow for the student's results to be included in the 64045
data compiled for a school district or building under section 64046
3302.03 of the Revised Code. 64047

(c)(i) Any student enrolled in a chartered nonpublic school 64048
or an accredited nonpublic school who has been identified, based 64049

on an evaluation conducted in accordance with section 3323.03 of 64050
the Revised Code or section 504 of the "Rehabilitation Act of 64051
1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with 64052
a disability shall be excused from taking any particular 64053
assessment required to be administered under this section if a 64054
plan developed for the student pursuant to rules adopted by the 64055
state board excuses the student from taking that assessment. 64056

(ii) A student with significant cognitive disabilities to 64057
whom an alternate assessment is administered in accordance with 64058
division (C)(1) of this section and a student determined to have a 64059
disability that includes an intellectual disability as outlined in 64060
guidance issued by the department shall not be required to take 64061
the assessment prescribed under division (B)(1) of section 64062
3301.0712 of the Revised Code. 64063

(iii) In the case of any student who is enrolled in a 64064
chartered nonpublic school and is so excused from taking an 64065
assessment under division (C)(1)(c) of this section, the ~~chartered~~ 64066
~~nonpublic~~ school shall not prohibit the student from taking the 64067
assessment. 64068

(2) A district board may, for medical reasons or other good 64069
cause, excuse a student from taking an assessment administered 64070
under this section on the date scheduled, but that assessment 64071
shall be administered to the excused student not later than nine 64072
days following the scheduled date. The district board shall 64073
annually report the number of students who have not taken one or 64074
more of the assessments required by this section to the state 64075
board not later than the thirtieth day of June. 64076

(3) As used in this division, "limited English proficient 64077
student" has the same meaning as in 20 U.S.C. 7801. 64078

No school district board shall excuse any limited English 64079
proficient student from taking any particular assessment required 64080

to be administered under this section, except as follows: 64081

(a) Any limited English proficient student who has been 64082
enrolled in United States schools for less than two years and for 64083
whom no appropriate accommodations are available based on guidance 64084
issued by the department shall not be required to take the 64085
assessment prescribed under division (B)(1) of section 3301.0712 64086
of the Revised Code. 64087

(b) Any limited English proficient student who has been 64088
enrolled in United States schools for less than one full school 64089
year shall not be required to take any reading, writing, or 64090
English language arts assessment. 64091

However, no board shall prohibit a limited English proficient 64092
student who is not required to take an assessment under division 64093
(C)(3) of this section from taking the assessment. A board may 64094
permit any limited English proficient student to take an 64095
assessment required to be administered under this section with 64096
appropriate accommodations, as determined by the department. For 64097
each limited English proficient student, each school district 64098
shall annually assess that student's progress in learning English, 64099
in accordance with procedures approved by the department. 64100

(4)(a) The governing authority of a chartered nonpublic or an 64101
accredited nonpublic school may excuse a limited English 64102
proficient student from taking any assessment administered under 64103
this section. 64104

(b) No governing authority of a chartered nonpublic school 64105
shall require a limited English proficient student who has been 64106
enrolled in United States schools for less than two years and for 64107
whom no appropriate accommodations are available based on guidance 64108
issued by the department to take the assessment prescribed under 64109
division (B)(1) of section 3301.0712 of the Revised Code. 64110

(c) No governing authority of a chartered nonpublic school 64111

shall prohibit a limited English proficient student from taking an 64112
assessment from which the student was excused under division 64113
(C)(4) of this section. 64114

(D)(1) In the school year next succeeding the school year in 64115
which the assessments prescribed by division (A)(1) or (B)(1) of 64116
section 3301.0710 of the Revised Code or former division (A)(1), 64117
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 64118
existed prior to September 11, 2001, are administered to any 64119
student, the board of education of any school district in which 64120
the student is enrolled in that year shall provide to the student 64121
intervention services commensurate with the student's performance, 64122
including any intensive intervention required under section 64123
3313.608 of the Revised Code, in any skill in which the student 64124
failed to demonstrate at least a score at the proficient level on 64125
the assessment. 64126

(2) Following any administration of the assessments 64127
prescribed by division (D) of section 3301.0710 of the Revised 64128
Code to ninth grade students, each school district that has a 64129
three-year average graduation rate of not more than seventy-five 64130
per cent shall determine for each high school in the district 64131
whether the school shall be required to provide intervention 64132
services to any students who took the assessments. In determining 64133
which high schools shall provide intervention services based on 64134
the resources available, the district shall consider each school's 64135
graduation rate and scores on the practice assessments. The 64136
district also shall consider the scores received by ninth grade 64137
students on the English language arts and mathematics assessments 64138
prescribed under division (A)(1)(f) of section 3301.0710 of the 64139
Revised Code in the eighth grade in determining which high schools 64140
shall provide intervention services. 64141

Each high school selected to provide intervention services 64142
under this division shall provide intervention services to any 64143

student whose results indicate that the student is failing to make 64144
satisfactory progress toward being able to attain scores at the 64145
proficient level on the Ohio graduation tests. Intervention 64146
services shall be provided in any skill in which a student 64147
demonstrates unsatisfactory progress and shall be commensurate 64148
with the student's performance. Schools shall provide the 64149
intervention services prior to the end of the school year, during 64150
the summer following the ninth grade, in the next succeeding 64151
school year, or at any combination of those times. 64152

(E) Except as provided in section 3313.608 of the Revised 64153
Code and division (N) of this section, no school district board of 64154
education shall utilize any student's failure to attain a 64155
specified score on an assessment administered under this section 64156
as a factor in any decision to deny the student promotion to a 64157
higher grade level. However, a district board may choose not to 64158
promote to the next grade level any student who does not take an 64159
assessment administered under this section or make up an 64160
assessment as provided by division (C)(2) of this section and who 64161
is not exempt from the requirement to take the assessment under 64162
division (C)(3) of this section. 64163

(F) No person shall be charged a fee for taking any 64164
assessment administered under this section. 64165

(G)(1) Each school district board shall designate one 64166
location for the collection of assessments administered in the 64167
spring under division (B)(1) of this section and those 64168
administered under divisions (B)(2) to (7) of this section. Each 64169
district board shall submit the assessments to the entity with 64170
which the department contracts for the scoring of the assessments 64171
as follows: 64172

(a) If the district's total enrollment in grades kindergarten 64173
through twelve during the first full school week of October was 64174
less than two thousand five hundred, not later than the Friday 64175

after all of the assessments have been administered; 64176

(b) If the district's total enrollment in grades kindergarten 64177
through twelve during the first full school week of October was 64178
two thousand five hundred or more, but less than seven thousand, 64179
not later than the Monday after all of the assessments have been 64180
administered; 64181

(c) If the district's total enrollment in grades kindergarten 64182
through twelve during the first full school week of October was 64183
seven thousand or more, not later than the Tuesday after all of 64184
the assessments have been administered. 64185

However, any assessment that a student takes during the 64186
make-up period described in division (C)(2) of this section shall 64187
be submitted not later than the Friday following the day the 64188
student takes the assessment. 64189

(2) The department or an entity with which the department 64190
contracts for the scoring of the assessment shall send to each 64191
school district board a list of the individual scores of all 64192
persons taking a state achievement assessment as follows: 64193

(a) Except as provided in division (G)(2)(b) or (c) of this 64194
section, within forty-five days after the administration of the 64195
assessments prescribed by sections 3301.0710 and 3301.0712 of the 64196
Revised Code, but in no case shall the scores be returned later 64197
than the thirtieth day of June following the administration; 64198

(b) In the case of the third-grade English language arts 64199
assessment, within forty-five days after the administration of 64200
that assessment, but in no case shall the scores be returned later 64201
than the fifteenth day of June following the administration; 64202

(c) In the case of the writing component of an assessment or 64203
end-of-course examination in the area of English language arts, 64204
except for the third-grade English language arts assessment, the 64205
results may be sent after forty-five days of the administration of 64206

the writing component, but in no case shall the scores be returned 64207
later than the thirtieth day of June following the administration. 64208

(3) For assessments administered under this section by a 64209
joint vocational school district, the department or entity shall 64210
also send to each city, local, or exempted village school district 64211
a list of the individual scores of any students of such city, 64212
local, or exempted village school district who are attending 64213
school in the joint vocational school district. 64214

(4) Beginning with the 2019-2020 school year, a school 64215
district, other public school, ~~or~~ chartered nonpublic school, or 64216
accredited nonpublic school may administer the third-grade English 64217
language arts or mathematics assessment, or both, in a paper 64218
format in any school year for which the district board of 64219
education or school governing body adopts a resolution indicating 64220
that the district or school chooses to administer the assessment 64221
in a paper format. The board or governing body shall submit a copy 64222
of the resolution to the department of education not later than 64223
the first day of May prior to the school year for which it will 64224
apply. If the resolution is submitted, the district or school 64225
shall administer the assessment in a paper format to all students 64226
in the third grade, except that any student whose individualized 64227
education program or plan developed under section 504 of the 64228
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 64229
amended, specifies that taking the assessment in an online format 64230
is an appropriate accommodation for the student may take the 64231
assessment in an online format. 64232

(H) Individual scores on any assessments administered under 64233
this section shall be released by a district board only in 64234
accordance with section 3319.321 of the Revised Code and the rules 64235
adopted under division (A) of this section. No district board or 64236
its employees shall utilize individual or aggregate results in any 64237
manner that conflicts with rules for the ethical use of 64238

assessments adopted pursuant to division (A) of this section. 64239

(I) Except as provided in division (G) of this section, the 64240
department or an entity with which the department contracts for 64241
the scoring of the assessment shall not release any individual 64242
scores on any assessment administered under this section. The 64243
state board shall adopt rules to ensure the protection of student 64244
confidentiality at all times. The rules may require the use of the 64245
data verification codes assigned to students pursuant to division 64246
(D)(2) of section 3301.0714 of the Revised Code to protect the 64247
confidentiality of student scores. 64248

(J) Notwithstanding division (D) of section 3311.52 of the 64249
Revised Code, this section does not apply to the board of 64250
education of any cooperative education school district except as 64251
provided under rules adopted pursuant to this division. 64252

(1) In accordance with rules that the state board shall 64253
adopt, the board of education of any city, exempted village, or 64254
local school district with territory in a cooperative education 64255
school district established pursuant to divisions (A) to (C) of 64256
section 3311.52 of the Revised Code may enter into an agreement 64257
with the board of education of the cooperative education school 64258
district for administering any assessment prescribed under this 64259
section to students of the city, exempted village, or local school 64260
district who are attending school in the cooperative education 64261
school district. 64262

(2) In accordance with rules that the state board shall 64263
adopt, the board of education of any city, exempted village, or 64264
local school district with territory in a cooperative education 64265
school district established pursuant to section 3311.521 of the 64266
Revised Code shall enter into an agreement with the cooperative 64267
district that provides for the administration of any assessment 64268
prescribed under this section to both of the following: 64269

(a) Students who are attending school in the cooperative 64270
district and who, if the cooperative district were not 64271
established, would be entitled to attend school in the city, 64272
local, or exempted village school district pursuant to section 64273
3313.64 or 3313.65 of the Revised Code; 64274

(b) Persons described in division (B)(8)(b) of this section. 64275

Any assessment of students pursuant to such an agreement 64276
shall be in lieu of any assessment of such students or persons 64277
pursuant to this section. 64278

(K)(1) Except as otherwise provided in division (K)(1) or (2) 64279
of this section, each chartered nonpublic school for which at 64280
least sixty-five per cent of its total enrollment is made up of 64281
students who are participating in state scholarship programs shall 64282
administer the elementary assessments prescribed by section 64283
3301.0710 of the Revised Code. In accordance with procedures and 64284
deadlines prescribed by the department, the parent or guardian of 64285
a student enrolled in the school who is not participating in a 64286
state scholarship program may submit notice to the chief 64287
administrative officer of the school that the parent or guardian 64288
does not wish to have the student take the elementary assessments 64289
prescribed for the student's grade level under division (A) of 64290
section 3301.0710 of the Revised Code. If a parent or guardian 64291
submits an opt-out notice, the school shall not administer the 64292
assessments to that student. This option does not apply to any 64293
assessment required for a high school diploma under section 64294
3313.612 of the Revised Code. 64295

(2) A chartered nonpublic school may submit to the 64296
superintendent of public instruction a request for a waiver from 64297
administering the elementary assessments prescribed by division 64298
(A) of section 3301.0710 of the Revised Code. The state 64299
superintendent shall approve or disapprove a request for a waiver 64300
submitted under division (K)(2) of this section. No waiver shall 64301

be approved for any school year prior to the 2015-2016 school year. 64302
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To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions: 64304
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(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 64306
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(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years. 64315
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(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills. 64318
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(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school 64324
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will administer the specified assessments in the same manner as 64333
public schools are required to do under this section and rules 64334
adopted by the department. 64335

(4) The department of education shall furnish the assessments 64336
prescribed by section 3301.0710 of the Revised Code to each 64337
chartered nonpublic school that is subject to division (K)(1) of 64338
this section or participates under division (K)(3) of this 64339
section. 64340

(L) If a chartered or accredited nonpublic school is 64341
educating students in grades nine through twelve, the following 64342
shall apply: 64343

(1) Except as provided in division (L)(4) of this section, 64344
for a student who is enrolled in ~~a chartered~~ an accredited 64345
nonpublic school ~~that is accredited through the independent~~ 64346
~~schools association of the central states~~ and who is attending the 64347
school under a state scholarship program, the student shall either 64348
take all of the assessments prescribed by division (B) of section 64349
3301.0712 of the Revised Code or take an alternative assessment 64350
approved by the department under section 3313.619 of the Revised 64351
Code. However, a student who is excused from taking an assessment 64352
under division (C) of this section or has presented evidence to 64353
the ~~chartered~~ accredited nonpublic school of having satisfied the 64354
condition prescribed by division (A)(1) of section 3313.618 of the 64355
Revised Code to qualify for a high school diploma prior to the 64356
date of the administration of the assessment prescribed under 64357
division (B)(1) of section 3301.0712 of the Revised Code shall not 64358
be required to take that assessment. No governing authority of a 64359
~~chartered~~ an accredited nonpublic school shall prohibit a student 64360
who is not required to take such assessment from taking the 64361
assessment. 64362

(2) For a student who is enrolled in ~~a chartered~~ an 64363
accredited nonpublic school ~~that is accredited through the~~ 64364

~~independent schools association of the central states~~, and who is 64365
not attending the school under a state scholarship program, the 64366
student shall not be required to take any assessment prescribed 64367
under section 3301.0712 or 3313.619 of the Revised Code. 64368

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 64369
this section, for a student who is enrolled in a chartered 64370
nonpublic school ~~that is not accredited through the independent~~ 64371
~~schools association of the central states~~, regardless of whether 64372
the student is attending or is not attending the school under a 64373
state scholarship program, the student shall do one of the 64374
following: 64375

(i) Take all of the assessments prescribed by division (B) of 64376
section 3301.0712 of the Revised Code; 64377

(ii) Take only the assessment prescribed by division (B)(1) 64378
of section 3301.0712 of the Revised Code, provided that the 64379
student's school publishes the results of that assessment for each 64380
graduating class. The published results of that assessment shall 64381
include the overall composite scores, mean scores, twenty-fifth 64382
percentile scores, and seventy-fifth percentile scores for each 64383
subject area of the assessment. 64384

(iii) Take an alternative assessment approved by the 64385
department under section 3313.619 of the Revised Code. 64386

(b) A student who is excused from taking an assessment under 64387
division (C) of this section or has presented evidence to the 64388
chartered nonpublic school of having satisfied the condition 64389
prescribed by division (A)(1) of section 3313.618 of the Revised 64390
Code to qualify for a high school diploma prior to the date of the 64391
administration of the assessment prescribed under division (B)(1) 64392
of section 3301.0712 of the Revised Code shall not be required to 64393
take that assessment. No governing authority of a chartered 64394
nonpublic school shall prohibit a student who is not required to 64395

take such assessment from taking the assessment. 64396

(4) The assessments prescribed by sections 3301.0712 and 64397
3313.619 of the Revised Code shall not be administered to any 64398
student attending the school, if the school meets all of the 64399
following conditions: 64400

(a) At least ninety-five per cent of the students enrolled in 64401
the school are children with disabilities, as defined under 64402
section 3323.01 of the Revised Code, or have received a diagnosis 64403
by a school district or from a physician, including a 64404
neuropsychologist or psychiatrist, or a psychologist who is 64405
authorized to practice in this or another state as having a 64406
condition that impairs academic performance, such as dyslexia, 64407
dyscalculia, attention deficit hyperactivity disorder, or 64408
Asperger's syndrome. 64409

(b) The school has solely served a student population 64410
described in division (L)(4)(a) of this section for at least ten 64411
years. 64412

(c) The school makes available to the department at least 64413
five years of records of internal testing conducted by the school 64414
that affords the department data required for accountability 64415
purposes, including growth in student achievement in reading or 64416
mathematics, or both, as measured by nationally norm-referenced 64417
assessments that have developed appropriate standards for 64418
students. 64419

Division (L)(4) of this section applies to any student 64420
attending such school regardless of whether the student receives 64421
special education or related services and regardless of whether 64422
the student is attending the school under a state scholarship 64423
program. 64424

(M)(1) The superintendent of the state school for the blind 64425
and the superintendent of the state school for the deaf shall 64426

administer the assessments described by sections 3301.0710 and 64427
3301.0712 of the Revised Code. Each superintendent shall 64428
administer the assessments in the same manner as district boards 64429
are required to do under this section and rules adopted by the 64430
department of education and in conformity with division (C)(1)(a) 64431
of this section. 64432

(2) The department of education shall furnish the assessments 64433
described by sections 3301.0710 and 3301.0712 of the Revised Code 64434
to each superintendent. 64435

(N) Notwithstanding division (E) of this section, a school 64436
district may use a student's failure to attain a score in at least 64437
the proficient range on the mathematics assessment described by 64438
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 64439
an assessment described by division (A)(1)(b), (c), (d), (e), or 64440
(f) of section 3301.0710 of the Revised Code as a factor in 64441
retaining that student in the current grade level. 64442

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 64443
and (7) of this section, the assessments required by division 64444
(A)(1) of section 3301.0710 of the Revised Code shall become 64445
public records pursuant to section 149.43 of the Revised Code on 64446
the thirty-first day of July following the school year that the 64447
assessments were administered. 64448

(2) The department may field test proposed questions with 64449
samples of students to determine the validity, reliability, or 64450
appropriateness of questions for possible inclusion in a future 64451
year's assessment. The department also may use anchor questions on 64452
assessments to ensure that different versions of the same 64453
assessment are of comparable difficulty. 64454

Field test questions and anchor questions shall not be 64455
considered in computing scores for individual students. Field test 64456
questions and anchor questions may be included as part of the 64457

administration of any assessment required by division (A)(1) or 64458
(B) of section 3301.0710 and division (B) of section 3301.0712 of 64459
the Revised Code. 64460

(3) Any field test question or anchor question administered 64461
under division (O)(2) of this section shall not be a public 64462
record. Such field test questions and anchor questions shall be 64463
redacted from any assessments which are released as a public 64464
record pursuant to division (O)(1) of this section. 64465

(4) This division applies to the assessments prescribed by 64466
division (A) of section 3301.0710 of the Revised Code. 64467

(a) The first administration of each assessment, as specified 64468
in former section 3301.0712 of the Revised Code, shall be a public 64469
record. 64470

(b) For subsequent administrations of each assessment prior 64471
to the 2011-2012 school year, not less than forty per cent of the 64472
questions on the assessment that are used to compute a student's 64473
score shall be a public record. The department shall determine 64474
which questions will be needed for reuse on a future assessment 64475
and those questions shall not be public records and shall be 64476
redacted from the assessment prior to its release as a public 64477
record. However, for each redacted question, the department shall 64478
inform each city, local, and exempted village school district of 64479
the statewide academic standard adopted by the state board under 64480
section 3301.079 of the Revised Code and the corresponding 64481
benchmark to which the question relates. The preceding sentence 64482
does not apply to field test questions that are redacted under 64483
division (O)(3) of this section. 64484

(c) The administrations of each assessment in the 2011-2012, 64485
2012-2013, and 2013-2014 school years shall not be a public 64486
record. 64487

(5) Each assessment prescribed by division (B)(1) of section 64488

3301.0710 of the Revised Code shall not be a public record. 64489

(6)(a) Except as provided in division (O)(6)(b) of this 64490
section, for the administrations in the 2014-2015, 2015-2016, and 64491
2016-2017 school years, questions on the assessments prescribed 64492
under division (A) of section 3301.0710 and division (B)(2) of 64493
section 3301.0712 of the Revised Code and the corresponding 64494
preferred answers that are used to compute a student's score shall 64495
become a public record as follows: 64496

(i) Forty per cent of the questions and preferred answers on 64497
the assessments on the thirty-first day of July following the 64498
administration of the assessment; 64499

(ii) Twenty per cent of the questions and preferred answers 64500
on the assessment on the thirty-first day of July one year after 64501
the administration of the assessment; 64502

(iii) The remaining forty per cent of the questions and 64503
preferred answers on the assessment on the thirty-first day of 64504
July two years after the administration of the assessment. 64505

The entire content of an assessment shall become a public 64506
record within three years of its administration. 64507

The department shall make the questions that become a public 64508
record under this division readily accessible to the public on the 64509
department's web site. Questions on the spring administration of 64510
each assessment shall be released on an annual basis, in 64511
accordance with this division. 64512

(b) No questions and corresponding preferred answers shall 64513
become a public record under division (O)(6) of this section after 64514
July 31, 2017. 64515

(7) Division (O)(7) of this section applies to the 64516
assessments prescribed by division (A) of section 3301.0710 and 64517
division (B)(2) of section 3301.0712 of the Revised Code. 64518

Beginning with the assessments administered in the spring of 64519
the 2017-2018 school year, not less than forty per cent of the 64520
questions on each assessment that are used to compute a student's 64521
score shall be a public record. The department shall determine 64522
which questions will be needed for reuse on a future assessment 64523
and those questions shall not be public records and shall be 64524
redacted from the assessment prior to its release as a public 64525
record. However, for each redacted question, the department shall 64526
inform each city, local, and exempted village school district of 64527
the corresponding statewide academic standard adopted by the state 64528
board under section 3301.079 of the Revised Code and the 64529
corresponding benchmark to which the question relates. The 64530
department is not required to provide corresponding standards and 64531
benchmarks to field test questions that are redacted under 64532
division (O)(3) of this section. 64533

(P) As used in this section: 64534

(1) "Three-year average" means the average of the most recent 64535
consecutive three school years of data. 64536

(2) "Dropout" means a student who withdraws from school 64537
before completing course requirements for graduation and who is 64538
not enrolled in an education program approved by the state board 64539
of education or an education program outside the state. "Dropout" 64540
does not include a student who has departed the country. 64541

(3) "Graduation rate" means the ratio of students receiving a 64542
diploma to the number of students who entered ninth grade four 64543
years earlier. Students who transfer into the district are added 64544
to the calculation. Students who transfer out of the district for 64545
reasons other than dropout are subtracted from the calculation. If 64546
a student who was a dropout in any previous year returns to the 64547
same school district, that student shall be entered into the 64548
calculation as if the student had entered ninth grade four years 64549
before the graduation year of the graduating class that the 64550

student joins. 64551

(4) "State scholarship programs" means the educational choice 64552
scholarship pilot program established under sections 3310.01 to 64553
3310.17 of the Revised Code, the autism scholarship program 64554
established under section 3310.41 of the Revised Code, the Jon 64555
Peterson special needs scholarship program established under 64556
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 64557
project scholarship program established under sections 3313.974 to 64558
3313.979 of the Revised Code. 64559

(5) "Other public school" means a community school 64560
established under Chapter 3314., a STEM school established under 64561
Chapter 3326., or a college-preparatory boarding school 64562
established under Chapter 3328. of the Revised Code. 64563

(6) "Accredited nonpublic school" means an accredited 64564
nonpublic school as described in section 3301.165 of the Revised 64565
Code. 64566

Sec. 3301.16. Pursuant to standards prescribed by the state 64567
board of education as provided in division (D) of section 3301.07 64568
of the Revised Code, the state board shall classify and charter 64569
school districts and individual schools within each district 64570
except that no charter shall be granted to a nonpublic school 64571
unless the school complies with divisions (K)(1) and (L) of 64572
section 3301.0711, as applicable, and sections 3301.164 and 64573
3313.612 of the Revised Code. 64574

In the course of considering the charter of a new school 64575
district created under section 3311.26 or 3311.38 of the Revised 64576
Code, the state board shall require the party proposing creation 64577
of the district to submit to the board a map, certified by the 64578
county auditor of the county in which the proposed new district is 64579
located, showing the boundaries of the proposed new district. In 64580
the case of a proposed new district located in more than one 64581

county, the map shall be certified by the county auditor of each 64582
county in which the proposed district is located. 64583

The state board shall revoke the charter of any school 64584
district or school which fails to meet the standards for 64585
elementary and high schools as prescribed by the board. The state 64586
board shall also revoke the charter of any nonpublic school that 64587
does not comply with divisions (K)(1) and (L) of section 64588
3301.0711, if applicable, and sections 3301.164 and 3313.612 of 64589
the Revised Code. 64590

In the issuance and revocation of school district or school 64591
charters, the state board shall be governed by the provisions of 64592
Chapter 119. of the Revised Code. 64593

No school district, or individual school operated by a school 64594
district, shall operate without a charter issued by the state 64595
board under this section. 64596

In case a school district charter is revoked pursuant to this 64597
section, the state board may dissolve the school district and 64598
transfer its territory to one or more adjacent districts. An 64599
equitable division of the funds, property, and indebtedness of the 64600
school district shall be made by the state board among the 64601
receiving districts. The board of education of a receiving 64602
district shall accept such territory pursuant to the order of the 64603
state board. Prior to dissolving the school district, the state 64604
board shall notify the appropriate educational service center 64605
governing board and all adjacent school district boards of 64606
education of its intention to do so. Boards so notified may make 64607
recommendations to the state board regarding the proposed 64608
dissolution and subsequent transfer of territory. Except as 64609
provided in section 3301.161 of the Revised Code, the transfer 64610
ordered by the state board shall become effective on the date 64611
specified by the state board, but the date shall be at least 64612
thirty days following the date of issuance of the order. 64613

A high school is one of higher grade than an elementary school, in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which also offers other subjects of study more advanced than those taught in the elementary schools and such other subjects as may be approved by the state board of education.

An elementary school is one in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the state board of education. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year. This section shall not apply to accredited nonpublic schools described in section 3301.165 of the Revised Code.

Sec. 3301.162. (A) If the governing authority of a chartered nonpublic school or an accredited nonpublic school described in section 3301.165 of the Revised Code intends to close the school, the governing authority shall notify all of the following of that intent prior to closing the school:

(1) The department of education;

(2) The school district that receives auxiliary services funding under division (E) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school;

(3) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the state board of education, if applicable;

(4) If the school has been designated as a STEM school equivalent under section 3326.032 of the Revised Code, the STEM committee established under section 3326.02 of the Revised Code.

The notice shall include the school year and, if possible, 64644
the actual date the school will close. 64645

(B) The chief administrator of each chartered nonpublic 64646
school and each accredited nonpublic school that closes shall 64647
deposit the school's records with either: 64648

(1) The accrediting association that most recently accredited 64649
the school for purposes of chartering the school in accordance 64650
with the rules of the state board, if applicable; 64651

(2) The school district that received auxiliary services 64652
funding under division (E) of section 3317.024 of the Revised Code 64653
on behalf of the students enrolled in the school. 64654

The school district that receives the records may charge for 64655
and receive a one-time reimbursement from auxiliary services 64656
funding under division (E) of section 3317.024 of the Revised Code 64657
for costs the district incurred to store the records. 64658

Sec. 3301.164. Each chartered nonpublic school shall publish 64659
on the school's web site both of the following: 64660

(A) The number of students enrolled in the school by the last 64661
day of October of the current school year; 64662

(B) The school's policy regarding background checks for 64663
teaching and nonteaching employees and for volunteers who have 64664
direct contact with students. 64665

This section shall not apply to accredited nonpublic schools 64666
described in section 3301.165 of the Revised Code. 64667

Sec. 3301.165. (A) The state board of education shall revoke 64668
the charter of any chartered nonpublic school that fails to do one 64669
of the following: 64670

(1) Comply with the operating standards for a school 64671
established under section 3301.07 of the Revised Code; 64672

(2) Maintain accreditation from an association, other than the independent schools association of the central states, whose standards have been approved by the state board; 64673
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(3) Maintain accreditation from the independent schools association of the central states. The department of education shall designate a nonpublic school that maintains eligibility for a charter under division (A)(3) of this section as an "accredited nonpublic school." The department shall accept an affirmation of accreditation only from either the independent schools association of the central states or an organization recognized by the department that represents the independent schools association of the central states. 64676
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(B) An accredited nonpublic school shall comply with the minimum education standards adopted by the state board under division (D)(2) of section 3301.07 of the Revised Code. However, the state board shall not prescribe additional operating standards for accredited nonpublic schools. Unless otherwise specifically required in the Revised Code, an accredited nonpublic school shall be exempt from any requirement to which a chartered nonpublic school is subject under Title XXXIII of the Revised Code. 64685
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(C) To ensure that an accredited nonpublic school or a school in the process of being accredited by the independent schools association of the central states is providing an education of high quality, the department may do both of the following: 64693
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(1) Send a representative to accompany an accrediting team from the independent schools association of the central states on any site visit to observe the activities and the report of the accrediting team; 64697
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(2) Request a copy of the report by the independent schools association of the central states that is issued as part of the accreditation cycle of a school. 64701
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64703

(D) An accredited nonpublic school shall cooperate with the department in the department's execution of division (C) of this section. If an accredited nonpublic school fails to comply with this division, the department shall revoke the school's designation as an accredited nonpublic school, and the school shall be considered a chartered nonpublic school as long as it maintains eligibility for a charter under division (A)(1) or (2) of this section.

(E) Any accredited nonpublic school that fails to maintain a full accreditation from the independent schools association of the central states shall be considered a chartered nonpublic school, as long as it maintains eligibility for a charter under division (A)(1) or (2) of this section, and shall be required to comply with all laws applicable to chartered nonpublic schools.

(F) The department of education shall not create ratings or any type of report card for accredited nonpublic schools.

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code:

(A) "Preschool program" means either of the following:

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.

(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.

(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.

(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.

(D) "Superintendent" means the superintendent of a school 64734
district or the chief administrative officer of a community school 64735
or an eligible nonpublic school. 64736

(E) "Director" means the director, head teacher, elementary 64737
principal, or site administrator who is the individual on site and 64738
responsible for supervision of a preschool program. 64739

(F) "Preschool staff member" means a preschool employee whose 64740
primary responsibility is care, teaching, or supervision of 64741
preschool children. 64742

(G) "Nonteaching employee" means a preschool program or 64743
school child program employee whose primary responsibilities are 64744
duties other than care, teaching, and supervision of preschool 64745
children or school children. 64746

(H) "Eligible nonpublic school" means an accredited nonpublic 64747
school described in section 3301.165 of the Revised Code, a 64748
nonpublic school chartered as described in division (B)(8) of 64749
section 5104.02 of the Revised Code, or a nonpublic school 64750
chartered by the state board of education for any combination of 64751
grades one through twelve, regardless of whether it also offers 64752
kindergarten. 64753

(I) "School child program" means a child care program for 64754
only school children that is operated by a school district board 64755
of education, county board of developmental disabilities, 64756
community school, or eligible nonpublic school. 64757

(J) "School child" means a child who is enrolled in or is 64758
eligible to be enrolled in a grade of kindergarten or above but is 64759
less than fifteen years old. 64760

(K) "School child program staff member" means an employee 64761
whose primary responsibility is the care, teaching, or supervision 64762
of children in a school child program. 64763

(L) "Child care" means administering to the needs of infants, 64764
toddlers, preschool children, and school children outside of 64765
school hours by persons other than their parents or guardians, 64766
custodians, or relatives by blood, marriage, or adoption for any 64767
part of the twenty-four-hour day in a place or residence other 64768
than a child's own home. 64769

(M) "Child day-care center," "publicly funded child care," 64770
and "school-age child care center" have the same meanings as in 64771
section 5104.01 of the Revised Code. 64772

(N) "Community school" means either of the following: 64773

(1) A community school established under Chapter 3314. of the 64774
Revised Code that is sponsored by an entity that is rated 64775
"exemplary" under section 3314.016 of the Revised Code. 64776

(2) A community school established under Chapter 3314. of the 64777
Revised Code that has received, on its most recent report card, 64778
either of the following: 64779

(a) If the school offers any of grade levels four through 64780
twelve, a grade of "C" or better for the overall value-added 64781
progress dimension under division (C)(1)(e) of section 3302.03 of 64782
the Revised Code and for the performance index score under 64783
division (C)(1)(b) of section 3302.03 of the Revised Code; 64784

(b) If the school does not offer a grade level higher than 64785
three, a grade of "C" or better for making progress in improving 64786
literacy in grades kindergarten through three under division 64787
(C)(1)(g) of section 3302.03 of the Revised Code. 64788

Sec. 3301.541. (A)(1) The director, head teacher, elementary 64789
principal, or site administrator of a preschool program shall 64790
request the superintendent of the bureau of criminal 64791
identification and investigation to conduct a criminal records 64792
check with respect to any applicant who has applied to the 64793

preschool program for employment as a person responsible for the 64794
care, custody, or control of a child. If the applicant does not 64795
present proof that the applicant has been a resident of this state 64796
for the five-year period immediately prior to the date upon which 64797
the criminal records check is requested or does not provide 64798
evidence that within that five-year period the superintendent has 64799
requested information about the applicant from the federal bureau 64800
of investigation in a criminal records check, the director, head 64801
teacher, or elementary principal shall request that the 64802
superintendent obtain information from the federal bureau of 64803
investigation as a part of the criminal records check for the 64804
applicant. If the applicant presents proof that the applicant has 64805
been a resident of this state for that five-year period, the 64806
director, head teacher, or elementary principal may request that 64807
the superintendent include information from the federal bureau of 64808
investigation in the criminal records check. 64809

(2) Any director, head teacher, elementary principal, or site 64810
administrator required by division (A)(1) of this section to 64811
request a criminal records check shall provide to each applicant a 64812
copy of the form prescribed pursuant to division (C)(1) of section 64813
109.572 of the Revised Code, provide to each applicant a standard 64814
impression sheet to obtain fingerprint impressions prescribed 64815
pursuant to division (C)(2) of section 109.572 of the Revised 64816
Code, obtain the completed form and impression sheet from each 64817
applicant, and forward the completed form and impression sheet to 64818
the superintendent of the bureau of criminal identification and 64819
investigation at the time the person requests a criminal records 64820
check pursuant to division (A)(1) of this section. 64821

(3) Any applicant who receives pursuant to division (A)(2) of 64822
this section a copy of the form prescribed pursuant to division 64823
(C)(1) of section 109.572 of the Revised Code and a copy of an 64824
impression sheet prescribed pursuant to division (C)(2) of that 64825

section and who is requested to complete the form and provide a 64826
set of fingerprint impressions shall complete the form or provide 64827
all the information necessary to complete the form and provide the 64828
impression sheet with the impressions of the applicant's 64829
fingerprints. If an applicant, upon request, fails to provide the 64830
information necessary to complete the form or fails to provide 64831
impressions of the applicant's fingerprints, the preschool program 64832
shall not employ that applicant for any position for which a 64833
criminal records check is required by division (A)(1) of this 64834
section. 64835

(B)(1) Except as provided in rules adopted by the department 64836
of education in accordance with division (E) of this section, no 64837
preschool program shall employ a person as a person responsible 64838
for the care, custody, or control of a child if the person 64839
previously has been convicted of or pleaded guilty to any of the 64840
following: 64841

(a) A violation of section 2903.01, 2903.02, 2903.03, 64842
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 64843
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 64844
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 64845
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 64846
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 64847
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 64848
2925.06, or 3716.11 of the Revised Code, a violation of section 64849
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 64850
violation of section 2919.23 of the Revised Code that would have 64851
been a violation of section 2905.04 of the Revised Code as it 64852
existed prior to July 1, 1996, had the violation occurred prior to 64853
that date, a violation of section 2925.11 of the Revised Code that 64854
is not a minor drug possession offense, or felonious sexual 64855
penetration in violation of former section 2907.12 of the Revised 64856
Code; 64857

(b) A violation of an existing or former law of this state, 64858
any other state, or the United States that is substantially 64859
equivalent to any of the offenses or violations described in 64860
division (B)(1)(a) of this section. 64861

(2) A preschool program may employ an applicant conditionally 64862
until the criminal records check required by this section is 64863
completed and the preschool program receives the results of the 64864
criminal records check. If the results of the criminal records 64865
check indicate that, pursuant to division (B)(1) of this section, 64866
the applicant does not qualify for employment, the preschool 64867
program shall release the applicant from employment. 64868

(C)(1) Each preschool program shall pay to the bureau of 64869
criminal identification and investigation the fee prescribed 64870
pursuant to division (C)(3) of section 109.572 of the Revised Code 64871
for each criminal records check conducted in accordance with that 64872
section upon the request pursuant to division (A)(1) of this 64873
section of the director, head teacher, elementary principal, or 64874
site administrator of the preschool program. 64875

(2) A preschool program may charge an applicant a fee for the 64876
costs it incurs in obtaining a criminal records check under this 64877
section. A fee charged under this division shall not exceed the 64878
amount of fees the preschool program pays under division (C)(1) of 64879
this section. If a fee is charged under this division, the 64880
preschool program shall notify the applicant at the time of the 64881
applicant's initial application for employment of the amount of 64882
the fee and that, unless the fee is paid, the applicant will not 64883
be considered for employment. 64884

(D) The report of any criminal records check conducted by the 64885
bureau of criminal identification and investigation in accordance 64886
with section 109.572 of the Revised Code and pursuant to a request 64887
under division (A)(1) of this section is not a public record for 64888
the purposes of section 149.43 of the Revised Code and shall not 64889

be made available to any person other than the applicant who is 64890
the subject of the criminal records check or the applicant's 64891
representative, the preschool program requesting the criminal 64892
records check or its representative, and any court, hearing 64893
officer, or other necessary individual in a case dealing with the 64894
denial of employment to the applicant. 64895

(E) The department of education shall adopt rules pursuant to 64896
Chapter 119. of the Revised Code to implement this section, 64897
including rules specifying circumstances under which a preschool 64898
program may hire a person who has been convicted of an offense 64899
listed in division (B)(1) of this section but who meets standards 64900
in regard to rehabilitation set by the department. 64901

(F) Any person required by division (A)(1) of this section to 64902
request a criminal records check shall inform each person, at the 64903
time of the person's initial application for employment, that the 64904
person is required to provide a set of impressions of the person's 64905
fingerprints and that a criminal records check is required to be 64906
conducted and satisfactorily completed in accordance with section 64907
109.572 of the Revised Code if the person comes under final 64908
consideration for appointment or employment as a precondition to 64909
employment for that position. 64910

(G) As used in this section: 64911

(1) "Applicant" means a person who is under final 64912
consideration for appointment or employment in a position with a 64913
preschool program as a person responsible for the care, custody, 64914
or control of a child, except that "applicant" does not include a 64915
person already employed by a board of education, community school, 64916
~~or~~ chartered nonpublic school, or accredited nonpublic school 64917
described in section 3301.165 of the Revised Code in a position of 64918
care, custody, or control of a child who is under consideration 64919
for a different position with such board or school. 64920

(2) "Criminal records check" has the same meaning as in 64921
section 109.572 of the Revised Code. 64922

(3) "Minor drug possession offense" has the same meaning as 64923
in section 2925.01 of the Revised Code. 64924

(H) If the board of education of a local school district 64925
adopts a resolution requesting the assistance of the educational 64926
service center in which the local district has territory in 64927
conducting criminal records checks of substitute teachers under 64928
this section, the appointing or hiring officer of such educational 64929
service center governing board shall serve for purposes of this 64930
section as the appointing or hiring officer of the local board in 64931
the case of hiring substitute teachers for employment in the local 64932
district. 64933

Sec. 3302.07. (A) The board of education of any school 64934
district, the governing board of any educational service center, 64935
or the administrative authority of any chartered nonpublic school 64936
or any accredited nonpublic school described in section 3301.165 64937
of the Revised Code may submit to the state board of education an 64938
application proposing an innovative education pilot program the 64939
implementation of which requires exemptions from specific 64940
statutory provisions or rules. If a district or service center 64941
board employs teachers under a collective bargaining agreement 64942
adopted pursuant to Chapter 4117. of the Revised Code, any 64943
application submitted under this division shall include the 64944
written consent of the teachers' employee representative 64945
designated under division (B) of section 4117.04 of the Revised 64946
Code. The exemptions requested in the application shall be limited 64947
to any requirement of Title XXXIII of the Revised Code or of any 64948
rule of the state board adopted pursuant to that title except that 64949
the application may not propose an exemption from any requirement 64950
of or rule adopted pursuant to Chapter 3307. or 3309., sections 64951

3319.07 to 3319.21, or Chapter 3323. of the Revised Code. 64952
Furthermore, an exemption from any operating standard adopted 64953
under division (B)(2) or (D) of section 3301.07 of the Revised 64954
Code shall be granted only pursuant to a waiver granted by the 64955
superintendent of public instruction under division (O) of that 64956
section. 64957

(B) The state board of education shall accept any application 64958
submitted in accordance with division (A) of this section. The 64959
superintendent of public instruction shall approve or disapprove 64960
the application in accordance with standards for approval, which 64961
shall be adopted by the state board. 64962

(C) The superintendent of public instruction shall exempt 64963
each district or service center board or chartered or accredited 64964
nonpublic school administrative authority with an application 64965
approved under division (B) of this section for a specified period 64966
from the statutory provisions or rules specified in the approved 64967
application. The period of exemption shall not exceed the period 64968
during which the pilot program proposed in the application is 64969
being implemented and a reasonable period to allow for evaluation 64970
of the effectiveness of the program. 64971

Sec. 3302.41. As used in this section, "blended learning" has 64972
the same meaning as in section 3301.079 of the Revised Code. 64973

(A) Any local, city, exempted village, or joint vocational 64974
school district, community school established under Chapter 3314. 64975
of the Revised Code, STEM school established under Chapter 3326. 64976
of the Revised Code, college-preparatory boarding school 64977
established under Chapter 3328. of the Revised Code, ~~or~~ chartered 64978
nonpublic school, or accredited nonpublic school described in 64979
section 3301.165 of the Revised Code may operate all or part of a 64980
school using a blended learning model. If a school is operated 64981
using a blended learning model or is to cease operating using a 64982

blended learning model, the superintendent of the school or 64983
district or director of the school shall notify the department of 64984
education of that fact not later than the first day of July of the 64985
school year for which the change is effective. If any school 64986
district school, community school, or STEM school is already 64987
operated using a blended learning model on ~~the effective date of~~ 64988
~~this section~~ September 24, 2012, the superintendent of the school 64989
or district may notify the department within ninety days after ~~the~~ 64990
~~effective date of this section~~ by December 23, 2012, of that fact 64991
and request that the school be classified as a blended learning 64992
school. 64993

(B) The state board of education shall revise any operating 64994
standards for school districts and chartered nonpublic schools 64995
adopted under section 3301.07 of the Revised Code to include 64996
standards for the operation of blended learning under this 64997
section. The blended learning operation standards shall provide 64998
for all of the following: 64999

(1) Student-to-teacher ratios whereby no school or classroom 65000
is required to have more than one teacher for every one hundred 65001
twenty-five students in blended learning classrooms; 65002

(2) The extent to which the school is or is not obligated to 65003
provide students with access to digital learning tools; 65004

(3) The ability of all students, at any grade level, to earn 65005
credits or advance grade levels upon demonstrating mastery of 65006
knowledge or skills through competency-based learning models. 65007
Credits or grade level advancement shall not be based on a minimum 65008
number of days or hours in a classroom. 65009

(4) An exemption from minimum school year or school day 65010
requirements in sections 3313.48 and 3313.481 of the Revised Code; 65011

(5) Adequate provisions for: the licensing of teachers, 65012
administrators, and other professional personnel and their 65013

assignment according to training and qualifications; efficient and 65014
effective instructional materials and equipment, including library 65015
facilities; the proper organization, administration, and 65016
supervision of each school, including regulations for preparing 65017
all necessary records and reports and the preparation of a 65018
statement of policies and objectives for each school; buildings, 65019
grounds, and health and sanitary facilities and services; 65020
admission of pupils, and such requirements for their promotion 65021
from grade to grade as will ensure that they are capable and 65022
prepared for the level of study to which they are certified; 65023
requirements for graduation; and such other factors as the board 65024
finds necessary. 65025

(C) An internet- or computer-based community school, as 65026
defined in section 3314.02 of the Revised Code, is not a blended 65027
learning school authorized under this section. Nor does this 65028
section affect any provisions for the operation of and payments to 65029
an internet- or computer-based community school prescribed in 65030
Chapter 3314. of the Revised Code. 65031

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the 65032
Revised Code: 65033

(A) "Chartered nonpublic school" ~~means a~~ includes both of the 65034
following: 65035

(1) A nonpublic school that holds a valid charter issued by 65036
the state board of education under section 3301.16 of the Revised 65037
Code and meets the standards established for such schools in rules 65038
adopted by the state board; 65039

(2) An accredited nonpublic school as described in section 65040
3301.165 of the Revised Code. 65041

(B) An "eligible student" is a student who satisfies the 65042
conditions specified in section 3310.03 or 3310.032 of the Revised 65043

Code. 65044

(C) "Parent" has the same meaning as in section 3313.98 of 65045
the Revised Code. 65046

(D) "Resident district" means the school district in which a 65047
student is entitled to attend school under section 3313.64 or 65048
3313.65 of the Revised Code. 65049

(E) "School year" has the same meaning as in section 3313.62 65050
of the Revised Code. 65051

Sec. 3312.01. (A) The educational regional service system is 65052
hereby established. The system shall support state and regional 65053
education initiatives and efforts to improve school effectiveness 65054
and student achievement. Services, including special education and 65055
related services, shall be provided under the system to school 65056
districts, community schools established under Chapter 3314. of 65057
the Revised Code, ~~and~~ chartered nonpublic schools, and accredited 65058
nonpublic schools described in section 3301.165 of the Revised 65059
Code. 65060

It is the intent of the general assembly that the educational 65061
regional service system reduce the unnecessary duplication of 65062
programs and services and provide for a more streamlined and 65063
efficient delivery of educational services without reducing the 65064
availability of the services needed by school districts and 65065
schools. 65066

(B) The educational regional service system shall consist of 65067
the following: 65068

(1) The advisory councils and subcommittees established under 65069
sections 3312.03 and 3312.05 of the Revised Code; 65070

(2) A fiscal agent for each of the regions as configured 65071
under section 3312.02 of the Revised Code; 65072

(3) Educational service centers, information technology 65073

centers established under section 3301.075 of the Revised Code, 65074
and other regional education service providers. 65075

(C) Educational service centers shall provide the services 65076
that they are specifically required to provide by the Revised Code 65077
and may enter into agreements pursuant to section 3313.843, 65078
3313.844, or 3313.845 of the Revised Code for the provision of 65079
other services, which may include any of the following: 65080

(1) Assistance in improving student performance; 65081

(2) Services to enable a school district or school to operate 65082
more efficiently or economically; 65083

(3) Professional development for teachers or administrators; 65084

(4) Assistance in the recruitment and retention of teachers 65085
and administrators; 65086

(5) Any other educational, administrative, or operational 65087
services. 65088

In addition to implementing state and regional education 65089
initiatives and school improvement efforts under the educational 65090
regional service system, educational service centers shall 65091
implement state or federally funded initiatives assigned to the 65092
service centers by the general assembly or the department of 65093
education. 65094

Any educational service center selected to be a fiscal agent 65095
for its region pursuant to section 3312.07 of the Revised Code 65096
shall continue to operate as an educational service center for the 65097
part of the region that comprises its territory. 65098

(D) Information technology centers may enter into agreements 65099
for the provision of services pursuant to section 3312.10 of the 65100
Revised Code. 65101

(E) No school district, community school, or chartered or 65102
accredited nonpublic school shall be required to purchase services 65103

from an educational service center or information technology 65104
center in the region in which the district or school is located, 65105
except that a local school district shall receive any services 65106
required by the Revised Code to be provided by an educational 65107
service center to the local school districts in its territory from 65108
the educational service center in whose territory the district is 65109
located. 65110

Sec. 3312.04. The advisory council of each region of the 65111
educational regional service system shall do all of the following: 65112

(A) Identify regional needs and priorities for educational 65113
services to inform the department of education in the development 65114
of the performance contracts entered into by the fiscal agent of 65115
the region under section 3312.08 of the Revised Code; 65116

(B) Develop policies to coordinate the delivery of services 65117
to school districts, community schools, and chartered and 65118
accredited nonpublic schools in a manner that responds to regional 65119
needs and priorities. Such policies shall not supersede any 65120
requirement of a performance contract entered into by the fiscal 65121
agent of the region under section 3312.08 of the Revised Code. 65122

(C) Make recommendations to the fiscal agent for the region 65123
regarding the expenditure of funds available to the region for 65124
implementation of state and regional education initiatives and 65125
school improvement efforts; 65126

(D) Monitor implementation of state and regional education 65127
initiatives and school improvement efforts by educational service 65128
centers, information technology centers, and other regional 65129
service providers to ensure that the terms of the performance 65130
contracts entered into by the fiscal agent for the region under 65131
section 3312.08 of the Revised Code are being met; 65132

(E) Establish an accountability system to evaluate the 65133

advisory council on its performance of the duties described in 65134
divisions (A) to (D) of this section. 65135

Sec. 3312.05. (A) The advisory council of each region of the 65136
educational regional service system shall establish the following 65137
specialized subcommittees of the council: 65138

(1) A school improvement subcommittee, which shall include 65139
one classroom teacher appointed jointly by the Ohio education 65140
association and the Ohio federation of teachers and 65141
representatives of community schools and education personnel with 65142
expertise in the area of school improvement; 65143

(2) An education technology subcommittee, which shall include 65144
classroom teachers or curriculum coordinators, parents, elementary 65145
and secondary school principals, representatives of chartered or 65146
accredited nonpublic schools, representatives of information 65147
technology centers, representatives of business, and 65148
representatives of two-year and four-year institutions of higher 65149
education; 65150

(3) A professional development subcommittee, which shall 65151
include classroom teachers, principals, school district 65152
superintendents, curriculum coordinators, representatives of 65153
chartered or accredited nonpublic schools, and representatives of 65154
two-year and four-year institutions of higher education; 65155

(4) A special education subcommittee, which shall consist of 65156
one classroom teacher appointed jointly by the Ohio education 65157
association and the Ohio federation of teachers and the members of 65158
the governing board of the special education regional resource 65159
center in the region; 65160

(5) An information technology center subcommittee, which 65161
shall consist of one classroom teacher appointed jointly by the 65162
Ohio education association and the Ohio federation of teachers; 65163

the administrator, or the administrator's designee, of each 65164
information technology center providing services in the region; 65165
and two school district administrators appointed by each 65166
information technology center providing services in the region. 65167

(B) The advisory council shall appoint persons who reside or 65168
practice their occupations in the region to serve on the 65169
subcommittees established under divisions (A)(1) to (3) of this 65170
section. If the advisory council is unable to appoint such a 65171
person to a subcommittee, the council shall appoint a similarly 65172
situated person from an adjacent region. 65173

(C) An advisory council may establish additional 65174
subcommittees as needed to address topics of interest to the 65175
council. Members of any additional subcommittee shall be appointed 65176
by the advisory council and shall include a diverse range of 65177
classroom teachers and other education personnel with expertise in 65178
the topic addressed by the subcommittee and representatives of 65179
individuals or groups with an interest in the topic. 65180

(D) Any member of an advisory council may participate in the 65181
deliberations of any subcommittee established by the council. 65182

Sec. 3312.09. (A) Each performance contract entered into by 65183
the department of education and the fiscal agent of a region for 65184
implementation of a state or regional education initiative or 65185
school improvement effort shall include the following: 65186

(1) An explanation of how the regional needs and priorities 65187
for educational services have been identified by the advisory 65188
council of the region, the advisory council's subcommittees, and 65189
the department; 65190

(2) A definition of the services to be provided to school 65191
districts, community schools, and chartered and accredited 65192
nonpublic schools in the region, including any services provided 65193

pursuant to division (A) of section 3302.04 of the Revised Code; 65194

(3) Expected outcomes from the provision of the services 65195
defined in the contract; 65196

(4) The method the department will use to evaluate whether 65197
the expected outcomes have been achieved; 65198

(5) A requirement that the fiscal agent develop and implement 65199
a corrective action plan if the results of the evaluation are 65200
unsatisfactory; 65201

(6) Data reporting requirements; 65202

(7) The aggregate fees to be charged by the fiscal agent and 65203
any entity with which it subcontracts to cover personnel and 65204
program costs associated with administering the contract, which 65205
fees shall be subject to controlling board approval if in excess 65206
of four per cent of the value of the contract. 65207

(B) Upon completion of each evaluation described in a 65208
performance contract, the department shall post the results of 65209
that evaluation on its web site. 65210

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 65211
and (F) of this section and in sections 3313.412 and 3313.413 of 65212
the Revised Code, when a board of education decides to dispose of 65213
real or personal property that it owns in its corporate capacity 65214
and that exceeds in value ten thousand dollars, it shall sell the 65215
property at public auction, after giving at least thirty days' 65216
notice of the auction by publication in a newspaper of general 65217
circulation in the school district, by publication as provided in 65218
section 7.16 of the Revised Code, or by posting notices in five of 65219
the most public places in the school district in which the 65220
property, if it is real property, is situated, or, if it is 65221
personal property, in the school district of the board of 65222
education that owns the property. The board may offer real 65223

property for sale as an entire tract or in parcels. 65224

(B) When the board of education has offered real or personal 65225
property for sale at public auction at least once pursuant to 65226
division (A) of this section, and the property has not been sold, 65227
the board may sell it at a private sale. Regardless of how it was 65228
offered at public auction, at a private sale, the board shall, as 65229
it considers best, sell real property as an entire tract or in 65230
parcels, and personal property in a single lot or in several lots. 65231

(C) If a board of education decides to dispose of real or 65232
personal property that it owns in its corporate capacity and that 65233
exceeds in value ten thousand dollars, it may sell the property to 65234
the adjutant general; to any subdivision or taxing authority as 65235
respectively defined in section 5705.01 of the Revised Code, 65236
township park district, board of park commissioners established 65237
under Chapter 755. of the Revised Code, or park district 65238
established under Chapter 1545. of the Revised Code; to a wholly 65239
or partially tax-supported university, university branch, or 65240
college; to a nonprofit institution of higher education that has a 65241
certificate of authorization under Chapter 1713. of the Revised 65242
Code; to the governing authority of a chartered nonpublic school 65243
or an accredited nonpublic school described in section 3301.165 of 65244
the Revised Code; or to the board of trustees of a school district 65245
library, upon such terms as are agreed upon. The sale of real or 65246
personal property to the board of trustees of a school district 65247
library is limited, in the case of real property, to a school 65248
district library within whose boundaries the real property is 65249
situated, or, in the case of personal property, to a school 65250
district library whose boundaries lie in whole or in part within 65251
the school district of the selling board of education. 65252

(D) When a board of education decides to trade as a part or 65253
an entire consideration, an item of personal property on the 65254

purchase price of an item of similar personal property, it may 65255
trade the same upon such terms as are agreed upon by the parties 65256
to the trade. 65257

(E) The president and the treasurer of the board of education 65258
shall execute and deliver deeds or other necessary instruments of 65259
conveyance to complete any sale or trade under this section. 65260

(F) When a board of education has identified a parcel of real 65261
property that it determines is needed for school purposes, the 65262
board may, upon a majority vote of the members of the board, 65263
acquire that property by exchanging real property that the board 65264
owns in its corporate capacity for the identified real property or 65265
by using real property that the board owns in its corporate 65266
capacity as part or an entire consideration for the purchase price 65267
of the identified real property. Any exchange or acquisition made 65268
pursuant to this division shall be made by a conveyance executed 65269
by the president and the treasurer of the board. 65270

(G) When a school district board of education has property 65271
that the board, by resolution, finds is not needed for school 65272
district use, is obsolete, or is unfit for the use for which it 65273
was acquired, the board may donate that property in accordance 65274
with this division if the fair market value of the property is, in 65275
the opinion of the board, two thousand five hundred dollars or 65276
less. 65277

The property may be donated to an eligible nonprofit 65278
organization that is located in this state and is exempt from 65279
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 65280
Before donating any property under this division, the board shall 65281
adopt a resolution expressing its intent to make unneeded, 65282
obsolete, or unfit-for-use school district property available to 65283
these organizations. The resolution shall include guidelines and 65284
procedures the board considers to be necessary to implement the 65285
donation program and shall indicate whether the school district 65286

will conduct the donation program or the board will contract with 65287
a representative to conduct it. If a representative is known when 65288
the resolution is adopted, the resolution shall provide contact 65289
information such as the representative's name, address, and 65290
telephone number. 65291

The resolution shall include within its procedures a 65292
requirement that any nonprofit organization desiring to obtain 65293
donated property under this division shall submit a written notice 65294
to the board or its representative. The written notice shall 65295
include evidence that the organization is a nonprofit organization 65296
that is located in this state and is exempt from federal income 65297
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 65298
the organization's primary purpose; a description of the type or 65299
types of property the organization needs; and the name, address, 65300
and telephone number of a person designated by the organization's 65301
governing board to receive donated property and to serve as its 65302
agent. 65303

After adoption of the resolution, the board shall publish, in 65304
a newspaper of general circulation in the school district or as 65305
provided in section 7.16 of the Revised Code, notice of its intent 65306
to donate unneeded, obsolete, or unfit-for-use school district 65307
property to eligible nonprofit organizations. The notice shall 65308
include a summary of the information provided in the resolution 65309
and shall be published twice. The second notice shall be published 65310
not less than ten nor more than twenty days after the previous 65311
notice. A similar notice also shall be posted continually in the 65312
board's office. If the school district maintains a web site on the 65313
internet, the notice shall be posted continually at that web site. 65314

The board or its representatives shall maintain a list of all 65315
nonprofit organizations that notify the board or its 65316
representative of their desire to obtain donated property under 65317
this division and that the board or its representative determines 65318

to be eligible, in accordance with the requirements set forth in 65319
this section and in the donation program's guidelines and 65320
procedures, to receive donated property. 65321

The board or its representative also shall maintain a list of 65322
all school district property the board finds to be unneeded, 65323
obsolete, or unfit for use and to be available for donation under 65324
this division. The list shall be posted continually in a 65325
conspicuous location in the board's office, and, if the school 65326
district maintains a web site on the internet, the list shall be 65327
posted continually at that web site. An item of property on the 65328
list shall be donated to the eligible nonprofit organization that 65329
first declares to the board or its representative its desire to 65330
obtain the item unless the board previously has established, by 65331
resolution, a list of eligible nonprofit organizations that shall 65332
be given priority with respect to the item's donation. Priority 65333
may be given on the basis that the purposes of a nonprofit 65334
organization have a direct relationship to specific school 65335
district purposes of programs provided or administered by the 65336
board. A resolution giving priority to certain nonprofit 65337
organizations with respect to the donation of an item of property 65338
shall specify the reasons why the organizations are given that 65339
priority. 65340

Members of the board shall consult with the Ohio ethics 65341
commission, and comply with Chapters 102. and 2921. of the Revised 65342
Code, with respect to any donation under this division to a 65343
nonprofit organization of which a board member, any member of a 65344
board member's family, or any business associate of a board member 65345
is a trustee, officer, board member, or employee. 65346

Sec. 3313.48. (A) The board of education of each city, 65347
exempted village, local, and joint vocational school district 65348
shall provide for the free education of the youth of school age 65349

within the district under its jurisdiction, at such places as will 65350
be most convenient for the attendance of the largest number 65351
thereof. Each school so provided ~~and~~, each chartered nonpublic 65352
school, and each accredited nonpublic school described in section 65353
3301.165 of the Revised Code shall be open for instruction with 65354
pupils in attendance, including scheduled classes, supervised 65355
activities, and approved education options but excluding lunch and 65356
breakfast periods and extracurricular activities, for not less 65357
than four hundred fifty-five hours in the case of pupils in 65358
kindergarten unless such pupils are provided all-day kindergarten, 65359
as defined in section 3321.05 of the Revised Code, in which case 65360
the pupils shall be in attendance for nine hundred ten hours; nine 65361
hundred ten hours in the case of pupils in grades one through six; 65362
and one thousand one hours in the case of pupils in grades seven 65363
through twelve in each school year, which may include all of the 65364
following: 65365

(1) Up to the equivalent of two school days per year during 65366
which pupils would otherwise be in attendance but are not required 65367
to attend for the purpose of individualized parent-teacher 65368
conferences and reporting periods; 65369

(2) Up to the equivalent of two school days per year during 65370
which pupils would otherwise be in attendance but are not required 65371
to attend for professional meetings of teachers; 65372

(3) Morning and afternoon recess periods of not more than 65373
fifteen minutes duration per period for pupils in grades 65374
kindergarten through six. 65375

(B) Not later than thirty days prior to adopting a school 65376
calendar, the board of education of each city, exempted village, 65377
and local school district shall hold a public hearing on the 65378
school calendar, addressing topics that include, but are not 65379
limited to, the total number of hours in a school year, length of 65380
school day, and beginning and end dates of instruction. 65381

(C) No school operated by a city, exempted village, local, or joint vocational school district shall reduce the number of hours in each school year that the school is scheduled to be open for instruction from the number of hours per year the school was open for instruction during the previous school year unless the reduction is approved by a resolution adopted by the district board of education. Any reduction so approved shall not result in fewer hours of instruction per school year than the applicable number of hours required under division (A) of this section.

(D) Prior to making any change in the hours or days in which a high school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any joint vocational school district in which any of the high school's students are also enrolled. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the joint vocational school district, incentives for students to participate in career-technical education, transportation, and the timing of graduation. The board shall provide the joint vocational school district board with advance notice of the proposed change and the two boards shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the joint vocational school district prior to implementation of the change.

(E) Prior to making any change in the hours or days in which a school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any community school established under Chapter 3314. of the Revised Code to which the district is required to transport students under sections 3314.09 and 3327.01

of the Revised Code. The board shall consider the impact of the 65414
proposed change on student access to the instructional programs 65415
offered by the community school, transportation, and the timing of 65416
graduation. The board shall provide the sponsor, governing 65417
authority, and operator of the community school with advance 65418
notice of the proposed change, and the board and the governing 65419
authority, or operator if such authority is delegated to the 65420
operator, shall enter into a written agreement prescribing 65421
reasonable accommodations to meet the scheduling needs of the 65422
community school prior to implementation of the change. 65423

(F) Prior to making any change in the hours or days in which 65424
the schools under its jurisdiction are open for instruction, the 65425
board of education of each city, exempted village, and local 65426
school district shall consult with the chartered and accredited 65427
nonpublic schools to which the district is required to transport 65428
students under section 3327.01 of the Revised Code and shall 65429
consider the effect of the proposed change on the schedule for 65430
transportation of those students to their nonpublic schools. The 65431
governing authority of a chartered or an accredited nonpublic 65432
school shall consult with each school district board of education 65433
that transports students to the chartered nonpublic school under 65434
section 3327.01 of the Revised Code prior to making any change in 65435
the hours or days in which the nonpublic school is open for 65436
instruction. 65437

(G) The state board of education shall not adopt or enforce 65438
any rule or standard that imposes on chartered or accredited 65439
nonpublic schools the procedural requirements imposed on school 65440
districts by divisions (B), (C), (D), and (E) of this section. 65441

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 65442
the term "school day" is used, unless otherwise specified, that 65443
term shall be construed to mean the time during a calendar day 65444

that a school is open for instruction pursuant to the schedule 65445
adopted by the board of education of the school district or the 65446
governing authority of the chartered or accredited nonpublic 65447
school in accordance with section 3313.48 of the Revised Code. 65448

Sec. 3313.482. (A)(1) Prior to the first day of August of 65449
each school year, the board of education of any school district 65450
~~or~~, the governing authority of any chartered nonpublic school, or 65451
the governing authority of an accredited nonpublic school 65452
described in section 3301.165 of the Revised Code may adopt a plan 65453
to require students to access and complete classroom lessons 65454
posted on the district's or nonpublic school's web portal or web 65455
site in order to make up hours in that school year on which it is 65456
necessary to close schools for disease epidemic, hazardous weather 65457
conditions, law enforcement emergencies, inoperability of school 65458
buses or other equipment necessary to the school's operation, 65459
damage to a school building, or other temporary circumstances due 65460
to utility failure rendering the school building unfit for school 65461
use. 65462

Prior to the first day of August of each school year, the 65463
governing authority of any community school established under 65464
Chapter 3314. that is not an internet- or computer-based community 65465
school, as defined in section 3314.02 of the Revised Code, may 65466
adopt a plan to require students to access and complete classroom 65467
lessons posted on the school's web portal or web site in order to 65468
make up hours in that school year on which it is necessary to 65469
close the school for any of the reasons specified in division 65470
(H)(4) of section 3314.08 of the Revised Code so that the school 65471
is in compliance with the minimum number of hours required under 65472
Chapter 3314. of the Revised Code. 65473

A plan adopted by a school district board, chartered 65474
nonpublic school governing authority, accredited nonpublic school 65475

governing authority, or community school governing authority shall 65476
provide for making up any number of hours, up to a maximum of the 65477
number of hours that are the equivalent of three school days. 65478

(2) Each plan adopted under this section by a school district 65479
board of education shall include the written consent of the 65480
teachers' employee representative designated under division (B) of 65481
section 4117.04 of the Revised Code. 65482

(3) Each plan adopted under this section shall provide for 65483
the following: 65484

(a) Not later than the first day of November of the school 65485
year, each classroom teacher shall develop a sufficient number of 65486
lessons for each course taught by the teacher that school year to 65487
cover the number of make-up hours specified in the plan. The 65488
teacher shall designate the order in which the lessons are to be 65489
posted on the district's, community school's, or nonpublic 65490
school's web portal or web site in the event of a school closure. 65491
Teachers may be granted up to one professional development day to 65492
create lesson plans for those lessons. 65493

(b) To the extent possible and necessary, a classroom teacher 65494
shall update or replace, based on current instructional progress, 65495
one or more of the lesson plans developed under division (A)(3)(a) 65496
of this section before they are posted on the web portal or web 65497
site under division (A)(3)(c) of this section or distributed under 65498
division (B) of this section. 65499

(c) As soon as practicable after a school closure, a district 65500
or school employee responsible for web portal or web site 65501
operations shall make the designated lessons available to students 65502
on the district's, community school's, or nonpublic school's 65503
portal or site. A lesson shall be posted for each course that was 65504
scheduled to meet on the day or hours of the closure. 65505

(d) Each student enrolled in a course for which a lesson is 65506

posted on the portal or site shall be granted a two-week period 65507
from the date of posting to complete the lesson. The student's 65508
classroom teacher shall grade the lesson in the same manner as 65509
other lessons. The student may receive an incomplete or failing 65510
grade if the lesson is not completed on time. 65511

(e) If a student does not have access to a computer at the 65512
student's residence and the plan does not include blizzard bags 65513
under division (B) of this section, the student shall be permitted 65514
to work on the posted lessons at school after the student's school 65515
reopens. If the lessons were posted prior to the reopening, the 65516
student shall be granted a two-week period from the date of the 65517
reopening, rather than from the date of posting as otherwise 65518
required under division (A)(3)(d) of this section, to complete the 65519
lessons. The district board or community school or nonpublic 65520
school governing authority may provide the student access to a 65521
computer before, during, or after the regularly scheduled school 65522
day or may provide a substantially similar paper lesson in order 65523
to complete the lessons. 65524

(B)(1) In addition to posting classroom lessons online under 65525
division (A) of this section, the board of education of any school 65526
district or governing authority of any community, accredited, or 65527
chartered nonpublic school may include in the plan distribution of 65528
"blizzard bags," which are paper copies of the lessons posted 65529
online. 65530

(2) If a school opts to use blizzard bags, teachers shall 65531
prepare paper copies in conjunction with the lessons to be posted 65532
online and update the paper copies whenever the teacher updates 65533
the online lesson plans. 65534

(3) The board of education of any school district or 65535
governing authority of any community, accredited, or chartered 65536
nonpublic school that opts to use blizzard bags shall specify in 65537
the plan the method of distribution of blizzard bag lessons, which 65538

may include, but not be limited to, requiring distribution by a 65539
specific deadline or requiring distribution prior to anticipated 65540
school closure as directed by the superintendent of a school 65541
district or the principal, director, chief administrative officer, 65542
or the equivalent, of a school. 65543

(4) Students shall turn in completed lessons in accordance 65544
with division (A)(3)(d) of this section. 65545

(C)(1) No school district that implements a plan in 65546
accordance with this section shall be considered to have failed to 65547
comply with division (B) of section 3317.01 of the Revised Code 65548
with respect to the number of make-up hours specified in the plan. 65549

(2) No community school that implements a plan in accordance 65550
with this section shall be considered to have failed to comply 65551
with the minimum number of hours required under Chapter 3314. of 65552
the Revised Code with respect to the number of make-up hours 65553
specified in the plan. 65554

Sec. 3313.536. (A) As used in this section: 65555

(1) "Administrator" means the superintendent, principal, 65556
chief administrative officer, or other person having supervisory 65557
authority of any of the following: 65558

(a) A city, exempted village, local, or joint vocational 65559
school district; 65560

(b) A community school established under Chapter 3314. of the 65561
Revised Code, as required through reference in division (A)(11)(d) 65562
of section 3314.03 of the Revised Code; 65563

(c) A STEM school established under Chapter 3326. of the 65564
Revised Code, as required through reference in section 3326.11 of 65565
the Revised Code; 65566

(d) A college-preparatory boarding school established under 65567
Chapter 3328. of the Revised Code; 65568

(e) A district or school operating a career-technical 65569
education program approved by the department of education under 65570
section 3317.161 of the Revised Code; 65571

(f) A chartered nonpublic school; 65572

(g) An accredited nonpublic school described in section 65573
3301.165 of the Revised Code; 65574

(h) An educational service center; 65575

~~(h)~~(i) A preschool program or school-age child care program 65576
licensed by the department of education; 65577

~~(i)~~(j) Any other facility that primarily provides educational 65578
services to children subject to regulation by the department of 65579
education. 65580

(2) "Emergency management test" means a regularly scheduled 65581
drill, exercise, or activity designed to assess and evaluate an 65582
emergency management plan under this section. 65583

(3) "Building" means any school, school building, facility, 65584
program, or center. 65585

(B)(1) Each administrator shall develop and adopt a 65586
comprehensive emergency management plan, in accordance with rules 65587
adopted by the state board of education pursuant to division (F) 65588
of this section, for each building under the administrator's 65589
control. The administrator shall examine the environmental 65590
conditions and operations of each building to determine potential 65591
hazards to student and staff safety and shall propose operating 65592
changes to promote the prevention of potentially dangerous 65593
problems and circumstances. In developing the plan for each 65594
building, the administrator shall involve community law 65595
enforcement and safety officials, parents of students who are 65596
assigned to the building, and teachers and nonteaching employees 65597
who are assigned to the building. The administrator shall 65598

incorporate remediation strategies into the plan for any building 65599
where documented safety problems have occurred. 65600

(2) Each administrator shall also incorporate into the 65601
emergency management plan adopted under division (B)(1) of this 65602
section all of the following: 65603

(a) A protocol for addressing serious threats to the safety 65604
of property, students, employees, or administrators; 65605

(b) A protocol for responding to any emergency events that 65606
occur and compromise the safety of property, students, employees, 65607
or administrators. This protocol shall include, but not be limited 65608
to, all of the following: 65609

(i) A floor plan that is unique to each floor of the 65610
building; 65611

(ii) A site plan that includes all building property and 65612
surrounding property; 65613

(iii) An emergency contact information sheet. 65614

(3) Each protocol described in divisions (B)(2)(a) and (b) of 65615
this section shall include procedures determined to be appropriate 65616
by the administrator for responding to threats and emergency 65617
events, respectively, including such things as notification of 65618
appropriate law enforcement personnel, calling upon specified 65619
emergency response personnel for assistance, and informing parents 65620
of affected students. 65621

Prior to the opening day of each school year, the 65622
administrator shall inform each student or child enrolled in the 65623
school and the student's or child's parent of the parental 65624
notification procedures included in the protocol. 65625

(4) Each administrator shall keep a copy of the emergency 65626
management plan adopted pursuant to this section in a secure 65627
place. 65628

(C)(1) The administrator shall submit to the department of 65629
education, in accordance with rules adopted by the state board of 65630
education pursuant to division (F) of this section, an electronic 65631
copy of the emergency management plan prescribed by division (B) 65632
of this section not less than once every three years, whenever a 65633
major modification to the building requires changes in the 65634
procedures outlined in the plan, and whenever information on the 65635
emergency contact information sheet changes. 65636

(2) The administrator also shall file a copy of the plan with 65637
each law enforcement agency that has jurisdiction over the school 65638
building and, upon request, to any of the following: 65639

(a) The fire department that serves the political subdivision 65640
in which the building is located; 65641

(b) The emergency medical service organization that serves 65642
the political subdivision in which the building is located; 65643

(c) The county emergency management agency for the county in 65644
which the building is located. 65645

(3) Upon receipt of an emergency management plan, the 65646
department of education shall submit the information in accordance 65647
with rules adopted by the state board of education pursuant to 65648
division (F) of this section, to both of the following: 65649

(a) The attorney general, who shall post that information on 65650
the Ohio law enforcement gateway or its successor; 65651

(b) The director of public safety, who shall post the 65652
information on the contact and information management system. 65653

(4) Any department or entity to which copies of an emergency 65654
management plan are filed under this section shall keep the copies 65655
in a secure place. 65656

(D)(1) Not later than the first day of July of each year, 65657
each administrator shall review the emergency management plan and 65658

certify to the department of education that the plan is current 65659
and accurate. 65660

(2) Anytime that an administrator updates the emergency 65661
management plan pursuant to division (C)(1) of this section, the 65662
administrator shall file copies, not later than the tenth day 65663
after the revision is adopted and in accordance with rules adopted 65664
by the state board pursuant to division (F) of this section, to 65665
the department of education and to any entity with which the 65666
administrator filed a copy under division (C)(2) of this section. 65667

(E) Each administrator shall do both of the following: 65668

(1) Prepare and conduct at least one annual emergency 65669
management test, as defined in division (A)(2) of this section, in 65670
accordance with rules adopted by the state board pursuant to 65671
division (F) of this section; 65672

(2) Grant access to each building under the control of the 65673
administrator to law enforcement personnel and to entities 65674
described in division (C)(2) of this section, to enable the 65675
personnel and entities to hold training sessions for responding to 65676
threats and emergency events affecting the building, provided that 65677
the access occurs outside of student instructional hours and the 65678
administrator, or the administrator's designee, is present in the 65679
building during the training sessions. 65680

(F) The state board of education, in accordance with Chapter 65681
119. of the Revised Code, shall adopt rules regarding emergency 65682
management plans under this section, including the content of the 65683
plans and procedures for filing the plans. The rules shall specify 65684
that plans and information required under division (B) of this 65685
section be submitted on standardized forms developed by the 65686
department of education for such purpose. The rules shall also 65687
specify the requirements and procedures for emergency management 65688
tests conducted pursuant to division (E)(1) of this section. 65689

Failure to comply with the rules may result in discipline pursuant 65690
to section 3319.31 of the Revised Code or any other action against 65691
the administrator as prescribed by rule. 65692

(G) Division (B) of section 3319.31 of the Revised Code 65693
applies to any administrator who is subject to the requirements of 65694
this section and is not exempt under division (H) of this section 65695
and who is an applicant for a license or holds a license from the 65696
state board pursuant to section 3319.22 of the Revised Code. 65697

(H) The superintendent of public instruction may exempt any 65698
administrator from the requirements of this section, if the 65699
superintendent determines that the requirements do not otherwise 65700
apply to a building or buildings under the control of that 65701
administrator. 65702

(I) Copies of the emergency management plan and information 65703
required under division (B) of this section are security records 65704
and are not public records pursuant to section 149.433 of the 65705
Revised Code. In addition, the information posted to the contact 65706
and information management system, pursuant to division (C)(3)(b) 65707
of this section, is exempt from public disclosure or release in 65708
accordance with sections 149.43, 149.433, and 5502.03 of the 65709
Revised Code. 65710

Notwithstanding section 149.433 of the Revised Code, a floor 65711
plan filed with the attorney general pursuant to this section is 65712
not a public record to the extent it is a record kept by the 65713
attorney general. 65714

Sec. 3313.539. (A) As used in this section: 65715

(1) "Licensing agency" has the same meaning as in section 65716
4745.01 of the Revised Code. 65717

(2) "Licensed health care professional" means an individual, 65718
other than a physician, who is authorized under Title XLVII of the 65719

Revised Code to practice a health care profession. 65720

(3) "Physician" means a person authorized under Chapter 4731. 65721
of the Revised Code to practice medicine and surgery or 65722
osteopathic medicine and surgery. 65723

(B) No school district board of education or governing 65724
authority of a chartered nonpublic, accredited nonpublic school 65725
described in section 3301.165 of the Revised Code, or nonchartered 65726
nonpublic school shall permit a student to practice for or compete 65727
in interscholastic athletics until the student has submitted, to a 65728
school official designated by the board or governing authority, a 65729
form signed by the parent, guardian, or other person having care 65730
or charge of the student stating that the student and the parent, 65731
guardian, or other person having care or charge of the student 65732
have received the concussion and head injury information sheet 65733
required by section 3707.52 of the Revised Code. A completed form 65734
shall be submitted each school year, as defined in section 3313.62 65735
of the Revised Code, for each sport or other category of 65736
interscholastic athletics for or in which the student practices or 65737
competes. 65738

(C)(1) No school district board of education or governing 65739
authority of a chartered, accredited, or nonchartered nonpublic 65740
school shall permit an individual to coach interscholastic 65741
athletics unless the individual holds a pupil-activity program 65742
permit issued under section 3319.303 of the Revised Code for 65743
coaching interscholastic athletics. 65744

(2) No school district board of education or governing 65745
authority of a chartered, accredited, or nonchartered nonpublic 65746
school shall permit an individual to referee interscholastic 65747
athletics unless the individual holds a pupil-activity program 65748
permit issued under section 3319.303 of the Revised Code for 65749
coaching interscholastic athletics or presents evidence that the 65750
individual has successfully completed, within the previous three 65751

years, a training program in recognizing the symptoms of 65752
concussions and head injuries to which the department of health 65753
has provided a link on its internet web site under section 3707.52 65754
of the Revised Code or a training program authorized and required 65755
by an organization that regulates interscholastic athletic 65756
competition and conducts interscholastic athletic events. 65757

(D) If a student practicing for or competing in an 65758
interscholastic athletic event exhibits signs, symptoms, or 65759
behaviors consistent with having sustained a concussion or head 65760
injury while participating in the practice or competition, the 65761
student shall be removed from the practice or competition by 65762
either of the following: 65763

(1) The individual who is serving as the student's coach 65764
during that practice or competition; 65765

(2) An individual who is serving as a referee during that 65766
practice or competition. 65767

(E)(1) If a student is removed from practice or competition 65768
under division (D) of this section, the coach or referee who 65769
removed the student shall not allow the student, on the same day 65770
the student is removed, to return to that practice or competition 65771
or to participate in any other practice or competition for which 65772
the coach or referee is responsible. Thereafter, the coach or 65773
referee shall not allow the student to return to that practice or 65774
competition or to participate in any other practice or competition 65775
for which the coach or referee is responsible until both of the 65776
following conditions are satisfied: 65777

(a) The student's condition is assessed by any of the 65778
following who has complied with the requirements in division 65779
(E)(4) of this section: 65780

(i) A physician; 65781

(ii) A licensed health care professional the school district 65782

board of education or governing authority of the chartered, 65783
accredited, or nonchartered nonpublic school, pursuant to division 65784
(E)(2) of this section, authorizes to assess a student who has 65785
been removed from practice or competition under division (D) of 65786
this section; 65787

(iii) A licensed health care professional who meets the 65788
minimum education requirements established by rules adopted under 65789
section 3707.521 of the Revised Code by the professional's 65790
licensing agency. 65791

(b) The student receives written clearance that it is safe 65792
for the student to return to practice or competition from the 65793
physician or licensed health care professional who assessed the 65794
student's condition. 65795

(2) A school district board of education or governing 65796
authority of a chartered, accredited, or nonchartered nonpublic 65797
school may authorize a licensed health care professional to make 65798
an assessment or grant a clearance for purposes of division (E)(1) 65799
of this section only if the professional is acting in accordance 65800
with one of the following, as applicable to the professional's 65801
authority to practice in this state: 65802

(a) In consultation with a physician; 65803

(b) Pursuant to the referral of a physician; 65804

(c) In collaboration with a physician; 65805

(d) Under the supervision of a physician. 65806

(3) A physician or licensed health care professional who 65807
makes an assessment or grants a clearance for purposes of division 65808
(E)(1) of this section may be a volunteer. 65809

(4) Beginning one year after ~~the effective date of this~~ 65810
~~amendment~~ September 17, 2015, all physicians and licensed health 65811
care professionals who conduct assessments and clearances under 65812

division (E)(1) of this section must meet the minimum education 65813
requirements established by rules adopted under section 3707.521 65814
of the Revised Code by their respective licensing agencies. 65815

(F) A school district board of education or governing 65816
authority of a chartered, accredited, or nonchartered nonpublic 65817
school that is subject to the rules of an interscholastic 65818
conference or an organization that regulates interscholastic 65819
athletic competition and conducts interscholastic athletic events 65820
shall be considered to be in compliance with divisions (B), (D), 65821
and (E) of this section, as long as the requirements of those 65822
rules are substantially similar to the requirements of divisions 65823
(B), (D), and (E) of this section. 65824

(G)(1) A school district, member of a school district board 65825
of education, or school district employee or volunteer, including 65826
a coach or referee, is not liable in damages in a civil action for 65827
injury, death, or loss to person or property allegedly arising 65828
from providing services or performing duties under this section, 65829
unless the act or omission constitutes willful or wanton 65830
misconduct. 65831

This section does not eliminate, limit, or reduce any other 65832
immunity or defense that a school district, member of a school 65833
district board of education, or school district employee or 65834
volunteer, including a coach or referee, may be entitled to under 65835
Chapter 2744. or any other provision of the Revised Code or under 65836
the common law of this state. 65837

(2) A chartered, accredited, or nonchartered nonpublic school 65838
or any officer, director, employee, or volunteer of the school, 65839
including a coach or referee, is not liable in damages in a civil 65840
action for injury, death, or loss to person or property allegedly 65841
arising from providing services or performing duties under this 65842
section, unless the act or omission constitutes willful or wanton 65843
misconduct. 65844

Sec. 3313.5311. (A) As used in this section and in section 65845
3313.5312 of the Revised Code, "extracurricular activity" has the 65846
same meaning as in section 3313.537 of the Revised Code. 65847

(B) If the nonpublic school in which the student is enrolled 65848
does not offer the extracurricular activity, a student enrolled in 65849
a chartered nonpublic school, accredited nonpublic school 65850
described in section 3301.165 of the Revised Code, or nonchartered 65851
nonpublic school shall be afforded, by the superintendent of the 65852
school district in which the student is entitled to attend school 65853
under section 3313.64 or 3313.65 of the Revised Code, the 65854
opportunity to participate in that extracurricular activity at the 65855
district school to which the student otherwise would be assigned 65856
during that school year. If more than one school operated by the 65857
school district serves the student's grade level, as determined by 65858
the district superintendent based on the student's age and 65859
academic performance, the student shall be afforded the 65860
opportunity to participate in that extracurricular activity at the 65861
school to which the student would be assigned by the 65862
superintendent under section 3319.01 of the Revised Code. 65863

(C) The superintendent of any school district may afford any 65864
student enrolled in a nonpublic school, and who is not entitled to 65865
attend school in the district under section 3313.64 or 3313.65 of 65866
the Revised Code, the opportunity to participate in an 65867
extracurricular activity offered by a school of the district, if 65868
the nonpublic school in which the student is enrolled does not 65869
offer the extracurricular activity and either of the following 65870
apply: 65871

(1) The extracurricular activity is not interscholastic 65872
athletics or interscholastic contests or competition in music, 65873
drama, or forensics. 65874

(2) The extracurricular activity is in an interscholastic 65875

athletic or interscholastic contest or competition in music, 65876
drama, or forensics. In order to participate under division (C)(2) 65877
of this section, the student shall seek to participate at either 65878
the school district in which the student's nonpublic school is 65879
located or the school district in which the student is entitled to 65880
attend school under section 3313.64 or 3313.65 of the Revised 65881
Code, so long as the chosen district offers the extracurricular 65882
activity. 65883

If the student seeks to participate under division (C)(2) of 65884
this section at the school district in which the student's 65885
nonpublic school is located, both of the following shall apply: 65886

(a) The superintendent of the school district in which the 65887
student is entitled to attend school shall certify that the 65888
student has not participated in any extracurricular activity that 65889
is in an interscholastic athletic or interscholastic contest or 65890
competition in music, drama, or forensics at that school district 65891
during that school year. If the student has participated in such 65892
an extracurricular activity at that school district during the 65893
school year, the student shall be ineligible to participate at the 65894
school district in which the student's nonpublic school is located 65895
for that school year. 65896

(b) The superintendent of the school district in which the 65897
student is entitled to attend school and the superintendent of the 65898
school district in which the student is seeking to participate 65899
shall mutually agree, in writing, to allow the student to 65900
participate in the extracurricular activity at the school district 65901
in which the student's nonpublic school is located. 65902

(D) In order to participate in an extracurricular activity 65903
under this section, the student shall be of the appropriate age 65904
and grade level, as determined by the superintendent of the 65905
district, for the school that offers the extracurricular activity, 65906
and shall fulfill the same academic, nonacademic, and financial 65907

requirements as any other participant. 65908

(E) No school district shall impose additional rules on a 65909
student to participate under this section that do not apply to 65910
other students participating in the same extracurricular activity. 65911
No district shall impose additional fees for a student to 65912
participate under this section that exceed any fees charged to 65913
other students participating in the same extracurricular activity. 65914

(F) No school district, interscholastic conference, or 65915
organization that regulates interscholastic conferences or events 65916
shall require a student who is eligible to participate in 65917
interscholastic extracurricular activities under this section to 65918
meet eligibility requirements that conflict with this section. 65919

Sec. 3313.603. (A) As used in this section: 65920

(1) "One unit" means a minimum of one hundred twenty hours of 65921
course instruction, except that for a laboratory course, "one 65922
unit" means a minimum of one hundred fifty hours of course 65923
instruction. 65924

(2) "One-half unit" means a minimum of sixty hours of course 65925
instruction, except that for physical education courses, "one-half 65926
unit" means a minimum of one hundred twenty hours of course 65927
instruction. 65928

(B) Beginning September 15, 2001, except as required in 65929
division (C) of this section and division (C) of section 3313.614 65930
of the Revised Code, the requirements for graduation from every 65931
high school shall include twenty units earned in grades nine 65932
through twelve and shall be distributed as follows: 65933

(1) English language arts, four units; 65934

(2) Health, one-half unit; 65935

(3) Mathematics, three units; 65936

(4) Physical education, one-half unit; 65937

(5) Science, two units until September 15, 2003, and three 65938
units thereafter, which at all times shall include both of the 65939
following: 65940

(a) Biological sciences, one unit; 65941

(b) Physical sciences, one unit. 65942

(6) History and government, one unit, which shall comply with 65943
division (M) of this section and shall include both of the 65944
following: 65945

(a) American history, one-half unit; 65946

(b) American government, one-half unit. 65947

(7) Social studies, two units. 65948

Beginning with students who enter ninth grade for the first 65949
time on or after July 1, 2017, the two units of instruction 65950
prescribed by division (B)(7) of this section shall include at 65951
least one-half unit of instruction in the study of world history 65952
and civilizations. 65953

(8) Elective units, seven units until September 15, 2003, and 65954
six units thereafter. 65955

Each student's electives shall include at least one unit, or 65956
two half units, chosen from among the areas of 65957
business/technology, fine arts, and/or foreign language. 65958

(C) Beginning with students who enter ninth grade for the 65959
first time on or after July 1, 2010, except as provided in 65960
divisions (D) to (F) of this section, the requirements for 65961
graduation from every public and chartered nonpublic high school 65962
shall include twenty units that are designed to prepare students 65963
for the workforce and college. The units shall be distributed as 65964
follows: 65965

(1) English language arts, four units;	65966
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	65967 65968 65969
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.	65970 65971 65972 65973 65974 65975 65976 65977 65978 65979
For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.	65980 65981 65982 65983 65984 65985 65986 65987 65988
(4) Physical education, one-half unit;	65989
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	65990 65991 65992 65993
(a) Physical sciences, one unit;	65994
(b) Life sciences, one unit;	65995

(c) Advanced study in one or more of the following sciences,	65996
one unit:	65997
(i) Chemistry, physics, or other physical science;	65998
(ii) Advanced biology or other life science;	65999
(iii) Astronomy, physical geology, or other earth or space	66000
science;	66001
(iv) Computer science.	66002
No student shall substitute a computer science course for a	66003
life sciences or biology course under division (C)(5) of this	66004
section.	66005
(6) History and government, one unit, which shall comply with	66006
division (M) of this section and shall include both of the	66007
following:	66008
(a) American history, one-half unit;	66009
(b) American government, one-half unit.	66010
(7) Social studies, two units.	66011
Each school shall integrate the study of economics and	66012
financial literacy, as expressed in the social studies academic	66013
content standards adopted by the state board of education under	66014
division (A)(1) of section 3301.079 of the Revised Code and the	66015
academic content standards for financial literacy and	66016
entrepreneurship adopted under division (A)(2) of that section,	66017
into one or more existing social studies credits required under	66018
division (C)(7) of this section, or into the content of another	66019
class, so that every high school student receives instruction in	66020
those concepts. In developing the curriculum required by this	66021
paragraph, schools shall use available public-private partnerships	66022
and resources and materials that exist in business, industry, and	66023
through the centers for economics education at institutions of	66024
higher education in the state.	66025

Beginning with students who enter ninth grade for the first 66026
time on or after July 1, 2017, the two units of instruction 66027
prescribed by division (C)(7) of this section shall include at 66028
least one-half unit of instruction in the study of world history 66029
and civilizations. 66030

(8) Five units consisting of one or any combination of 66031
foreign language, fine arts, business, career-technical education, 66032
family and consumer sciences, technology which may include 66033
computer science, agricultural education, a junior reserve officer 66034
training corps (JROTC) program approved by the congress of the 66035
United States under title 10 of the United States Code, or English 66036
language arts, mathematics, science, or social studies courses not 66037
otherwise required under division (C) of this section. 66038

Ohioans must be prepared to apply increased knowledge and 66039
skills in the workplace and to adapt their knowledge and skills 66040
quickly to meet the rapidly changing conditions of the 66041
twenty-first century. National studies indicate that all high 66042
school graduates need the same academic foundation, regardless of 66043
the opportunities they pursue after graduation. The goal of Ohio's 66044
system of elementary and secondary education is to prepare all 66045
students for and seamlessly connect all students to success in 66046
life beyond high school graduation, regardless of whether the next 66047
step is entering the workforce, beginning an apprenticeship, 66048
engaging in post-secondary training, serving in the military, or 66049
pursuing a college degree. 66050

The requirements for graduation prescribed in division (C) of 66051
this section are the standard expectation for all students 66052
entering ninth grade for the first time at a public or chartered 66053
nonpublic high school on or after July 1, 2010. A student may 66054
satisfy this expectation through a variety of methods, including, 66055
but not limited to, integrated, applied, career-technical, and 66056
traditional coursework. 66057

Stronger coordination between high schools and institutions 66058
of higher education is necessary to prepare students for more 66059
challenging academic endeavors and to lessen the need for academic 66060
remediation in college, thereby reducing the costs of higher 66061
education for Ohio's students, families, and the state. The state 66062
board and the chancellor of higher education shall develop 66063
policies to ensure that only in rare instances will students who 66064
complete the requirements for graduation prescribed in division 66065
(C) of this section require academic remediation after high 66066
school. 66067

School districts, community schools, and chartered nonpublic 66068
schools shall integrate technology into learning experiences 66069
across the curriculum in order to maximize efficiency, enhance 66070
learning, and prepare students for success in the 66071
technology-driven twenty-first century. Districts and schools 66072
shall use distance and web-based course delivery as a method of 66073
providing or augmenting all instruction required under this 66074
division, including laboratory experience in science. Districts 66075
and schools shall utilize technology access and electronic 66076
learning opportunities provided by the broadcast educational media 66077
commission, chancellor, the Ohio learning network, education 66078
technology centers, public television stations, and other public 66079
and private providers. 66080

(D) Except as provided in division (E) of this section, a 66081
student who enters ninth grade on or after July 1, 2010, and 66082
before July 1, 2016, may qualify for graduation from a public or 66083
chartered nonpublic high school even though the student has not 66084
completed the requirements for graduation prescribed in division 66085
(C) of this section if all of the following conditions are 66086
satisfied: 66087

(1) During the student's third year of attending high school, 66088
as determined by the school, the student and the student's parent, 66089

guardian, or custodian sign and file with the school a written 66090
statement asserting the parent's, guardian's, or custodian's 66091
consent to the student's graduating without completing the 66092
requirements for graduation prescribed in division (C) of this 66093
section and acknowledging that one consequence of not completing 66094
those requirements is ineligibility to enroll in most state 66095
universities in Ohio without further coursework. 66096

(2) The student and parent, guardian, or custodian fulfill 66097
any procedural requirements the school stipulates to ensure the 66098
student's and parent's, guardian's, or custodian's informed 66099
consent and to facilitate orderly filing of statements under 66100
division (D)(1) of this section. Annually, each district or school 66101
shall notify the department of the number of students who choose 66102
to qualify for graduation under division (D) of this section and 66103
the number of students who complete the student's success plan and 66104
graduate from high school. 66105

(3) The student and the student's parent, guardian, or 66106
custodian and a representative of the student's high school 66107
jointly develop a student success plan for the student in the 66108
manner described in division (C)(1) of section 3313.6020 of the 66109
Revised Code that specifies the student matriculating to a 66110
two-year degree program, acquiring a business and 66111
industry-recognized credential, or entering an apprenticeship. 66112

(4) The student's high school provides counseling and support 66113
for the student related to the plan developed under division 66114
(D)(3) of this section during the remainder of the student's high 66115
school experience. 66116

(5)(a) Except as provided in division (D)(5)(b) of this 66117
section, the student successfully completes, at a minimum, the 66118
curriculum prescribed in division (B) of this section. 66119

(b) Beginning with students who enter ninth grade for the 66120

first time on or after July 1, 2014, a student shall be required 66121
to complete successfully, at the minimum, the curriculum 66122
prescribed in division (B) of this section, except as follows: 66123

(i) Mathematics, four units, one unit which shall be one of 66124
the following: 66125

(I) Probability and statistics; 66126

(II) Computer science; 66127

(III) Applied mathematics or quantitative reasoning; 66128

(IV) Any other course approved by the department using 66129
standards established by the superintendent not later than October 66130
1, 2014. 66131

(ii) Elective units, five units; 66132

(iii) Science, three units as prescribed by division (B) of 66133
this section which shall include inquiry-based laboratory 66134
experience that engages students in asking valid scientific 66135
questions and gathering and analyzing information. 66136

The department, in collaboration with the chancellor, shall 66137
analyze student performance data to determine if there are 66138
mitigating factors that warrant extending the exception permitted 66139
by division (D) of this section to high school classes beyond 66140
those entering ninth grade before July 1, 2016. The department 66141
shall submit its findings and any recommendations not later than 66142
December 1, 2015, to the speaker and minority leader of the house 66143
of representatives, the president and minority leader of the 66144
senate, the chairpersons and ranking minority members of the 66145
standing committees of the house of representatives and the senate 66146
that consider education legislation, the state board of education, 66147
and the superintendent of public instruction. 66148

(E) Each school district and chartered nonpublic school 66149
retains the authority to require an even more challenging minimum 66150

curriculum for high school graduation than specified in division 66151
(B) or (C) of this section. A school district board of education, 66152
through the adoption of a resolution, or the governing authority 66153
of a chartered nonpublic school may stipulate any of the 66154
following: 66155

(1) A minimum high school curriculum that requires more than 66156
twenty units of academic credit to graduate; 66157

(2) An exception to the district's or school's minimum high 66158
school curriculum that is comparable to the exception provided in 66159
division (D) of this section but with additional requirements, 66160
which may include a requirement that the student successfully 66161
complete more than the minimum curriculum prescribed in division 66162
(B) of this section; 66163

(3) That no exception comparable to that provided in division 66164
(D) of this section is available. 66165

(F) A student enrolled in a dropout prevention and recovery 66166
program, which program has received a waiver from the department, 66167
may qualify for graduation from high school by successfully 66168
completing a competency-based instructional program administered 66169
by the dropout prevention and recovery program in lieu of 66170
completing the requirements for graduation prescribed in division 66171
(C) of this section. The department shall grant a waiver to a 66172
dropout prevention and recovery program, within sixty days after 66173
the program applies for the waiver, if the program meets all of 66174
the following conditions: 66175

(1) The program serves only students not younger than sixteen 66176
years of age and not older than twenty-one years of age. 66177

(2) The program enrolls students who, at the time of their 66178
initial enrollment, either, or both, are at least one grade level 66179
behind their cohort age groups or experience crises that 66180
significantly interfere with their academic progress such that 66181

they are prevented from continuing their traditional programs. 66182

(3) The program requires students to attain at least the 66183
applicable score designated for each of the assessments prescribed 66184
under division (B)(1) of section 3301.0710 of the Revised Code or, 66185
to the extent prescribed by rule of the state board under division 66186
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 66187
of that section. 66188

(4) The program develops a student success plan for the 66189
student in the manner described in division (C)(1) of section 66190
3313.6020 of the Revised Code that specifies the student's 66191
matriculating to a two-year degree program, acquiring a business 66192
and industry-recognized credential, or entering an apprenticeship. 66193

(5) The program provides counseling and support for the 66194
student related to the plan developed under division (F)(4) of 66195
this section during the remainder of the student's high school 66196
experience. 66197

(6) The program requires the student and the student's 66198
parent, guardian, or custodian to sign and file, in accordance 66199
with procedural requirements stipulated by the program, a written 66200
statement asserting the parent's, guardian's, or custodian's 66201
consent to the student's graduating without completing the 66202
requirements for graduation prescribed in division (C) of this 66203
section and acknowledging that one consequence of not completing 66204
those requirements is ineligibility to enroll in most state 66205
universities in Ohio without further coursework. 66206

(7) Prior to receiving the waiver, the program has submitted 66207
to the department an instructional plan that demonstrates how the 66208
academic content standards adopted by the state board under 66209
section 3301.079 of the Revised Code will be taught and assessed. 66210

(8) Prior to receiving the waiver, the program has submitted 66211
to the department a policy on career advising that satisfies the 66212

requirements of section 3313.6020 of the Revised Code, with an 66213
emphasis on how every student will receive career advising. 66214

(9) Prior to receiving the waiver, the program has submitted 66215
to the department a written agreement outlining the future 66216
cooperation between the program and any combination of local job 66217
training, postsecondary education, nonprofit, and health and 66218
social service organizations to provide services for students in 66219
the program and their families. 66220

Divisions (F)(8) and (9) of this section apply only to 66221
waivers granted on or after July 1, 2015. 66222

If the department does not act either to grant the waiver or 66223
to reject the program application for the waiver within sixty days 66224
as required under this section, the waiver shall be considered to 66225
be granted. 66226

(G) Every high school may permit students below the ninth 66227
grade to take advanced work. If a high school so permits, it shall 66228
award high school credit for successful completion of the advanced 66229
work and shall count such advanced work toward the graduation 66230
requirements of division (B) or (C) of this section if the 66231
advanced work was both: 66232

(1) Taught by a person who possesses a license or certificate 66233
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 66234
Code that is valid for teaching high school; 66235

(2) Designated by the board of education of the city, local, 66236
or exempted village school district, the board of the cooperative 66237
education school district, or the governing authority of the 66238
chartered nonpublic school as meeting the high school curriculum 66239
requirements. 66240

Each high school shall record on the student's high school 66241
transcript all high school credit awarded under division (G) of 66242
this section. In addition, if the student completed a seventh- or 66243

eighth-grade fine arts course described in division (K) of this 66244
section and the course qualified for high school credit under that 66245
division, the high school shall record that course on the 66246
student's high school transcript. 66247

(H) The department shall make its individual academic career 66248
plan available through its Ohio career information system web site 66249
for districts and schools to use as a tool for communicating with 66250
and providing guidance to students and families in selecting high 66251
school courses. 66252

(I) A school district or chartered nonpublic school may 66253
integrate academic content in a subject area for which the state 66254
board has adopted standards under section 3301.079 of the Revised 66255
Code into a course in a different subject area, including a 66256
career-technical education course, in accordance with guidance for 66257
integrated coursework developed by the department. Upon successful 66258
completion of an integrated course, a student may receive credit 66259
for both subject areas that were integrated into the course. Units 66260
earned for subject area content delivered through integrated 66261
academic and career-technical instruction are eligible to meet the 66262
graduation requirements of division (B) or (C) of this section. 66263

For purposes of meeting graduation requirements, if an 66264
end-of-course examination has been prescribed under section 66265
3301.0712 of the Revised Code for the subject area delivered 66266
through integrated instruction, the school district or school may 66267
administer the related subject area examinations upon the 66268
student's completion of the integrated course. 66269

Nothing in division (I) of this section shall be construed to 66270
excuse any school district, chartered nonpublic school, or student 66271
from any requirement in the Revised Code related to curriculum, 66272
assessments, or the awarding of a high school diploma. 66273

(J)(1) The state board, in consultation with the chancellor, 66274

shall adopt a statewide plan implementing methods for students to 66275
earn units of high school credit based on a demonstration of 66276
subject area competency, instead of or in combination with 66277
completing hours of classroom instruction. The state board shall 66278
adopt the plan not later than March 31, 2009, and commence phasing 66279
in the plan during the 2009-2010 school year. The plan shall 66280
include a standard method for recording demonstrated proficiency 66281
on high school transcripts. Each school district and community 66282
school shall comply with the state board's plan adopted under this 66283
division and award units of high school credit in accordance with 66284
the plan. The state board may adopt existing methods for earning 66285
high school credit based on a demonstration of subject area 66286
competency as necessary prior to the 2009-2010 school year. 66287

(2) Not later than December 31, 2015, the state board shall 66288
update the statewide plan adopted pursuant to division (J)(1) of 66289
this section to also include methods for students enrolled in 66290
seventh and eighth grade to meet curriculum requirements based on 66291
a demonstration of subject area competency, instead of or in 66292
combination with completing hours of classroom instruction. 66293
Beginning with the 2017-2018 school year, each school district and 66294
community school also shall comply with the updated plan adopted 66295
pursuant to this division and permit students enrolled in seventh 66296
and eighth grade to meet curriculum requirements based on subject 66297
area competency in accordance with the plan. 66298

(3) Not later than December 31, 2017, the department shall 66299
develop a framework for school districts and community schools to 66300
use in granting units of high school credit to students who 66301
demonstrate subject area competency through work-based learning 66302
experiences, internships, or cooperative education. Beginning with 66303
the 2018-2019 school year, each district and community school 66304
shall comply with the framework. Each district and community 66305
school also shall review any policy it has adopted regarding the 66306

demonstration of subject area competency to identify ways to 66307
incorporate work-based learning experiences, internships, and 66308
cooperative education into the policy in order to increase student 66309
engagement and opportunities to earn units of high school credit. 66310

(K) This division does not apply to students who qualify for 66311
graduation from high school under division (D) or (F) of this 66312
section, or to students pursuing a career-technical instructional 66313
track as determined by the school district board of education or 66314
the chartered nonpublic school's governing authority. 66315
Nevertheless, the general assembly encourages such students to 66316
consider enrolling in a fine arts course as an elective. 66317

Beginning with students who enter ninth grade for the first 66318
time on or after July 1, 2010, each student enrolled in a public 66319
or chartered nonpublic high school shall complete two semesters or 66320
the equivalent of fine arts to graduate from high school. The 66321
coursework may be completed in any of grades seven to twelve. Each 66322
student who completes a fine arts course in grade seven or eight 66323
may elect to count that course toward the five units of electives 66324
required for graduation under division (C)(8) of this section, if 66325
the course satisfied the requirements of division (G) of this 66326
section. In that case, the high school shall award the student 66327
high school credit for the course and count the course toward the 66328
five units required under division (C)(8) of this section. If the 66329
course in grade seven or eight did not satisfy the requirements of 66330
division (G) of this section, the high school shall not award the 66331
student high school credit for the course but shall count the 66332
course toward the two semesters or the equivalent of fine arts 66333
required by this division. 66334

(L) Notwithstanding anything to the contrary in this section, 66335
the board of education of each school district and the governing 66336
authority of each chartered nonpublic school may adopt a policy to 66337
excuse from the high school physical education requirement each 66338

student who, during high school, has participated in 66339
interscholastic athletics, marching band, or cheerleading for at 66340
least two full seasons or in the junior reserve officer training 66341
corps for at least two full school years. If the board or 66342
authority adopts such a policy, the board or authority shall not 66343
require the student to complete any physical education course as a 66344
condition to graduate. However, the student shall be required to 66345
complete one-half unit, consisting of at least sixty hours of 66346
instruction, in another course of study. In the case of a student 66347
who has participated in the junior reserve officer training corps 66348
for at least two full school years, credit received for that 66349
participation may be used to satisfy the requirement to complete 66350
one-half unit in another course of study. 66351

(M) It is important that high school students learn and 66352
understand United States history and the governments of both the 66353
United States and the state of Ohio. Therefore, beginning with 66354
students who enter ninth grade for the first time on or after July 66355
1, 2012, the study of American history and American government 66356
required by divisions (B)(6) and (C)(6) of this section shall 66357
include the study of all of the following documents: 66358

(1) The Declaration of Independence; 66359

(2) The Northwest Ordinance; 66360

(3) The Constitution of the United States with emphasis on 66361
the Bill of Rights; 66362

(4) The Ohio Constitution. 66363

The study of each of the documents prescribed in divisions 66364
(M)(1) to (4) of this section shall include study of that document 66365
in its original context. 66366

The study of American history and government required by 66367
divisions (B)(6) and (C)(6) of this section shall include the 66368
historical evidence of the role of documents such as the 66369

Federalist Papers and the Anti-Federalist Papers to firmly 66370
establish the historical background leading to the establishment 66371
of the provisions of the Constitution and Bill of Rights. 66372

(N) A student may apply one unit of instruction in computer 66373
science to satisfy one unit of mathematics or one unit of science 66374
under division (C) of this section as the student chooses, 66375
regardless of the field of certification of the teacher who 66376
teaches the course, so long as that teacher meets the licensure 66377
requirements prescribed by section 3319.236 of the Revised Code 66378
and, prior to teaching the course, completes a professional 66379
development program determined to be appropriate by the district 66380
board. 66381

If a student applies more than one computer science course to 66382
satisfy curriculum requirements under that division, the courses 66383
shall be sequential and progressively more difficult or cover 66384
different subject areas within computer science. 66385

(O) This section shall not apply to accredited nonpublic 66386
schools described in section 3301.165 of the Revised Code. 66387

Sec. 3313.62. The school year shall begin on the first day of 66388
July of each calendar year and close on the thirtieth day of June 66389
of the succeeding calendar year. A school week shall consist of 66390
five days. A chartered nonpublic school or an accredited nonpublic 66391
school described in section 3301.165 of the Revised Code may be 66392
open for instruction with pupils in attendance on any day of the 66393
week, including Saturday or Sunday. 66394

Sec. 3313.716. (A) Notwithstanding section 3313.713 of the 66395
Revised Code or any policy adopted under that section, a student 66396
of a school operated by a city, local, exempted village, or joint 66397
vocational school district ~~or~~, a student of a chartered nonpublic 66398
school, or a student of an accredited nonpublic school described 66399

in section 3301.165 of the Revised Code may possess and use a 66400
metered dose inhaler or a dry powder inhaler to alleviate 66401
asthmatic symptoms, or before exercise to prevent the onset of 66402
asthmatic symptoms, if both of the following conditions are 66403
satisfied: 66404

(1) The student has the written approval of the student's 66405
physician and, if the student is a minor, the written approval of 66406
the parent, guardian, or other person having care or charge of the 66407
student. The physician's written approval shall include at least 66408
all of the following information: 66409

(a) The student's name and address; 66410

(b) The names and dose of the medication contained in the 66411
inhaler; 66412

(c) The date the administration of the medication is to 66413
begin; 66414

(d) The date, if known, that the administration of the 66415
medication is to cease; 66416

(e) Written instructions that outline procedures school 66417
personnel should follow in the event that the asthma medication 66418
does not produce the expected relief from the student's asthma 66419
attack; 66420

(f) Any severe adverse reactions that may occur to the child 66421
using the inhaler and that should be reported to the physician; 66422

(g) Any severe adverse reactions that may occur to another 66423
child, for whom the inhaler is not prescribed, should such a child 66424
receive a dose of the medication; 66425

(h) At least one emergency telephone number for contacting 66426
the physician in an emergency; 66427

(i) At least one emergency telephone number for contacting 66428
the parent, guardian, or other person having care or charge of the 66429

student in an emergency; 66430

(j) Any other special instructions from the physician. 66431

(2) The school principal and, if a school nurse is assigned 66432
to the student's school building, the school nurse has received 66433
copies of the written approvals required by division (A)(1) of 66434
this section. 66435

If these conditions are satisfied, the student may possess 66436
and use the inhaler at school or at any activity, event, or 66437
program sponsored by or in which the student's school is a 66438
participant. 66439

(B)(1) A school district, member of a school district board 66440
of education, or school district employee is not liable in damages 66441
in a civil action for injury, death, or loss to person or property 66442
allegedly arising from a district employee's prohibiting a student 66443
from using an inhaler because of the employee's good faith belief 66444
that the conditions of divisions (A)(1) and (2) of this section 66445
had not been satisfied. A school district, member of a school 66446
district board of education, or school district employee is not 66447
liable in damages in a civil action for injury, death, or loss to 66448
person or property allegedly arising from a district employee's 66449
permitting a student to use an inhaler because of the employee's 66450
good faith belief that the conditions of divisions (A)(1) and (2) 66451
of this section had been satisfied. Furthermore, when a school 66452
district is required by this section to permit a student to 66453
possess and use an inhaler because the conditions of divisions 66454
(A)(1) and (2) of this section have been satisfied, the school 66455
district, any member of the school district board of education, or 66456
any school district employee is not liable in damages in a civil 66457
action for injury, death, or loss to person or property allegedly 66458
arising from the use of the inhaler by a student for whom it was 66459
not prescribed. 66460

This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(2) A chartered or an accredited nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a school employee's prohibiting a student from using an inhaler because of the employee's good faith belief that the conditions of divisions (A)(1) and (2) of this section had not been satisfied. A chartered or an accredited nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a school employee's permitting a student to use an inhaler because of the employee's good faith belief that the conditions of divisions (A)(1) and (2) of this section had been satisfied. Furthermore, when a chartered or an accredited nonpublic school is required by this section to permit a student to possess and use an inhaler because the conditions of divisions (A)(1) and (2) of this section have been satisfied, the chartered or accredited nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the inhaler by a student for whom it was not prescribed.

Sec. 3313.717. (A) As used in this section, "automated external defibrillator" means a specialized defibrillator that is approved for use as a medical device by the United States food and drug administration for performing automated external defibrillation, as defined in section 2305.235 of the Revised Code.

(B)(1) The board of education of each school district may 66493
require the placement of an automated external defibrillator in 66494
each school under the control of the board. Not later than July 1, 66495
2018, pursuant to section 3313.6023 of the Revised Code, all 66496
persons employed by a school district shall receive training in 66497
the use of an automated external defibrillator in accordance with 66498
that section, except for substitutes, adult education instructors 66499
who are scheduled to work the full-time equivalent of less than 66500
one hundred twenty days per school year, or persons who are 66501
employed on an as-needed, seasonal, or intermittent basis, so long 66502
as the persons are not employed to coach or supervise 66503
interscholastic athletics. 66504

(2) The administrative authority of each chartered nonpublic 66505
school and the administrative authority of each accredited 66506
nonpublic school described in section 3301.165 of the Revised Code 66507
may require the placement of an automated external defibrillator 66508
in each school under the control of the authority. If an authority 66509
requires the placement of an automated external defibrillator as 66510
provided in this section, the authority also shall require that a 66511
sufficient number of the staff persons assigned to each school 66512
under the control of the authority successfully complete an 66513
appropriate training course in the use of an automated external 66514
defibrillator as described in section 3701.85 of the Revised Code. 66515

(C) In regard to the use of an automated external 66516
defibrillator that is placed in a school as specified in this 66517
section, and except in the case of willful or wanton misconduct or 66518
when there is no good faith attempt to activate an emergency 66519
medical services system in accordance with section 3701.85 of the 66520
Revised Code, no person shall be held liable in civil damages for 66521
injury, death, or loss to person or property, or held criminally 66522
liable, for performing automated external defibrillation in good 66523
faith, regardless of whether the person has obtained appropriate 66524

training on how to perform automated external defibrillation or 66525
successfully completed a course in cardiopulmonary resuscitation. 66526

Sec. 3313.718. (A) As used in this section, "prescriber" has 66527
the same meaning as in section 4729.01 of the Revised Code. 66528

(B) Notwithstanding section 3313.713 of the Revised Code or 66529
any policy adopted under that section, a student of a school 66530
operated by a city, local, exempted village, or joint vocational 66531
school district ~~or~~, a student of a chartered nonpublic school, or 66532
a student of an accredited nonpublic school described in section 66533
3301.165 of the Revised Code may possess and use an epinephrine 66534
autoinjector to treat anaphylaxis, if all of the following 66535
conditions are satisfied: 66536

(1) The student has the written approval of the prescriber of 66537
the autoinjector and, if the student is a minor, the written 66538
approval of the parent, guardian, or other person having care or 66539
charge of the student. The prescriber's written approval shall 66540
include at least all of the following information: 66541

(a) The student's name and address; 66542

(b) The names and dose of the medication contained in the 66543
autoinjector; 66544

(c) The date the administration of the medication is to 66545
begin; 66546

(d) The date, if known, that the administration of the 66547
medication is to cease; 66548

(e) Acknowledgment that the prescriber has determined that 66549
the student is capable of possessing and using the autoinjector 66550
appropriately and has provided the student with training in the 66551
proper use of the autoinjector; 66552

(f) Circumstances in which the autoinjector should be used; 66553

(g) Written instructions that outline procedures school employees should follow in the event that the student is unable to administer the anaphylaxis medication or the medication does not produce the expected relief from the student's anaphylaxis;

(h) Any severe adverse reactions that may occur to the child using the autoinjector that should be reported to the prescriber;

(i) Any severe adverse reactions that may occur to another child, for whom the autoinjector is not prescribed, should such a child receive a dose of the medication;

(j) At least one emergency telephone number for contacting the prescriber in an emergency;

(k) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;

(1) Any other special instructions from the prescriber.

(2) The school principal and, if a school nurse is assigned to the student's school building, the school nurse has received copies of the written approvals required by division (B)(1) of this section.

(3) The school principal or, if a school nurse is assigned to the student's school building, the school nurse has received a backup dose of the anaphylaxis medication from the parent, guardian, or other person having care or charge of the student or, if the student is not a minor, from the student.

If these conditions are satisfied, the student may possess and use the autoinjector at school or at any activity, event, or program sponsored by or in which the student's school is a participant.

(C) Whenever a student uses an autoinjector at school or at any activity, event, or program sponsored by or in which the

student's school is a participant or whenever a school employee 66584
administers anaphylaxis medication to a student that was possessed 66585
by the student pursuant to the written approvals described in 66586
division (B)(1) of this section, a school employee shall 66587
immediately request assistance from an emergency medical service 66588
provider. 66589

(D)(1) A school district, member of a school district board 66590
of education, or school district employee is not liable in damages 66591
in a civil action for injury, death, or loss to person or property 66592
allegedly arising from a district employee's prohibiting a student 66593
from using an autoinjector because of the employee's good faith 66594
belief that the conditions of division (B) of this section had not 66595
been satisfied. A school district, member of a school district 66596
board of education, or school district employee is not liable in 66597
damages in a civil action for injury, death, or loss to person or 66598
property allegedly arising from a district employee's permitting a 66599
student to use an autoinjector because of the employee's good 66600
faith belief that the conditions of division (B) of this section 66601
had been satisfied. Furthermore, when a school district is 66602
required by this section to permit a student to possess and use an 66603
autoinjector because the conditions of division (B) of this 66604
section have been satisfied, the school district, any member of 66605
the school district board of education, or any school district 66606
employee is not liable in damages in a civil action for injury, 66607
death, or loss to person or property allegedly arising from the 66608
use of the autoinjector by a student for whom it was not 66609
prescribed. 66610

This section does not eliminate, limit, or reduce any other 66611
immunity or defense that a school district, member of a school 66612
district board of education, or school district employee may be 66613
entitled to under Chapter 2744. or any other provision of the 66614
Revised Code or under the common law of this state. 66615

(2) A chartered or an accredited nonpublic school or any 66616
officer, director, or employee of the school is not liable in 66617
damages in a civil action for injury, death, or loss to person or 66618
property allegedly arising from a school employee's prohibiting a 66619
student from using an autoinjector because of the employee's good 66620
faith belief that the conditions of division (B) of this section 66621
had not been satisfied. A chartered or an accredited nonpublic 66622
school or any officer, director, or employee of the school is not 66623
liable in damages in a civil action for injury, death, or loss to 66624
person or property allegedly arising from a school employee's 66625
permitting a student to use an autoinjector because of the 66626
employee's good faith belief that the conditions of division (B) 66627
of this section had been satisfied. Furthermore, when a chartered 66628
or an accredited nonpublic school is required by this section to 66629
permit a student to possess and use an autoinjector because the 66630
conditions of division (B) of this section have been satisfied, 66631
the chartered or accredited nonpublic school or any officer, 66632
director, or employee of the school is not liable in damages in a 66633
civil action for injury, death, or loss to person or property 66634
allegedly arising from the use of the autoinjector by a student 66635
for whom it was not prescribed. 66636

Sec. 3313.719. The board of education of each city, local, 66637
exempted village, and joint vocational school district ~~and~~, the 66638
governing authority of each chartered nonpublic school, and the 66639
governing authority of each accredited nonpublic school described 66640
in section 3301.165 of the Revised Code shall establish a written 66641
policy with respect to protecting students with peanut or other 66642
food allergies. The policy shall be developed in consultation with 66643
parents, school nurses and other school employees, school 66644
volunteers, students, and community members. 66645

Sec. 3313.7111. (A) With the approval of its governing 66646

authority, a chartered nonpublic school, accredited nonpublic 66647
school described in section 3301.165 of the Revised Code, or 66648
nonchartered nonpublic school may procure epinephrine 66649
autoinjectors in the manner prescribed by section 3313.7110 of the 66650
Revised Code. A chartered, accredited, or nonchartered nonpublic 66651
school that elects to do so shall comply with all provisions of 66652
that section as if it were a school district. 66653

(B)(1) The following are not liable in damages in a civil 66654
action for injury, death, or loss to person or property that 66655
allegedly arises from an act or omission associated with 66656
procuring, maintaining, accessing, or using an epinephrine 66657
autoinjector under this section, unless the act or omission 66658
constitutes willful or wanton misconduct: 66659

(a) A chartered, accredited, or nonchartered nonpublic 66660
school; 66661

(b) A member of a chartered, accredited, or nonchartered 66662
nonpublic school governing authority; 66663

(c) An employee or contractor of the school; 66664

(d) A licensed health professional authorized to prescribe 66665
drugs who personally furnishes or prescribes epinephrine 66666
autoinjectors, provides a consultation, or issues a protocol 66667
pursuant to this section. 66668

(2) This division does not eliminate, limit, or reduce any 66669
other immunity or defense that a chartered, accredited, or 66670
nonchartered nonpublic school or governing authority, member of a 66671
chartered, accredited, or nonchartered nonpublic school governing 66672
authority, chartered, accredited, or nonchartered nonpublic school 66673
employee or contractor, or licensed health professional may be 66674
entitled to under any other provision of the Revised Code or the 66675
common law of this state. 66676

(C) A chartered, accredited, or nonchartered nonpublic school 66677
may accept donations of epinephrine autoinjectors from a wholesale 66678
distributor of dangerous drugs or a manufacturer of dangerous 66679
drugs, as defined in section 4729.01 of the Revised Code, and may 66680
accept donations of money from any person to purchase epinephrine 66681
autoinjectors. 66682

(D) A chartered, accredited, or nonchartered nonpublic school 66683
that elects to procure epinephrine autoinjectors under this 66684
section shall report to the department of education each 66685
procurement and occurrence in which an epinephrine autoinjector is 66686
used from the school's supply of epinephrine autoinjectors. 66687

Sec. 3313.7112. (A) As used in this section: 66688

(1) "Board of education" means a board of education of a 66689
city, local, exempted village, or joint vocational school 66690
district. 66691

(2) "Governing authority" means a governing authority of a 66692
chartered nonpublic school or an accredited nonpublic school 66693
operating under section 3301.165 of the Revised Code. 66694

(3) "Licensed health care professional" means any of the 66695
following: 66696

(a) A physician authorized under Chapter 4731. of the Revised 66697
Code to practice medicine and surgery or osteopathic medicine and 66698
surgery; 66699

(b) A registered nurse, advanced practice registered nurse, 66700
or licensed practical nurse licensed under Chapter 4723. of the 66701
Revised Code; 66702

(c) A physician assistant licensed under Chapter 4730. of the 66703
Revised Code. 66704

(4) "Local health department" means a department operated by 66705
a board of health of a city or general health district or the 66706

authority having the duties of a board of health as described in 66707
section 3709.05 of the Revised Code. 66708

(5) "School employee" or "employee" means either of the 66709
following: 66710

(a) A person employed by a board of education or governing 66711
authority; 66712

(b) A licensed health care professional employed by or under 66713
contract with a local health department who is assigned to a 66714
school in a city, local, exempted village, or joint vocational 66715
school district ~~or~~, a chartered nonpublic school, or an accredited 66716
nonpublic school described in section 3301.165 of the Revised 66717
Code. 66718

(6) "Treating practitioner" means any of the following who 66719
has primary responsibility for treating a student's diabetes and 66720
has been identified as such by the student's parent, guardian, or 66721
other person having care or charge of the student or, if the 66722
student is at least eighteen years of age, by the student: 66723

(a) A physician authorized under Chapter 4731. of the Revised 66724
Code to practice medicine and surgery or osteopathic medicine and 66725
surgery; 66726

(b) An advanced practice registered nurse who holds a 66727
current, valid license to practice nursing as an advanced practice 66728
registered nurse issued under Chapter 4723. of the Revised Code 66729
and is designated as a clinical nurse specialist or certified 66730
nurse practitioner in accordance with section 4723.42 of the 66731
Revised Code; 66732

(c) A physician assistant who holds a license issued under 66733
Chapter 4730. of the Revised Code, holds a valid prescriber number 66734
issued by the state medical board, and has been granted 66735
physician-delegated prescriptive authority. 66736

(7) "504 plan" means a plan based on an evaluation conducted 66737
in accordance with section 504 of the "Rehabilitation Act of 66738
1973," 29 U.S.C. 794, as amended. 66739

(B)(1) Each board of education or governing authority shall 66740
ensure that each student enrolled in the school district or 66741
chartered nonpublic school who has diabetes receives appropriate 66742
and needed diabetes care in accordance with an order signed by the 66743
student's treating practitioner. The diabetes care to be provided 66744
includes any of the following: 66745

(a) Checking and recording blood glucose levels and ketone 66746
levels or assisting the student with checking and recording these 66747
levels; 66748

(b) Responding to blood glucose levels that are outside of 66749
the student's target range; 66750

(c) In the case of severe hypoglycemia, administering 66751
glucagon and other emergency treatments as prescribed; 66752

(d) Administering insulin or assisting the student in 66753
self-administering insulin through the insulin delivery system the 66754
student uses; 66755

(e) Providing oral diabetes medications; 66756

(f) Understanding recommended schedules and food intake for 66757
meals and snacks in order to calculate medication dosages pursuant 66758
to the order of the student's treating practitioner; 66759

(g) Following the treating practitioner's instructions 66760
regarding meals, snacks, and physical activity; 66761

(h) Administering diabetes medication, as long as the 66762
conditions prescribed in division (C) of this section are 66763
satisfied. 66764

(2) Not later than fourteen days after receipt of an order 66765
signed by the treating practitioner of a student with diabetes, 66766

the board of education or governing authority shall inform the 66767
student's parent, guardian, or other person having care or charge 66768
of the student that the student may be entitled to a 504 plan 66769
regarding the student's diabetes. The department of education 66770
shall develop a 504 plan information sheet for use by a board of 66771
education or governing authority when informing a student's 66772
parent, guardian, or other person having care or charge of the 66773
student that the student may be entitled to a 504 plan regarding 66774
the student's diabetes. 66775

(C) Notwithstanding division (B) of section 3313.713 of the 66776
Revised Code or any other provision of the Revised Code, diabetes 66777
medication may be administered under this section by a school 66778
nurse or, in the absence of a school nurse, a school employee who 66779
is trained in diabetes care under division (E) of this section. 66780
Medication administration may be provided under this section only 66781
when the conditions prescribed in division (C) of section 3313.713 66782
of the Revised Code are satisfied. 66783

Notwithstanding division (D) of section 3313.713 of the 66784
Revised Code, medication that is to be administered under this 66785
section may be kept in an easily accessible location. 66786

(D)(1) The department of education shall adopt nationally 66787
recognized guidelines, as determined by the department, for the 66788
training of school employees in diabetes care for students. In 66789
doing so, the department shall consult with the department of 66790
health, the American diabetes association, and the Ohio school 66791
nurses association. The department may consult with any other 66792
organizations as determined appropriate by the department. 66793

(2) The guidelines shall address all of the following issues: 66794

(a) Recognizing the symptoms of hypoglycemia and 66795
hyperglycemia; 66796

(b) The appropriate treatment for a student who exhibits the 66797

symptoms of hypoglycemia or hyperglycemia; 66798

(c) Recognizing situations that require the provision of 66799
emergency medical assistance to a student; 66800

(d) Understanding the appropriate treatment for a student, 66801
based on an order issued by the student's treating practitioner, 66802
if the student's blood glucose level is not within the target 66803
range indicated by the order; 66804

(e) Understanding the instructions in an order issued by a 66805
student's treating practitioner concerning necessary medications; 66806

(f) Performing blood glucose and ketone tests for a student 66807
in accordance with an order issued by the student's treating 66808
practitioner and recording the results of those tests; 66809

(g) Administering insulin, glucagon, or other medication to a 66810
student in accordance with an order issued by the student's 66811
treating practitioner and recording the results of the 66812
administration; 66813

(h) Understanding the relationship between the diet 66814
recommended in an order issued by a student's treating 66815
practitioner and actions that may be taken if the recommended diet 66816
is not followed. 66817

(E)(1) To ensure that a student with diabetes receives the 66818
diabetes care specified in division (B) of this section, a board 66819
of education or governing authority may provide training that 66820
complies with the guidelines developed under division (D) of this 66821
section to a school employee at each school attended by a student 66822
with diabetes. With respect to any training provided, all of the 66823
following apply: 66824

(a) The training shall be coordinated by a school nurse or, 66825
if the school does not employ a school nurse, a licensed health 66826
care professional with expertise in diabetes who is approved by 66827

the school to provide the training. 66828

(b) The training shall take place prior to the beginning of 66829
each school year or, as needed, not later than fourteen days after 66830
receipt by the board of education or governing authority of an 66831
order signed by the treating practitioner of a student with 66832
diabetes. 66833

(c) On completion of the training, the board of education or 66834
governing authority, in a manner it determines, shall determine 66835
whether each employee trained is competent to provide diabetes 66836
care. 66837

(d) The school nurse or approved licensed health care 66838
professional with expertise in diabetes care shall promptly 66839
provide all necessary follow-up training and supervision to an 66840
employee who receives training. 66841

(2) The principal of a school attended by a student with 66842
diabetes or another school official authorized to act on behalf of 66843
the principal may distribute a written notice to each employee 66844
containing all of the following: 66845

(a) A statement that the school is required to provide 66846
diabetes care to a student with diabetes and is seeking employees 66847
who are willing to be trained to provide that care; 66848

(b) A description of the tasks to be performed; 66849

(c) A statement that participation is voluntary and that the 66850
school district or governing authority will not take action 66851
against an employee who does not agree to provide diabetes care; 66852

(d) A statement that training will be provided by a licensed 66853
health care professional to an employee who agrees to provide 66854
care; 66855

(e) A statement that a trained employee is immune from 66856
liability under division (J) of this section; 66857

(f) The name of the individual who should be contacted if an employee is interested in providing diabetes care. 66858
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(3) No employee of a board of education or governing authority shall be subject to a penalty or disciplinary action under school or district policies for refusing to volunteer to be trained in diabetes care. 66860
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(4) No board or governing authority shall discourage employees from agreeing to provide diabetes care under this section. 66864
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(F) A board of education or governing authority may provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations involving these conditions to both of the following: 66867
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(1) A school employee who has primary responsibility for supervising a student with diabetes during some portion of the school day; 66871
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(2) A bus driver employed by a school district ~~or~~, chartered nonpublic school, or accredited nonpublic school described in section 3301.165 of the Revised Code, who is responsible for the transportation of a student with diabetes. 66874
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(G) A student with diabetes shall be permitted to attend the school the student would otherwise attend if the student did not have diabetes and the diabetes care specified in division (B) of this section shall be provided at the school. A board of education or governing authority shall not restrict a student who has diabetes from attending the school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have an employee trained in diabetes care. The school shall not require or pressure a parent, guardian, or other person having care or charge of a student to provide diabetes care for the student with diabetes at school or 66878
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school-related activities. 66889

(H)(1) Notwithstanding section 3313.713 of the Revised Code 66890
or any policy adopted under that section and except as provided in 66891
division (H)(2) of this section, on written request of the parent, 66892
guardian, or other person having care or charge of a student and 66893
authorization by the student's treating practitioner, a student 66894
with diabetes shall be permitted during regular school hours and 66895
school-sponsored activities to attend to the care and management 66896
of the student's diabetes in accordance with the order issued by 66897
the student's treating practitioner if the student's treating 66898
practitioner determines that the student is capable of performing 66899
diabetes care tasks. The student shall be permitted to perform 66900
diabetes care tasks in a classroom, in any area of the school or 66901
school grounds, and at any school-related activity, and to possess 66902
on the student's self at all times all necessary supplies and 66903
equipment to perform these tasks. If the student or the parent, 66904
guardian, or other person having care or charge of the student so 66905
requests, the student shall have access to a private area for 66906
performing diabetes care tasks. 66907

(2) If the student performs any diabetes care tasks or uses 66908
medical equipment for purposes other than the student's own care, 66909
the board of education or governing authority may revoke the 66910
student's permission to attend to the care and management of the 66911
student's diabetes. 66912

(I)(1) Notwithstanding any other provision of the Revised 66913
Code to the contrary, a licensed health care professional shall be 66914
permitted to provide training to a school employee under division 66915
(E) of this section or to supervise the employee in performing 66916
diabetes care tasks. 66917

(2) Nothing in this section diminishes the rights of eligible 66918
students or the obligations of school districts or governing 66919
authorities under the "Individuals with Disabilities Education 66920

Act," 20 U.S.C. 1400 et seq., section 504 of the "Rehabilitation 66921
Act," 29 U.S.C. 794, or the "Americans with Disabilities Act," 42 66922
U.S.C. 12101 et seq. 66923

(J)(1) A school or school district, a member of a board or 66924
governing authority, or a district or school employee is not 66925
liable in damages in a civil action for injury, death, or loss to 66926
person or property allegedly arising from providing care or 66927
performing duties under this section unless the act or omission 66928
constitutes willful or wanton misconduct. 66929

This section does not eliminate, limit, or reduce any other 66930
immunity or defense that a school or school district, member of a 66931
board of education or governing authority, or district or school 66932
employee may be entitled to under Chapter 2744. or any other 66933
provision of the Revised Code or under the common law of this 66934
state. 66935

(2) A school employee shall not be subject to disciplinary 66936
action under school or district policies for providing care or 66937
performing duties under this section. 66938

(3) A school nurse or other licensed health care professional 66939
shall be immune from disciplinary action by the board of nursing 66940
or any other regulatory board for providing care or performing 66941
duties under this section if the care provided or duties performed 66942
are consistent with applicable professional standards. 66943

(K)(1) Not later than the last day of December of each year, 66944
a board of education or governing authority shall report to the 66945
department of education both of the following: 66946

(a) The number of students with diabetes enrolled in the 66947
school district ~~or~~, chartered nonpublic school, or accredited 66948
nonpublic school during the previous school year; 66949

(b) The number of errors associated with the administration 66950
of diabetes medication to students with diabetes during the 66951

previous school year. 66952

(2) Not later than the last day of March of each year, the 66953
department shall issue a report summarizing the information 66954
received by the department under division (K)(1) of this section 66955
for the previous school year. The department shall make the report 66956
available on its internet web site. 66957

Sec. 3313.7114. (A) As used in this section, "inhaler" has 66958
the same meaning as in section 3313.7113 of the Revised Code. 66959

(B) With the approval of its governing authority, a chartered 66960
nonpublic school, accredited nonpublic school described in section 66961
3301.165 of the Revised Code, or nonchartered nonpublic school may 66962
procure inhalers in the manner prescribed by section 3313.7113 of 66963
the Revised Code. A chartered, accredited, or nonchartered 66964
nonpublic school that elects to do so shall comply with all 66965
provisions of that section as if it were a school district. 66966

(C) A chartered, accredited, or nonchartered nonpublic 66967
school, a member of a chartered, accredited, or nonchartered 66968
nonpublic school governing authority, or an employee or contractor 66969
of the school is not liable in damages in a civil action for 66970
injury, death, or loss to person or property that allegedly arises 66971
from an act or omission associated with procuring, maintaining, 66972
accessing, or using an inhaler under this section, unless the act 66973
or omission constitutes willful or wanton misconduct. 66974

(D) A chartered, accredited, or nonchartered nonpublic school 66975
may accept donations of inhalers from a wholesale distributor of 66976
dangerous drugs or a manufacturer of dangerous drugs, as defined 66977
in section 4729.01 of the Revised Code, and may accept donations 66978
of money from any person to purchase inhalers. 66979

(E) A chartered, accredited, or nonchartered nonpublic school 66980
that elects to procure inhalers under this section shall report to 66981

the department of education each procurement and occurrence in 66982
which an inhaler is used from the school's supply of inhalers. 66983

Sec. 3313.813. (A) As used in this section: 66984

(1) "Outdoor education center" means a public or nonprofit 66985
private entity that provides to pupils enrolled in any public or 66986
accredited or chartered nonpublic elementary or secondary school 66987
an outdoor educational curriculum that the school considers to be 66988
part of its educational program. 66989

(2) "Outside-school-hours care center" has the meaning 66990
established in 7 C.F.R. 226.2. 66991

(3) "Accredited nonpublic school" means an accredited 66992
nonpublic school as described in section 3301.165 of the Revised 66993
Code. 66994

(B) The state board of education shall establish standards 66995
for a school lunch program, school breakfast program, child and 66996
adult care food program, special food service program for 66997
children, summer food service program for children, special milk 66998
program for children, food service equipment assistance program, 66999
and commodity distribution program established under the "National 67000
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 67001
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 67002
U.S.C. 1771, as amended. Any board of education of a school 67003
district, nonprofit private school, outdoor education center, 67004
child care institution, outside-school-hours care center, or 67005
summer camp desiring to participate in such a program or required 67006
to participate under this section shall, if eligible to 67007
participate under the "National School Lunch Act," as amended, or 67008
the "Child Nutrition Act of 1966," as amended, make application to 67009
the state board of education for assistance. The board shall 67010
administer the allocation and distribution of all state and 67011
federal funds for these programs. 67012

(C) The state board of education shall require the board of
education of each school district to establish and maintain a
school breakfast, lunch, and summer food service program pursuant
to the "National School Lunch Act" and the "Child Nutrition Act of
1966," as described in divisions (C)(1) to (4) of this section.

(1) The state board shall require the board of education in
each school district to establish a breakfast program in every
school where at least one-fifth of the pupils in the school are
eligible under federal requirements for free breakfasts and to
establish a lunch program in every school where at least one-fifth
of the pupils are eligible for free lunches. The board of
education required to establish a breakfast program under this
division may make a charge in accordance with federal requirements
for each reduced price breakfast or paid breakfast to cover the
cost incurred in providing that meal.

(2) The state board shall require the board of education in
each school district to establish a breakfast program in every
school in which the parents of at least one-half of the children
enrolled in the school have requested that the breakfast program
be established. The board of education required to establish a
program under this division may make a charge in accordance with
federal requirements for each meal to cover all or part of the
costs incurred in establishing such a program.

(3) The state board shall require the board of education in
each school district to establish one of the following for summer
intervention services described in division (D) of section
3301.0711 or provided under section 3313.608 of the Revised Code,
and any other summer intervention program required by law:

(a) An extension of the school breakfast program pursuant to
the "National School Lunch Act" and the "Child Nutrition Act of
1966";

(b) An extension of the school lunch program pursuant to 67044
those acts; 67045

(c) A summer food service program pursuant to those acts. 67046

(4)(a) If the board of education of a school district 67047
determines that, for financial reasons, it cannot comply with 67048
division (C)(1) or (3) of this section, the district board may 67049
choose not to comply with either or both divisions, except as 67050
provided in divisions (C)(4)(b) and (c) of this section. The 67051
district board publicly shall communicate to the residents of the 67052
district, in the manner it determines appropriate, its decision 67053
not to comply. 67054

(b) If a district board chooses not to comply with division 67055
(C)(1) of this section, the state board nevertheless shall require 67056
the district board to establish a breakfast program in every 67057
school where at least one-third of the pupils in the school are 67058
eligible under federal requirements for free breakfasts and to 67059
establish a lunch program in every school where at least one-third 67060
of the pupils are eligible for free lunches. The district board 67061
may make a charge in accordance with federal requirements for each 67062
reduced price breakfast or paid breakfast to cover the cost 67063
incurred in providing that meal. 67064

(c) If the board of education of a school district chooses 67065
not to comply with division (C)(3) of this section, the state 67066
board nevertheless shall require the district board to permit an 67067
approved summer food service program sponsor to use school 67068
facilities located in a school building attendance area where at 67069
least one-half of the pupils are eligible for free lunches. 67070

The department of education shall post in a prominent 67071
location on the department's web site a list of approved summer 67072
food service program sponsors that may use school facilities under 67073
this division. 67074

Subject to the provisions of sections 3313.75 and 3313.77 of
the Revised Code, a school district may charge the summer food
service program sponsor a reasonable fee for the use of school
facilities that may include the actual cost of custodial services,
charges for the use of school equipment, and a prorated share of
the utility costs as determined by the district board. A school
district shall require the summer food service program sponsor to
indemnify and hold harmless the district from any potential
liability resulting from the operation of the summer food service
program under this division. For this purpose, the district shall
either add the summer food service program sponsor, as an
additional insured party, to the district's existing liability
insurance policy or require the summer food service program
sponsor to submit evidence of a separate liability insurance
policy, for an amount approved by the district board. The summer
food service program sponsor shall be responsible for any costs
incurred in obtaining coverage under either option.

(d) If a school district cannot for good cause comply with
the requirements of division (C)(2) or (4)(b) or (c) of this
section at the time the state board determines that a district is
subject to these requirements, the state board shall grant a
reasonable extension of time. Good cause for an extension of time
shall include, but need not be limited to, economic impossibility
of compliance with the requirements at the time the state board
determines that a district is subject to them.

(D)(1) The state board shall accept the application of any
outdoor education center in the state making application for
participation in a program pursuant to division (B) of this
section.

(2) For purposes of participation in any program pursuant to
this section, the board shall certify any outdoor education center
making application as an educational unit that is part of the

educational system of the state, if the center: 67107

(a) Meets the definition of an outdoor education center; 67108

(b) Provides its outdoor education curriculum to pupils on an 67109
overnight basis so that pupils are in residence at the center for 67110
more than twenty-four consecutive hours; 67111

(c) Operates under public or nonprofit private ownership in a 67112
single building or complex of buildings. 67113

(3) The board shall approve any outdoor education center 67114
certified under this division for participation in the program for 67115
which the center is making application on the same basis as any 67116
other applicant for that program. 67117

(E) Any school district board of education or chartered or 67118
accredited nonpublic school that participates in a breakfast 67119
program pursuant to this section may offer breakfast to pupils in 67120
their classrooms during the school day. 67121

(F) Notwithstanding anything in this section to the contrary, 67122
in each fiscal year in which the general assembly appropriates 67123
funds for purposes of this division, the board of education of 67124
each school district and each chartered and accredited nonpublic 67125
school that participates in a breakfast program pursuant to this 67126
section shall provide a breakfast free of charge to each pupil who 67127
is eligible under federal requirements for a reduced price 67128
breakfast. 67129

Sec. 3313.86. The board of education of each city, exempted 67130
village, local, and joint vocational school district ~~and~~, the 67131
governing authority of each chartered nonpublic school, and the 67132
governing authority of each accredited nonpublic school described 67133
in section 3301.165 of the Revised Code periodically shall review 67134
its policies and procedures to ensure the safety of students, 67135
employees, and other persons using a school building from any 67136

known hazards in the building or on building grounds that, in the judgment of the board or governing authority, pose an immediate risk to health or safety. The board or governing authority shall further ensure that its policies and procedures comply with all federal laws and regulations regarding health and safety applicable to school buildings.

Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section 3313.979 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the following requirements:

(1) The school either:

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district;

(b) Offers any of grades nine through twelve and is located within the boundaries of a city, local, or exempted village school district that is both:

(i) Located in a municipal corporation with a population of fifteen thousand or more;

(ii) Located within five miles of the border of the pilot project school district.

(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;

(3) The school ~~meets~~ either:

(a) Meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; or

(b) Is an accredited nonpublic school described in section 3301.165 of the Revised Code.

(4) The school does not discriminate on the basis of race, religion, or ethnic background;

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;

(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;

(7) The school does not provide false or misleading information about the school to parents, students, or the general public;

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised

Code, excluding any increase described in division (C)(2) of that 67197
section. The school shall permit such tuition, at the discretion 67198
of the parent, to be satisfied by the family's provision of 67199
in-kind contributions or services. 67200

(10) The school agrees not to charge any tuition to families 67201
of students in grades nine through twelve receiving a scholarship 67202
in excess of the actual tuition charge of the school less the 67203
scholarship amount established pursuant to division (C)(1) of 67204
section 3313.978 of the Revised Code, excluding any increase 67205
described in division (C)(2) of that section. 67206

(11) Except as provided in divisions (K)(1) and (L) of 67207
section 3301.0711 of the Revised Code, it annually administers the 67208
applicable assessments prescribed by section 3301.0710, 3301.0712, 67209
or 3313.619 of the Revised Code to each scholarship student 67210
enrolled in the school in accordance with section 3301.0711 or 67211
3301.0712 of the Revised Code and reports to the department of 67212
education the results of each such assessment administered to each 67213
scholarship student. 67214

(B) The state superintendent shall revoke the registration of 67215
any school if, after a hearing, the superintendent determines that 67216
the school is in violation of any of the provisions of division 67217
(A) of this section. 67218

(C) Any public school located in a school district adjacent 67219
to the pilot project district may receive scholarship payments on 67220
behalf of parents pursuant to section 3313.979 of the Revised Code 67221
if the superintendent of the district in which such public school 67222
is located notifies the state superintendent prior to the first 67223
day of March that the district intends to admit students from the 67224
pilot project district for the ensuing school year pursuant to 67225
section 3327.06 of the Revised Code. 67226

(D) Any parent wishing to purchase tutorial assistance from 67227

any person or governmental entity pursuant to the pilot project 67228
program under sections 3313.974 to 3313.979 of the Revised Code 67229
shall apply to the state superintendent. The state superintendent 67230
shall approve providers who appear to possess the capability of 67231
furnishing the instructional services they are offering to 67232
provide. 67233

Sec. 3317.024. The following shall be distributed monthly, 67234
quarterly, or annually as may be determined by the state board of 67235
education: 67236

(A) An amount for each island school district and each joint 67237
state school district for the operation of each high school and 67238
each elementary school maintained within such district and for 67239
capital improvements for such schools. Such amounts shall be 67240
determined on the basis of standards adopted by the state board of 67241
education. However, for fiscal years 2012 and 2013, an island 67242
district shall receive the lesser of its actual cost of operation, 67243
as certified to the department of education, or ninety-three per 67244
cent of the amount the district received in state operating 67245
funding for fiscal year 2011. If an island district received no 67246
funding for fiscal year 2011, it shall receive no funding for 67247
either of fiscal year 2012 or 2013. 67248

(B) An amount for each school district required to pay 67249
tuition for a child in an institution maintained by the department 67250
of youth services pursuant to section 3317.082 of the Revised 67251
Code, provided the child was not included in the calculation of 67252
the district's formula ADM, as that term is defined in section 67253
3317.02 of the Revised Code, for the preceding school year. 67254

(C) An amount for the approved cost of transporting eligible 67255
pupils with disabilities attending a special education program 67256
approved by the department of education whom it is impossible or 67257
impractical to transport by regular school bus in the course of 67258

regular route transportation provided by the school district or 67259
educational service center. No district or service center is 67260
eligible to receive a payment under this division for the cost of 67261
transporting any pupil whom it transports by regular school bus 67262
and who is included in the district's transportation ADM. The 67263
state board of education shall establish standards and guidelines 67264
for use by the department of education in determining the approved 67265
cost of such transportation for each district or service center. 67266

(D) An amount to each school district, including each 67267
cooperative education school district, pursuant to section 3313.81 67268
of the Revised Code to assist in providing free lunches to needy 67269
children. The amounts shall be determined on the basis of rules 67270
adopted by the state board of education. 67271

(E)(1) An amount for auxiliary services to each school 67272
district, for each pupil attending a chartered or an accredited 67273
nonpublic elementary or high school within the district that is 67274
either of the following: 67275

(a) A school affiliated with a religious order, sect, church, 67276
or denomination or has a curriculum or mission that contains 67277
religious content, religious courses, devotional exercises, 67278
religious training, or any other religious activity; 67279

(b) A school not described in division (E)(1)(a) of this 67280
section that has not elected to receive funds under division 67281
(E)(2) of this section. 67282

(2) An amount for auxiliary services paid directly to each 67283
chartered or an accredited nonpublic school that has elected to 67284
receive funds under division (E)(2) of this section for each pupil 67285
attending the school. To elect to receive funds under division 67286
(E)(2) of this section, a school, by the first day of April of 67287
each odd-numbered year, shall notify the department and the school 67288
district in which the school is located of the election and shall 67289

submit to the department an affidavit certifying that the school 67290
is not affiliated with a religious order, sect, church, or 67291
denomination and does not have a curriculum or mission that 67292
contains religious content, religious courses, devotional 67293
exercises, religious training, or any other religious activity. 67294
The election shall take effect the following first day of July, 67295
unless the department determines that the school meets the 67296
criteria in division (E)(1)(a) of this section. The school 67297
subsequently may rescind its election, but it may do so only in an 67298
odd-numbered year by notifying the department and the school 67299
district in which the school is located of the rescission not 67300
later than the first day of April of that year. Beginning the 67301
following first day of July after the rescission, the school shall 67302
receive funds under division (E)(1) of this section. 67303

The amount paid under divisions (E)(1) and (2) of this 67304
section shall equal the total amount appropriated for the 67305
implementation of sections 3317.06 and 3317.062 of the Revised 67306
Code divided by the average daily membership in grades 67307
kindergarten through twelve in chartered or accredited nonpublic 67308
elementary and high schools within the state as determined as of 67309
the last day of October of each school year. 67310

For purposes of this section, "accredited nonpublic school" 67311
means an accredited nonpublic school as described in section 67312
3301.165 of the Revised Code. 67313

(F) An amount for each county board of developmental 67314
disabilities, distributed on the basis of standards adopted by the 67315
state board of education, for the approved cost of transportation 67316
required for children attending special education programs 67317
operated by the county board under section 3323.09 of the Revised 67318
Code; 67319

(G) An amount to each institution defined under section 67320
3317.082 of the Revised Code providing elementary or secondary 67321

education to children other than children receiving special 67322
education under section 3323.091 of the Revised Code. This amount 67323
for any institution in any fiscal year shall equal the total of 67324
all tuition amounts required to be paid to the institution under 67325
division (A)(1) of section 3317.082 of the Revised Code. 67326

The state board of education or any other board of education 67327
or governing board may provide for any resident of a district or 67328
educational service center territory any educational service for 67329
which funds are made available to the board by the United States 67330
under the authority of public law, whether such funds come 67331
directly or indirectly from the United States or any agency or 67332
department thereof or through the state or any agency, department, 67333
or political subdivision thereof. 67334

Sec. 3317.03. (A) The superintendent of each city, local, and 67335
exempted village school district shall report to the state board 67336
of education as of the last day of October, March, and June of 67337
each year the enrollment of students receiving services from 67338
schools under the superintendent's supervision, and the numbers of 67339
other students entitled to attend school in the district under 67340
section 3313.64 or 3313.65 of the Revised Code the superintendent 67341
is required to report under this section, so that the department 67342
of education can calculate the district's formula ADM, total ADM, 67343
category one through five career-technical education ADM, category 67344
one through three limited English proficient ADM, category one 67345
through six special education ADM, preschool scholarship ADM, 67346
transportation ADM, and, for purposes of provisions of law outside 67347
of Chapter 3317. of the Revised Code, average daily membership. 67348

(1) The enrollment reported by the superintendent during the 67349
reporting period shall consist of the number of students in grades 67350
kindergarten through twelve receiving any educational services 67351
from the district, except that the following categories of 67352

students shall not be included in the determination: 67353

(a) Students enrolled in adult education classes; 67354

(b) Adjacent or other district students enrolled in the 67355
district under an open enrollment policy pursuant to section 67356
3313.98 of the Revised Code; 67357

(c) Students receiving services in the district pursuant to a 67358
compact, cooperative education agreement, or a contract, but who 67359
are entitled to attend school in another district pursuant to 67360
section 3313.64 or 3313.65 of the Revised Code; 67361

(d) Students for whom tuition is payable pursuant to sections 67362
3317.081 and 3323.141 of the Revised Code; 67363

(e) Students receiving services in the district through a 67364
scholarship awarded under either section 3310.41 or sections 67365
3310.51 to 3310.64 of the Revised Code. 67366

When reporting students under division (A)(1) of this 67367
section, the superintendent also shall report the district where 67368
each student is entitled to attend school pursuant to sections 67369
3313.64 and 3313.65 of the Revised Code. 67370

(2) The department of education shall compile a list of all 67371
students reported to be enrolled in a district under division 67372
(A)(1) of this section and of the students entitled to attend 67373
school in the district pursuant to section 3313.64 or 3313.65 of 67374
the Revised Code on an FTE basis but receiving educational 67375
services in grades kindergarten through twelve from one or more of 67376
the following entities: 67377

(a) A community school pursuant to Chapter 3314. of the 67378
Revised Code, including any participation in a college pursuant to 67379
Chapter 3365. of the Revised Code while enrolled in such community 67380
school; 67381

(b) An alternative school pursuant to sections 3313.974 to 67382

3313.979 of the Revised Code as described in division (I)(2)(a) or 67383
(b) of this section; 67384

(c) A college pursuant to Chapter 3365. of the Revised Code, 67385
except when the student is enrolled in the college while also 67386
enrolled in a community school pursuant to Chapter 3314., a 67387
science, technology, engineering, and mathematics school 67388
established under Chapter 3326., or a college-preparatory boarding 67389
school established under Chapter 3328. of the Revised Code; 67390

(d) An adjacent or other school district under an open 67391
enrollment policy adopted pursuant to section 3313.98 of the 67392
Revised Code; 67393

(e) An educational service center or cooperative education 67394
district; 67395

(f) Another school district under a cooperative education 67396
agreement, compact, or contract; 67397

(g) A chartered or an accredited nonpublic school with a 67398
scholarship paid under section 3310.08 of the Revised Code, if the 67399
students qualified for the scholarship under section 3310.03 of 67400
the Revised Code~~+~~. 67401

As used in this division and in division (B)(3)(f) of this 67402
section, "accredited nonpublic school" means an accredited 67403
nonpublic school as described in section 3301.165 of the Revised 67404
Code. 67405

(h) An alternative public provider or a registered private 67406
provider with a scholarship awarded under either section 3310.41 67407
or sections 3310.51 to 3310.64 of the Revised Code. 67408

As used in this section, "alternative public provider" and 67409
"registered private provider" have the same meanings as in section 67410
3310.41 or 3310.51 of the Revised Code, as applicable. 67411

(i) A science, technology, engineering, and mathematics 67412

school established under Chapter 3326. of the Revised Code, 67413
including any participation in a college pursuant to Chapter 3365. 67414
of the Revised Code while enrolled in the school; 67415

(j) A college-preparatory boarding school established under 67416
Chapter 3328. of the Revised Code, including any participation in 67417
a college pursuant to Chapter 3365. of the Revised Code while 67418
enrolled in the school. 67419

(3) The department also shall compile a list of the students 67420
entitled to attend school in the district under section 3313.64 or 67421
3313.65 of the Revised Code who are enrolled in a joint vocational 67422
school district or under a career-technical education compact, 67423
excluding any students so entitled to attend school in the 67424
district who are enrolled in another school district through an 67425
open enrollment policy as reported under division (A)(2)(d) of 67426
this section and then enroll in a joint vocational school district 67427
or under a career-technical education compact. 67428

The department shall provide each city, local, and exempted 67429
village school district with an opportunity to review the list of 67430
students compiled under divisions (A)(2) and (3) of this section 67431
to ensure that the students reported accurately reflect the 67432
enrollment of students in the district. 67433

(B) To enable the department of education to obtain the data 67434
needed to complete the calculation of payments pursuant to this 67435
chapter, each superintendent shall certify from the reports 67436
provided by the department under division (A) of this section all 67437
of the following: 67438

(1) The total student enrollment in regular learning day 67439
classes included in the report under division (A)(1) or (2) of 67440
this section for each of the individual grades kindergarten 67441
through twelve in schools under the superintendent's supervision; 67442

(2) The unduplicated count of the number of preschool 67443

children with disabilities enrolled in the district for whom the 67444
district is eligible to receive funding under section 3317.0213 of 67445
the Revised Code adjusted for the portion of the year each child 67446
is so enrolled, in accordance with the disability categories 67447
prescribed in section 3317.013 of the Revised Code; 67448

(3) The number of children entitled to attend school in the 67449
district pursuant to section 3313.64 or 3313.65 of the Revised 67450
Code who are: 67451

(a) Participating in a pilot project scholarship program 67452
established under sections 3313.974 to 3313.979 of the Revised 67453
Code as described in division (I)(2)(a) or (b) of this section; 67454

(b) Enrolled in a college under Chapter 3365. of the Revised 67455
Code, except when the student is enrolled in the college while 67456
also enrolled in a community school pursuant to Chapter 3314. of 67457
the Revised Code, a science, technology, engineering, and 67458
mathematics school established under Chapter 3326., or a 67459
college-preparatory boarding school established under Chapter 67460
3328. of the Revised Code; 67461

(c) Enrolled in an adjacent or other school district under 67462
section 3313.98 of the Revised Code; 67463

(d) Enrolled in a community school established under Chapter 67464
3314. of the Revised Code that is not an internet- or 67465
computer-based community school as defined in section 3314.02 of 67466
the Revised Code, including any participation in a college 67467
pursuant to Chapter 3365. of the Revised Code while enrolled in 67468
such community school; 67469

(e) Enrolled in an internet- or computer-based community 67470
school, as defined in section 3314.02 of the Revised Code, 67471
including any participation in a college pursuant to Chapter 3365. 67472
of the Revised Code while enrolled in the school; 67473

(f) Enrolled in a chartered or an accredited nonpublic school 67474

with a scholarship paid under section 3310.08 of the Revised Code 67475
and who qualified for the scholarship under section 3310.03 of the 67476
Revised Code; 67477

(g) Enrolled in kindergarten through grade twelve in an 67478
alternative public provider or a registered private provider with 67479
a scholarship awarded under section 3310.41 of the Revised Code; 67480

(h) Enrolled as a preschool child with a disability in an 67481
alternative public provider or a registered private provider with 67482
a scholarship awarded under section 3310.41 of the Revised Code; 67483

(i) Participating in a program operated by a county board of 67484
developmental disabilities or a state institution; 67485

(j) Enrolled in a science, technology, engineering, and 67486
mathematics school established under Chapter 3326. of the Revised 67487
Code, including any participation in a college pursuant to Chapter 67488
3365. of the Revised Code while enrolled in the school; 67489

(k) Enrolled in a college-preparatory boarding school 67490
established under Chapter 3328. of the Revised Code, including any 67491
participation in a college pursuant to Chapter 3365. of the 67492
Revised Code while enrolled in the school; 67493

(l) Enrolled in an alternative public provider or a 67494
registered private provider with a scholarship awarded under 67495
sections 3310.51 to 3310.64 of the Revised Code. 67496

(4) The total enrollment of pupils in joint vocational 67497
schools; 67498

(5) The combined enrollment of children with disabilities 67499
reported under division (A)(1) or (2) of this section receiving 67500
special education services for the category one disability 67501
described in division (A) of section 3317.013 of the Revised Code, 67502
including children attending a special education program operated 67503
by an alternative public provider or a registered private provider 67504

with a scholarship awarded under sections 3310.51 to 3310.64 of 67505
the Revised Code; 67506

(6) The combined enrollment of children with disabilities 67507
reported under division (A)(1) or (2) of this section receiving 67508
special education services for category two disabilities described 67509
in division (B) of section 3317.013 of the Revised Code, including 67510
children attending a special education program operated by an 67511
alternative public provider or a registered private provider with 67512
a scholarship awarded under sections 3310.51 to 3310.64 of the 67513
Revised Code; 67514

(7) The combined enrollment of children with disabilities 67515
reported under division (A)(1) or (2) of this section receiving 67516
special education services for category three disabilities 67517
described in division (C) of section 3317.013 of the Revised Code, 67518
including children attending a special education program operated 67519
by an alternative public provider or a registered private provider 67520
with a scholarship awarded under sections 3310.51 to 3310.64 of 67521
the Revised Code; 67522

(8) The combined enrollment of children with disabilities 67523
reported under division (A)(1) or (2) of this section receiving 67524
special education services for category four disabilities 67525
described in division (D) of section 3317.013 of the Revised Code, 67526
including children attending a special education program operated 67527
by an alternative public provider or a registered private provider 67528
with a scholarship awarded under sections 3310.51 to 3310.64 of 67529
the Revised Code; 67530

(9) The combined enrollment of children with disabilities 67531
reported under division (A)(1) or (2) of this section receiving 67532
special education services for the category five disabilities 67533
described in division (E) of section 3317.013 of the Revised Code, 67534
including children attending a special education program operated 67535
by an alternative public provider or a registered private provider 67536

with a scholarship awarded under sections 3310.51 to 3310.64 of 67537
the Revised Code; 67538

(10) The combined enrollment of children with disabilities 67539
reported under division (A)(1) or (2) and under division (B)(3)(h) 67540
of this section receiving special education services for category 67541
six disabilities described in division (F) of section 3317.013 of 67542
the Revised Code, including children attending a special education 67543
program operated by an alternative public provider or a registered 67544
private provider with a scholarship awarded under either section 67545
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 67546

(11) The enrollment of pupils reported under division (A)(1) 67547
or (2) of this section on a full-time equivalency basis in 67548
category one career-technical education programs or classes, 67549
described in division (A) of section 3317.014 of the Revised Code, 67550
operated by the school district or by another district that is a 67551
member of the district's career-technical planning district, other 67552
than a joint vocational school district, or by an educational 67553
service center, notwithstanding division (G) of section 3317.02 of 67554
the Revised Code and division (C)(3) of this section; 67555

(12) The enrollment of pupils reported under division (A)(1) 67556
or (2) of this section on a full-time equivalency basis in 67557
category two career-technical education programs or services, 67558
described in division (B) of section 3317.014 of the Revised Code, 67559
operated by the school district or another school district that is 67560
a member of the district's career-technical planning district, 67561
other than a joint vocational school district, or by an 67562
educational service center, notwithstanding division (G) of 67563
section 3317.02 of the Revised Code and division (C)(3) of this 67564
section; 67565

(13) The enrollment of pupils reported under division (A)(1) 67566
or (2) of this section on a full-time equivalency basis in 67567
category three career-technical education programs or services, 67568

described in division (C) of section 3317.014 of the Revised Code, 67569
operated by the school district or another school district that is 67570
a member of the district's career-technical planning district, 67571
other than a joint vocational school district, or by an 67572
educational service center, notwithstanding division (G) of 67573
section 3317.02 of the Revised Code and division (C)(3) of this 67574
section; 67575

(14) The enrollment of pupils reported under division (A)(1) 67576
or (2) of this section on a full-time equivalency basis in 67577
category four career-technical education programs or services, 67578
described in division (D) of section 3317.014 of the Revised Code, 67579
operated by the school district or another school district that is 67580
a member of the district's career-technical planning district, 67581
other than a joint vocational school district, or by an 67582
educational service center, notwithstanding division (G) of 67583
section 3317.02 of the Revised Code and division (C)(3) of this 67584
section; 67585

(15) The enrollment of pupils reported under division (A)(1) 67586
or (2) of this section on a full-time equivalency basis in 67587
category five career-technical education programs or services, 67588
described in division (E) of section 3317.014 of the Revised Code, 67589
operated by the school district or another school district that is 67590
a member of the district's career-technical planning district, 67591
other than a joint vocational school district, or by an 67592
educational service center, notwithstanding division (G) of 67593
section 3317.02 of the Revised Code and division (C)(3) of this 67594
section; 67595

(16) The enrollment of pupils reported under division (A)(1) 67596
or (2) of this section who are limited English proficient students 67597
described in division (A) of section 3317.016 of the Revised Code, 67598
excluding any student reported under division (B)(3)(e) of this 67599
section as enrolled in an internet- or computer-based community 67600

school; 67601

(17) The enrollment of pupils reported under division (A)(1) 67602
or (2) of this section who are limited English proficient students 67603
described in division (B) of section 3317.016 of the Revised Code, 67604
excluding any student reported under division (B)(3)(e) of this 67605
section as enrolled in an internet- or computer-based community 67606
school; 67607

(18) The enrollment of pupils reported under division (A)(1) 67608
or (2) of this section who are limited English proficient students 67609
described in division (C) of section 3317.016 of the Revised Code, 67610
excluding any student reported under division (B)(3)(e) of this 67611
section as enrolled in an internet- or computer-based community 67612
school; 67613

(19) The average number of children transported during the 67614
reporting period by the school district on board-owned or 67615
contractor-owned and -operated buses, reported in accordance with 67616
rules adopted by the department of education; 67617

(20)(a) The number of children, other than preschool children 67618
with disabilities, the district placed with a county board of 67619
developmental disabilities in fiscal year 1998. Division 67620
(B)(20)(a) of this section does not apply after fiscal year 2013. 67621

(b) The number of children with disabilities, other than 67622
preschool children with disabilities, placed with a county board 67623
of developmental disabilities in the current fiscal year to 67624
receive special education services for the category one disability 67625
described in division (A) of section 3317.013 of the Revised Code; 67626

(c) The number of children with disabilities, other than 67627
preschool children with disabilities, placed with a county board 67628
of developmental disabilities in the current fiscal year to 67629
receive special education services for category two disabilities 67630
described in division (B) of section 3317.013 of the Revised Code; 67631

(d) The number of children with disabilities, other than 67632
preschool children with disabilities, placed with a county board 67633
of developmental disabilities in the current fiscal year to 67634
receive special education services for category three disabilities 67635
described in division (C) of section 3317.013 of the Revised Code; 67636

(e) The number of children with disabilities, other than 67637
preschool children with disabilities, placed with a county board 67638
of developmental disabilities in the current fiscal year to 67639
receive special education services for category four disabilities 67640
described in division (D) of section 3317.013 of the Revised Code; 67641

(f) The number of children with disabilities, other than 67642
preschool children with disabilities, placed with a county board 67643
of developmental disabilities in the current fiscal year to 67644
receive special education services for the category five 67645
disabilities described in division (E) of section 3317.013 of the 67646
Revised Code; 67647

(g) The number of children with disabilities, other than 67648
preschool children with disabilities, placed with a county board 67649
of developmental disabilities in the current fiscal year to 67650
receive special education services for category six disabilities 67651
described in division (F) of section 3317.013 of the Revised Code. 67652

(21) The enrollment of students who are economically 67653
disadvantaged, as defined by the department, excluding any student 67654
reported under division (B)(3)(e) of this section as enrolled in 67655
an internet- or computer-based community school. A student shall 67656
not be categorically excluded from the number reported under 67657
division (B)(21) of this section based on anything other than 67658
family income. 67659

(C)(1) The state board of education shall adopt rules 67660
necessary for implementing divisions (A), (B), and (D) of this 67661
section. 67662

(2) A student enrolled in a community school established 67663
under Chapter 3314., a science, technology, engineering, and 67664
mathematics school established under Chapter 3326., or a 67665
college-preparatory boarding school established under Chapter 67666
3328. of the Revised Code shall be counted in the formula ADM and, 67667
if applicable, the category one, two, three, four, five, or six 67668
special education ADM of the school district in which the student 67669
is entitled to attend school under section 3313.64 or 3313.65 of 67670
the Revised Code for the same proportion of the school year that 67671
the student is counted in the enrollment of the community school, 67672
the science, technology, engineering, and mathematics school, or 67673
the college-preparatory boarding school for purposes of section 67674
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 67675
the enrollment of students certified pursuant to division 67676
(B)(3)(d), (e), (j), or (k) of this section, the department may 67677
adjust the formula ADM of a school district to account for 67678
students entitled to attend school in the district under section 67679
3313.64 or 3313.65 of the Revised Code who are enrolled in a 67680
community school, a science, technology, engineering, and 67681
mathematics school, or a college-preparatory boarding school for 67682
only a portion of the school year. 67683

(3) No child shall be counted as more than a total of one 67684
child in the sum of the enrollment of students of a school 67685
district under division (A), divisions (B)(1) to (22), or division 67686
(D) of this section, except as follows: 67687

(a) A child with a disability described in section 3317.013 67688
of the Revised Code may be counted both in formula ADM and in 67689
category one, two, three, four, five, or six special education ADM 67690
and, if applicable, in category one, two, three, four, or five 67691
career-technical education ADM. As provided in division (G) of 67692
section 3317.02 of the Revised Code, such a child shall be counted 67693
in category one, two, three, four, five, or six special education 67694

ADM in the same proportion that the child is counted in formula 67695
ADM. 67696

(b) A child enrolled in career-technical education programs 67697
or classes described in section 3317.014 of the Revised Code may 67698
be counted both in formula ADM and category one, two, three, four, 67699
or five career-technical education ADM and, if applicable, in 67700
category one, two, three, four, five, or six special education 67701
ADM. Such a child shall be counted in category one, two, three, 67702
four, or five career-technical education ADM in the same 67703
proportion as the percentage of time that the child spends in the 67704
career-technical education programs or classes. 67705

(4) Based on the information reported under this section, the 67706
department of education shall determine the total student count, 67707
as defined in section 3301.011 of the Revised Code, for each 67708
school district. 67709

(D)(1) The superintendent of each joint vocational school 67710
district shall report and certify to the superintendent of public 67711
instruction as of the last day of October, March, and June of each 67712
year the enrollment of students receiving services from schools 67713
under the superintendent's supervision so that the department can 67714
calculate the district's formula ADM, total ADM, category one 67715
through five career-technical education ADM, category one through 67716
three limited English proficient ADM, category one through six 67717
special education ADM, and for purposes of provisions of law 67718
outside of Chapter 3317. of the Revised Code, average daily 67719
membership. 67720

The enrollment reported and certified by the superintendent, 67721
except as otherwise provided in this division, shall consist of 67722
the ~~the~~ number of students in grades six through twelve receiving 67723
any educational services from the district, except that the 67724
following categories of students shall not be included in the 67725
determination: 67726

(a) Students enrolled in adult education classes; 67727

(b) Adjacent or other district joint vocational students 67728
enrolled in the district under an open enrollment policy pursuant 67729
to section 3313.98 of the Revised Code; 67730

(c) Students receiving services in the district pursuant to a 67731
compact, cooperative education agreement, or a contract, but who 67732
are entitled to attend school in a city, local, or exempted 67733
village school district whose territory is not part of the 67734
territory of the joint vocational district; 67735

(d) Students for whom tuition is payable pursuant to sections 67736
3317.081 and 3323.141 of the Revised Code. 67737

(2) To enable the department of education to obtain the data 67738
needed to complete the calculation of payments pursuant to this 67739
chapter, each superintendent shall certify from the report 67740
provided under division (D)(1) of this section the enrollment for 67741
each of the following categories of students: 67742

(a) Students enrolled in each individual grade included in 67743
the joint vocational district schools; 67744

(b) Children with disabilities receiving special education 67745
services for the category one disability described in division (A) 67746
of section 3317.013 of the Revised Code; 67747

(c) Children with disabilities receiving special education 67748
services for the category two disabilities described in division 67749
(B) of section 3317.013 of the Revised Code; 67750

(d) Children with disabilities receiving special education 67751
services for category three disabilities described in division (C) 67752
of section 3317.013 of the Revised Code; 67753

(e) Children with disabilities receiving special education 67754
services for category four disabilities described in division (D) 67755
of section 3317.013 of the Revised Code; 67756

(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	67757 67758 67759
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	67760 67761 67762
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	67763 67764 67765
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	67766 67767 67768
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	67769 67770 67771
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	67772 67773 67774
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	67775 67776 67777
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	67778 67779
(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;	67780 67781
(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code;	67782 67783
(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section	67784 67785 67786

based on anything other than family income. 67787

The superintendent of each joint vocational school district 67788
shall also indicate the city, local, or exempted village school 67789
district in which each joint vocational district pupil is entitled 67790
to attend school pursuant to section 3313.64 or 3313.65 of the 67791
Revised Code. 67792

(E) In each school of each city, local, exempted village, 67793
joint vocational, and cooperative education school district there 67794
shall be maintained a record of school enrollment, which record 67795
shall accurately show, for each day the school is in session, the 67796
actual enrollment in regular day classes. For the purpose of 67797
determining the enrollment of students, the enrollment figure of 67798
any school shall not include any pupils except those pupils 67799
described by division (A) of this section. The record of 67800
enrollment for each school shall be maintained in such manner that 67801
no pupil shall be counted as enrolled prior to the actual date of 67802
entry in the school and also in such manner that where for any 67803
cause a pupil permanently withdraws from the school that pupil 67804
shall not be counted as enrolled from and after the date of such 67805
withdrawal. There shall not be included in the enrollment of any 67806
school any of the following: 67807

(1) Any pupil who has graduated from the twelfth grade of a 67808
public or nonpublic high school; 67809

(2) Any pupil who is not a resident of the state; 67810

(3) Any pupil who was enrolled in the schools of the district 67811
during the previous school year when assessments were administered 67812
under section 3301.0711 of the Revised Code but did not take one 67813
or more of the assessments required by that section and was not 67814
excused pursuant to division (C)(1) or (3) of that section; 67815

(4) Any pupil who has attained the age of twenty-two years, 67816
except for veterans of the armed services whose attendance was 67817

interrupted before completing the recognized twelve-year course of 67818
the public schools by reason of induction or enlistment in the 67819
armed forces and who apply for reenrollment in the public school 67820
system of their residence not later than four years after 67821
termination of war or their honorable discharge; 67822

(5) Any pupil who has a certificate of high school 67823
equivalence as defined in section 5107.40 of the Revised Code. 67824

If, however, any veteran described by division (E)(4) of this 67825
section elects to enroll in special courses organized for veterans 67826
for whom tuition is paid under the provisions of federal laws, or 67827
otherwise, that veteran shall not be included in the enrollment of 67828
students determined under this section. 67829

Notwithstanding division (E)(3) of this section, the 67830
enrollment of any school may include a pupil who did not take an 67831
assessment required by section 3301.0711 of the Revised Code if 67832
the superintendent of public instruction grants a waiver from the 67833
requirement to take the assessment to the specific pupil and a 67834
parent is not paying tuition for the pupil pursuant to section 67835
3313.6410 of the Revised Code. The superintendent may grant such a 67836
waiver only for good cause in accordance with rules adopted by the 67837
state board of education. 67838

The formula ADM, total ADM, category one through five 67839
career-technical education ADM, category one through three limited 67840
English proficient ADM, category one through six special education 67841
ADM, preschool scholarship ADM, transportation ADM, and, for 67842
purposes of provisions of law outside of Chapter 3317. of the 67843
Revised Code, average daily membership of any school district 67844
shall be determined in accordance with rules adopted by the state 67845
board of education. 67846

(F)(1) If a student attending a community school under 67847
Chapter 3314., a science, technology, engineering, and mathematics 67848

school established under Chapter 3326., or a college-preparatory 67849
boarding school established under Chapter 3328. of the Revised 67850
Code is not included in the formula ADM calculated for the school 67851
district in which the student is entitled to attend school under 67852
section 3313.64 or 3313.65 of the Revised Code, the department of 67853
education shall adjust the formula ADM of that school district to 67854
include the student in accordance with division (C)(2) of this 67855
section, and shall recalculate the school district's payments 67856
under this chapter for the entire fiscal year on the basis of that 67857
adjusted formula ADM. 67858

(2) If a student awarded an educational choice scholarship is 67859
not included in the formula ADM of the school district from which 67860
the department deducts funds for the scholarship under section 67861
3310.08 of the Revised Code, the department shall adjust the 67862
formula ADM of that school district to include the student to the 67863
extent necessary to account for the deduction, and shall 67864
recalculate the school district's payments under this chapter for 67865
the entire fiscal year on the basis of that adjusted formula ADM. 67866

(3) If a student awarded a scholarship under the Jon Peterson 67867
special needs scholarship program is not included in the formula 67868
ADM of the school district from which the department deducts funds 67869
for the scholarship under section 3310.55 of the Revised Code, the 67870
department shall adjust the formula ADM of that school district to 67871
include the student to the extent necessary to account for the 67872
deduction, and shall recalculate the school district's payments 67873
under this chapter for the entire fiscal year on the basis of that 67874
adjusted formula ADM. 67875

(G)(1)(a) The superintendent of an institution operating a 67876
special education program pursuant to section 3323.091 of the 67877
Revised Code shall, for the programs under such superintendent's 67878
supervision, certify to the state board of education, in the 67879
manner prescribed by the superintendent of public instruction, 67880

both of the following: 67881

(i) The unduplicated count of the number of all children with 67882
disabilities other than preschool children with disabilities 67883
receiving services at the institution for each category of 67884
disability described in divisions (A) to (F) of section 3317.013 67885
of the Revised Code adjusted for the portion of the year each 67886
child is so enrolled; 67887

(ii) The unduplicated count of the number of all preschool 67888
children with disabilities in classes or programs for whom the 67889
district is eligible to receive funding under section 3317.0213 of 67890
the Revised Code adjusted for the portion of the year each child 67891
is so enrolled, reported according to the categories prescribed in 67892
section 3317.013 of the Revised Code. 67893

(b) The superintendent of an institution with 67894
career-technical education units approved under section 3317.05 of 67895
the Revised Code shall, for the units under the superintendent's 67896
supervision, certify to the state board of education the 67897
enrollment in those units, in the manner prescribed by the 67898
superintendent of public instruction. 67899

(2) The superintendent of each county board of developmental 67900
disabilities that maintains special education classes under 67901
section 3317.20 of the Revised Code or provides services to 67902
preschool children with disabilities pursuant to an agreement 67903
between the county board and the appropriate school district shall 67904
do both of the following: 67905

(a) Certify to the state board, in the manner prescribed by 67906
the board, the enrollment in classes under section 3317.20 of the 67907
Revised Code for each school district that has placed children in 67908
the classes; 67909

(b) Certify to the state board, in the manner prescribed by 67910
the board, the unduplicated count of the number of all preschool 67911

children with disabilities enrolled in classes for which the ~~DD~~ 67912
board is eligible to receive funding under section 3317.0213 of 67913
the Revised Code adjusted for the portion of the year each child 67914
is so enrolled, reported according to the categories prescribed in 67915
section 3317.013 of the Revised Code, and the number of those 67916
classes. 67917

(H) Except as provided in division (I) of this section, when 67918
any city, local, or exempted village school district provides 67919
instruction for a nonresident pupil whose attendance is 67920
unauthorized attendance as defined in section 3327.06 of the 67921
Revised Code, that pupil's enrollment shall not be included in 67922
that district's enrollment figure used in calculating the 67923
district's payments under this chapter. The reporting official 67924
shall report separately the enrollment of all pupils whose 67925
attendance in the district is unauthorized attendance, and the 67926
enrollment of each such pupil shall be credited to the school 67927
district in which the pupil is entitled to attend school under 67928
division (B) of section 3313.64 or section 3313.65 of the Revised 67929
Code as determined by the department of education. 67930

(I)(1) A city, local, exempted village, or joint vocational 67931
school district admitting a scholarship student of a pilot project 67932
district pursuant to division (C) of section 3313.976 of the 67933
Revised Code may count such student in its enrollment. 67934

(2) In any year for which funds are appropriated for pilot 67935
project scholarship programs, a school district implementing a 67936
state-sponsored pilot project scholarship program that year 67937
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 67938
count in its enrollment: 67939

(a) All children residing in the district and utilizing a 67940
scholarship to attend kindergarten in any alternative school, as 67941
defined in section 3313.974 of the Revised Code; 67942

(b) All children who were enrolled in the district in the 67943
preceding year who are utilizing a scholarship to attend an 67944
alternative school. 67945

(J) The superintendent of each cooperative education school 67946
district shall certify to the superintendent of public 67947
instruction, in a manner prescribed by the state board of 67948
education, the applicable enrollments for all students in the 67949
cooperative education district, also indicating the city, local, 67950
or exempted village district where each pupil is entitled to 67951
attend school under section 3313.64 or 3313.65 of the Revised 67952
Code. 67953

(K) If the superintendent of public instruction determines 67954
that a component of the enrollment certified or reported by a 67955
district superintendent, or other reporting entity, is not 67956
correct, the superintendent of public instruction may order that 67957
the formula ADM used for the purposes of payments under any 67958
section of Title XXXIII of the Revised Code be adjusted in the 67959
amount of the error. 67960

Sec. 3317.06. Moneys paid to school districts under division 67961
(E)(1) of section 3317.024 of the Revised Code shall be used for 67962
the following independent and fully severable purposes on behalf 67963
of students enrolled in chartered and accredited nonpublic 67964
schools: 67965

(A) To purchase such secular textbooks or digital texts as 67966
have been approved by the superintendent of public instruction for 67967
use in public schools in the state and to loan such textbooks or 67968
digital texts to pupils attending nonpublic schools within the 67969
district described in division (E)(1) of section 3317.024 of the 67970
Revised Code or to their parents and to hire clerical personnel to 67971
administer such lending program. Such loans shall be based upon 67972
individual requests submitted by such nonpublic school pupils or 67973

parents. Such requests shall be submitted to the school district 67974
in which the nonpublic school is located. Such individual requests 67975
for the loan of textbooks or digital texts shall, for 67976
administrative convenience, be submitted by the nonpublic school 67977
pupil or the pupil's parent to the nonpublic school, which shall 67978
prepare and submit collective summaries of the individual requests 67979
to the school district. As used in this section: 67980

(1) "Textbook" means any book or book substitute that a pupil 67981
uses as a consumable or nonconsumable text, text substitute, or 67982
text supplement in a particular class or program in the school the 67983
pupil regularly attends. 67984

(2) "Digital text" means a consumable book or book substitute 67985
that a student accesses through the use of a computer or other 67986
electronic medium or that is available through an internet-based 67987
provider of course content, or any other material that contributes 67988
to the learning process through electronic means. 67989

(B) To provide speech and hearing diagnostic services to 67990
pupils attending nonpublic schools within the district described 67991
in division (E)(1) of section 3317.024 of the Revised Code. Such 67992
service shall be provided in the nonpublic school attended by the 67993
pupil receiving the service. 67994

(C) To provide physician, nursing, dental, and optometric 67995
services to pupils attending nonpublic schools within the district 67996
described in division (E)(1) of section 3317.024 of the Revised 67997
Code. Such services shall be provided in the school attended by 67998
the nonpublic school pupil receiving the service. 67999

(D) To provide diagnostic psychological services to pupils 68000
attending nonpublic schools within the district described in 68001
division (E)(1) of section 3317.024 of the Revised Code. Such 68002
services shall be provided in the school attended by the pupil 68003
receiving the service. 68004

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic

schools within the district described in division (E)(1) of 68037
section 3317.024 of the Revised Code and are children with 68038
disabilities as defined in section 3323.01 of the Revised Code or 68039
gifted children. Such programs shall be provided in the public 68040
school, in nonpublic schools, in public centers, or in mobile 68041
units located on or off of the nonpublic premises. If such 68042
programs are provided in the public school or in public centers, 68043
transportation to and from such facilities shall be provided by 68044
the school district in which the nonpublic school is located. 68045

(J) To hire clerical personnel to assist in the 68046
administration of programs pursuant to divisions (B), (C), (D), 68047
(E), (F), (G), and (I) of this section and to hire supervisory 68048
personnel to supervise the providing of services and textbooks 68049
pursuant to this section. 68050

(K) To purchase or lease any secular, neutral, and 68051
nonideological computer application software designed to assist 68052
students in performing a single task or multiple related tasks, 68053
device management software, learning management software, 68054
site-licensing, digital video on demand (DVD), wide area 68055
connectivity and related technology as it relates to internet 68056
access, mathematics or science equipment and materials, 68057
instructional materials, and school library materials that are in 68058
general use in the public schools of the state and loan such items 68059
to pupils attending nonpublic schools within the district 68060
described in division (E)(1) of section 3317.024 of the Revised 68061
Code or to their parents, and to hire clerical personnel to 68062
administer the lending program. Only such items that are incapable 68063
of diversion to religious use and that are susceptible of loan to 68064
individual pupils and are furnished for the use of individual 68065
pupils shall be purchased and loaned under this division. As used 68066
in this section, "instructional materials" means prepared learning 68067
materials that are secular, neutral, and nonideological in 68068

character and are of benefit to the instruction of school 68069
children. "Instructional materials" includes media content that a 68070
student may access through the use of a computer or electronic 68071
device. 68072

Mobile applications that are secular, neutral, and 68073
nonideological in character and that are purchased for less than 68074
twenty dollars for instructional use shall be considered to be 68075
consumable and shall be distributed to students without the 68076
expectation that the applications must be returned. 68077

(L) To purchase or lease instructional equipment, including 68078
computer hardware and related equipment in general use in the 68079
public schools of the state, for use by pupils attending nonpublic 68080
schools within the district described in division (E)(1) of 68081
section 3317.024 of the Revised Code and to loan such items to 68082
pupils attending such nonpublic schools within the district or to 68083
their parents, and to hire clerical personnel to administer the 68084
lending program. "Computer hardware and related equipment" 68085
includes desktop computers and workstations; laptop computers, 68086
computer tablets, and other mobile handheld devices; their 68087
operating systems and accessories; and any equipment designed to 68088
make accessible the environment of a classroom to a student, who 68089
is physically unable to attend classroom activities due to 68090
hospitalization or other circumstances, by allowing real-time 68091
interaction with other students both one-on-one and in group 68092
discussion. 68093

(M) To purchase mobile units to be used for the provision of 68094
services pursuant to divisions (E), (F), (G), and (I) of this 68095
section and to pay for necessary repairs and operating costs 68096
associated with these units. 68097

(N) To reimburse costs the district incurred to store the 68098
records of a chartered or accredited nonpublic school that closes. 68099
Reimbursements under this division shall be made one time only for 68100

each chartered or accredited nonpublic school described in 68101
division (E)(1) of section 3317.024 of the Revised Code that 68102
closes. 68103

(O) To purchase life-saving medical or other emergency 68104
equipment for placement in nonpublic schools within the district 68105
described in division (E)(1) of section 3317.024 of the Revised 68106
Code or to maintain such equipment. 68107

(P) To procure and pay for security services from a county 68108
sheriff or a township or municipal police force or from a person 68109
certified through the Ohio peace officer training commission, in 68110
accordance with section 109.78 of the Revised Code, as a special 68111
police, security guard, or as a privately employed person serving 68112
in a police capacity for nonpublic schools in the district 68113
described in division (E)(1) of section 3317.024 of the Revised 68114
Code. 68115

(Q) To provide language and academic support services and 68116
other accommodations for English language learners attending 68117
nonpublic schools within the district described in division (E)(1) 68118
of section 3317.024 of the Revised Code. 68119

Clerical and supervisory personnel hired pursuant to division 68120
(J) of this section shall perform their services in the public 68121
schools, in nonpublic schools, public centers, or mobile units 68122
where the services are provided to the nonpublic school pupil, 68123
except that such personnel may accompany pupils to and from the 68124
service sites when necessary to ensure the safety of the children 68125
receiving the services. 68126

All services provided pursuant to this section may be 68127
provided under contract with educational service centers, the 68128
department of health, city or general health districts, or private 68129
agencies whose personnel are properly licensed by an appropriate 68130
state board or agency. 68131

Transportation of pupils provided pursuant to divisions (E), 68132
(F), (G), and (I) of this section shall be provided by the school 68133
district from its general funds and not from moneys paid to it 68134
under division (E)(1) of section 3317.024 of the Revised Code 68135
unless a special transportation request is submitted by the parent 68136
of the child receiving service pursuant to such divisions. If such 68137
an application is presented to the school district, it may pay for 68138
the transportation from moneys paid to it under division (E)(1) of 68139
section 3317.024 of the Revised Code. 68140

No school district shall provide health or remedial services 68141
to nonpublic school pupils as authorized by this section unless 68142
such services are available to pupils attending the public schools 68143
within the district. 68144

Materials, equipment, computer hardware or software, 68145
textbooks, digital texts, and health and remedial services 68146
provided for the benefit of nonpublic school pupils pursuant to 68147
this section and the admission of pupils to such nonpublic schools 68148
shall be provided without distinction as to race, creed, color, or 68149
national origin of such pupils or of their teachers. 68150

No school district shall provide services, materials, or 68151
equipment that contain religious content for use in religious 68152
courses, devotional exercises, religious training, or any other 68153
religious activity. 68154

As used in this section, "parent" includes a person standing 68155
in loco parentis to a child. 68156

As used in this section, "accredited nonpublic school" means 68157
an accredited nonpublic school as described in section 3301.165 of 68158
the Revised Code. 68159

Notwithstanding section 3317.01 of the Revised Code, payments 68160
shall be made under this section to any city, local, or exempted 68161
village school district within which is located one or more 68162

nonpublic elementary or high schools described in division (E)(1) 68163
of section 3317.024 of the Revised Code and any payments made to 68164
school districts under division (E)(1) of section 3317.024 of the 68165
Revised Code for purposes of this section may be disbursed without 68166
submission to and approval of the controlling board. 68167

The allocation of payments for materials, equipment, 68168
textbooks, digital texts, health services, and remedial services 68169
to city, local, and exempted village school districts shall be on 68170
the basis of the state board of education's estimated annual 68171
average daily membership in nonpublic elementary and high schools 68172
located in the district described in division (E)(1) of section 68173
3317.024 of the Revised Code. 68174

Payments made to city, local, and exempted village school 68175
districts under this section shall be equal to specific 68176
appropriations made for the purpose. All interest earned by a 68177
school district on such payments shall be used by the district for 68178
the same purposes and in the same manner as the payments may be 68179
used. 68180

The department of education shall adopt guidelines and 68181
procedures under which such programs and services shall be 68182
provided, under which districts shall be reimbursed for 68183
administrative costs incurred in providing such programs and 68184
services, and under which any unexpended balance of the amounts 68185
appropriated by the general assembly to implement this section may 68186
be transferred to the auxiliary services personnel unemployment 68187
compensation fund established pursuant to section 4141.47 of the 68188
Revised Code. The department shall also adopt guidelines and 68189
procedures limiting the purchase and loan of the items described 68190
in division (K) of this section to items that are in general use 68191
in the public schools of the state, that are incapable of 68192
diversion to religious use, and that are susceptible to individual 68193
use rather than classroom use. Within thirty days after the end of 68194

each biennium, each board of education shall remit to the 68195
department all moneys paid to it under division (E)(1) of section 68196
3317.024 of the Revised Code and any interest earned on those 68197
moneys that are not required to pay expenses incurred under this 68198
section during the biennium for which the money was appropriated 68199
and during which the interest was earned. If a board of education 68200
subsequently determines that the remittal of moneys leaves the 68201
board with insufficient money to pay all valid expenses incurred 68202
under this section during the biennium for which the remitted 68203
money was appropriated, the board may apply to the department of 68204
education for a refund of money, not to exceed the amount of the 68205
insufficiency. If the department determines the expenses were 68206
lawfully incurred and would have been lawful expenditures of the 68207
refunded money, it shall certify its determination and the amount 68208
of the refund to be made to the director of job and family 68209
services who shall make a refund as provided in section 4141.47 of 68210
the Revised Code. 68211

Each school district shall label materials, equipment, 68212
computer hardware or software, textbooks, and digital texts 68213
purchased or leased for loan to a nonpublic school under this 68214
section, acknowledging that they were purchased or leased with 68215
state funds under this section. However, a district need not label 68216
materials, equipment, computer hardware or software, textbooks, or 68217
digital texts that the district determines are consumable in 68218
nature or have a value of less than two hundred dollars. 68219

Sec. 3317.062. (A) Moneys paid to chartered and accredited 68220
nonpublic schools under division (E)(2) of section 3317.024 of the 68221
Revised Code shall be used for one or more of the following 68222
purposes: 68223

(1) To purchase secular textbooks or digital texts, as 68224
defined in divisions (A)(1) and (2) of section 3317.06 of the 68225

Revised Code, as have been approved by the superintendent of 68226
public instruction for use in public schools in the state; 68227

(2) To provide the services described in divisions (B), (C), 68228
(D), and (Q) of section 3317.06 of the Revised Code; 68229

(3) To provide the services described in divisions (E), (F), 68230
(G), and (I) of section 3317.06 of the Revised Code. If such 68231
services are provided in public schools or in public centers, 68232
transportation to and from such facilities shall be provided by 68233
the nonpublic school. 68234

(4) To supply for use by pupils attending the school such 68235
standardized tests and scoring services as are in use in the 68236
public schools of the state; 68237

(5) To hire clerical personnel to assist in the 68238
administration of divisions (A)(2), (3), and (4) of this section 68239
and to hire supervisory personnel to supervise the providing of 68240
services and textbooks pursuant to this section. These personnel 68241
shall perform their services in the public schools, in nonpublic 68242
schools, public centers, or mobile units where the services are 68243
provided to the nonpublic school pupil, except that such personnel 68244
may accompany pupils to and from the service sites when necessary 68245
to ensure the safety of the children receiving the services. All 68246
services provided pursuant to this section may be provided under 68247
contract with school districts, educational service centers, the 68248
department of health, city or general health districts, or private 68249
agencies whose personnel are properly licensed by an appropriate 68250
state board or agency. 68251

(6) To purchase any of the materials described in division 68252
(K) of section 3317.06 of the Revised Code; 68253

(7) To purchase any of the equipment described in division 68254
(L) of section 3317.06 of the Revised Code; 68255

(8) To purchase mobile units to be used for the provision of 68256

services pursuant to division (A)(3) of this section and to pay 68257
for necessary repairs and operating costs associated with these 68258
units; 68259

(9) To purchase the equipment described in division (O) of 68260
section 3317.06 of the Revised Code; 68261

(10) To procure and pay for security services described in 68262
division (P) of section 3317.06 of the Revised Code. 68263

(B) Materials, equipment, computer hardware and software, 68264
textbooks, digital texts, and health and remedial services 68265
provided pursuant to this section and the admission of pupils to 68266
nonpublic schools shall be provided without distinction as to 68267
race, creed, color, or national origin of such pupils or of their 68268
teachers. 68269

(C) Any interest earned by a chartered nonpublic school on 68270
moneys paid to it under division (E)(2) of section 3317.024 of the 68271
Revised Code shall be used by the school for the same purposes and 68272
in the same manner as the payments may be used under this section. 68273

(D) The department of education shall adopt guidelines and 68274
procedures regarding both of the following: 68275

(1) The expenditure of moneys under this section; 68276

(2) The audit of nonpublic schools receiving funds under this 68277
section to ensure the appropriate use of funds. 68278

(E) The department shall adopt a rule specifying the party 68279
that owns any property purchased by a chartered nonpublic school 68280
with moneys paid under division (E)(2) of section 3317.024 of the 68281
Revised Code. The rule shall include procedures for disposal of 68282
the property by the designated owner when appropriate. 68283

(F) Within thirty days after the end of each biennium, each 68284
chartered nonpublic school shall remit to the department all 68285
moneys paid to it under division (E)(2) of section 3317.024 of the 68286

Revised Code and any interest earned on those moneys that are not 68287
required to pay expenses incurred under this section during the 68288
biennium for which the moneys were appropriated and during which 68289
the interest was earned. If a school subsequently determines that 68290
the remittal of moneys leaves the school with insufficient money 68291
to pay all valid expenses incurred under this section during the 68292
biennium for which the remitted moneys were appropriated, the 68293
school may apply to the department for a refund of money, not to 68294
exceed the amount of the insufficiency. If the department 68295
determines the expenses were lawfully incurred and would have been 68296
lawful expenditures of the refunded money, the department shall 68297
make a refund in the necessary amount. 68298

(G) As used in this section, "accredited nonpublic school" 68299
means an accredited nonpublic school as described in section 68300
3301.165 of the Revised Code. 68301

Sec. 3317.063. The superintendent of public instruction, in 68302
accordance with rules adopted by the department of education, 68303
shall annually reimburse each chartered nonpublic school and each 68304
accredited nonpublic school as described in section 3301.165 of 68305
the Revised Code for the actual mandated service administrative 68306
and clerical costs incurred by such school during the preceding 68307
school year in preparing, maintaining, and filing reports, forms, 68308
and records, and in providing such other administrative and 68309
clerical services that are not an integral part of the teaching 68310
process as may be required by state law or rule or by requirements 68311
duly promulgated by city, exempted village, or local school 68312
districts. The mandated service costs reimbursed pursuant to this 68313
section shall include, but are not limited to, the preparation, 68314
filing and maintenance of forms, reports, or records and other 68315
clerical and administrative services relating to state chartering 68316
or approval of the nonpublic school, pupil attendance, pupil 68317
health and health testing, transportation of pupils, federally 68318

funded education programs, pupil appraisal, pupil progress, 68319
educator licensure, unemployment and workers' compensation, 68320
transfer of pupils, and such other education related data which 68321
are now or hereafter shall be required of such nonpublic school by 68322
state law or rule, or by requirements of the state department of 68323
education, other state agencies, or city, exempted village, or 68324
local school districts. 68325

The reimbursement required by this section shall be for 68326
school years beginning on or after July 1, 1981. 68327

Each nonpublic school which seeks reimbursement pursuant to 68328
this section shall submit to the superintendent of public 68329
instruction an application together with such additional reports 68330
and documents as the department of education may require. Such 68331
application, reports, and documents shall contain such information 68332
as the department of education may prescribe in order to carry out 68333
the purposes of this section. No payment shall be made until the 68334
superintendent of public instruction has approved such 68335
application. 68336

Each nonpublic school which applies for reimbursement 68337
pursuant to this section shall maintain a separate account or 68338
system of accounts for the expenses incurred in rendering the 68339
required services for which reimbursement is sought. Such accounts 68340
shall contain such information as is required by the department of 68341
education and shall be maintained in accordance with rules adopted 68342
by the department of education. 68343

Reimbursement payments to a nonpublic school pursuant to this 68344
section shall not exceed an amount for each school year equal to 68345
three hundred sixty dollars per pupil enrolled in that nonpublic 68346
school. 68347

The superintendent of public instruction may, from time to 68348
time, examine any and all accounts and records of a nonpublic 68349

school which have been maintained pursuant to this section in 68350
support of an application for reimbursement, for the purpose of 68351
determining the costs to such school of rendering the services for 68352
which reimbursement is sought. If after such audit it is 68353
determined that any school has received funds in excess of the 68354
actual cost of providing such services, said school shall 68355
immediately reimburse the state in such excess amount. 68356

Any payments made to chartered or accredited nonpublic 68357
schools under this section may be disbursed without submission to 68358
and approval of the controlling board. 68359

Sec. 3317.13. (A) As used in this section and section 3317.14 68360
of the Revised Code: 68361

(1) "Years of service" includes the following: 68362

(a) All years of teaching service in the same school district 68363
or educational service center, regardless of training level, with 68364
each year consisting of at least one hundred twenty days under a 68365
teacher's contract; 68366

(b) All years of teaching service in a chartered~~7~~ or an 68367
accredited nonpublic school located in Ohio as a teacher licensed 68368
pursuant to section 3319.22 of the Revised Code or in another 68369
public school, regardless of training level, with each year 68370
consisting of at least one hundred twenty days under a teacher's 68371
contract~~7~~. For purposes of this division, "accredited nonpublic 68372
school" means an accredited nonpublic school as described in 68373
section 3301.165 of the Revised Code. 68374

(c) All years of teaching service in a chartered school or 68375
institution or a school or institution that subsequently became 68376
chartered or a chartered special education program or a special 68377
education program that subsequently became chartered operated by 68378
the state or by a subdivision or other local governmental unit of 68379

this state as a teacher licensed pursuant to section 3319.22 of 68380
the Revised Code, regardless of training level, with each year 68381
consisting of at least one hundred twenty days; and 68382

(d) All years of active military service in the armed forces 68383
of the United States, as defined in section 3307.75 of the Revised 68384
Code, to a maximum of five years. For purposes of this 68385
calculation, a partial year of active military service of eight 68386
continuous months or more in the armed forces shall be counted as 68387
a full year. 68388

(2) "Teacher" means all teachers employed by the board of 68389
education of any school district, including any cooperative 68390
education or joint vocational school district and all teachers 68391
employed by any educational service center governing board. 68392

(B) No teacher shall be paid a salary less than that provided 68393
in the schedule set forth in division (C) of this section. In 68394
calculating the minimum salary any teacher shall be paid pursuant 68395
to this section, years of service shall include the sum of all 68396
years of the teacher's teaching service included in divisions 68397
(A)(1)(a), (b), (c), and (d) of this section; except that any 68398
school district or educational service center employing a teacher 68399
new to the district or educational service center shall grant such 68400
teacher a total of not more than ten years of service pursuant to 68401
divisions (A)(1)(b), (c), and (d) of this section. 68402

Upon written complaint to the superintendent of public 68403
instruction that the board of education of a district or the 68404
governing board of an educational service center governing board 68405
has failed or refused to annually adopt a salary schedule or to 68406
pay salaries in accordance with the salary schedule set forth in 68407
division (C) of this section, the superintendent of public 68408
instruction shall cause to be made an immediate investigation of 68409
such complaint. If the superintendent finds that the conditions 68410
complained of exist, the superintendent shall order the board to 68411

correct such conditions within ten days from the date of the 68412
finding. No moneys shall be distributed to the district or 68413
educational service center under this chapter until the 68414
superintendent has satisfactory evidence of the board of 68415
education's full compliance with such order. 68416

Each teacher shall be fully credited with placement in the 68417
appropriate academic training level column in the district's or 68418
educational service center's salary schedule with years of service 68419
properly credited pursuant to this section or section 3317.14 of 68420
the Revised Code. No rule shall be adopted or exercised by any 68421
board of education or educational service center governing board 68422
which restricts the placement or the crediting of annual salary 68423
increments for any teacher according to the appropriate academic 68424
training level column. 68425

(C) Minimum salaries exclusive of retirement and sick leave 68426
for teachers shall be as follows: 68427

	Teachers				Teachers with		Teachers		68428
Years	with Less		Teachers with		Five Years of		with		68429
of	than		a Bachelor's		Training, but		a Master's		68430
Service	Bachelor's		Degree		no Master's		Degree or		68431
	Degree				Degree		Higher		68432
	Per	Dollar	Per	Dollar	Per	Dollar	Per	Dollar	68433
	Cent*	Amount	Cent*	Amount	Cent*	Amount	Cent*	Amount	68434
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	68435
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	68436
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	68437
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	68438
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	68439
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	68440
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	68441
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	68442
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	68443

9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	68444
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	68445
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	68446

* Percentages represent the percentage which each salary is
of the base amount.

For purposes of determining the minimum salary at any level
of training and service, the base of one hundred per cent shall be
the base amount. The percentages used in this section show the
relationships between the minimum salaries required by this
section and the base amount and shall not be construed as
requiring any school district or educational service center to
adopt a schedule containing salaries in excess of the amounts set
forth in this section for corresponding levels of training and
experience.

As used in this division:

(1) "Base amount" means twenty thousand dollars.

(2) "Five years of training" means at least one hundred fifty
semester hours, or the equivalent, and a bachelor's degree from a
recognized college or university.

(D) For purposes of this section, all credited training shall
be from a recognized college or university.

Sec. 3319.311. (A)(1) The state board of education, or the
superintendent of public instruction on behalf of the board, may
investigate any information received about a person that
reasonably appears to be a basis for action under section 3319.31
of the Revised Code, including information received pursuant to
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253,
or 5153.176 of the Revised Code. Except as provided in division
(A)(2) of this section, the board shall contract with the office
of the Ohio attorney general to conduct any investigation of that

nature. The board shall pay for the costs of the contract only 68474
from moneys in the state board of education licensure fund 68475
established under section 3319.51 of the Revised Code. Except as 68476
provided in division (A)(2) of this section, all information 68477
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 68478
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 68479
information obtained during an investigation is confidential and 68480
is not a public record under section 149.43 of the Revised Code. 68481
If an investigation is conducted under this division regarding 68482
information received about a person and no action is taken against 68483
the person under this section or section 3319.31 of the Revised 68484
Code within two years of the completion of the investigation, all 68485
records of the investigation shall be expunged. 68486

(2) In the case of a person about whom the board has learned 68487
of a plea of guilty to, finding of guilt by a jury or court of, or 68488
a conviction of an offense listed in division (C) of section 68489
3319.31 of the Revised Code, or substantially comparable conduct 68490
occurring in a jurisdiction outside this state, the board or the 68491
superintendent of public instruction need not conduct any further 68492
investigation and shall take the action required by division (C) 68493
or (F) of that section. Except as provided in division (G) of this 68494
section, all information obtained by the board or the 68495
superintendent of public instruction pertaining to the action is a 68496
public record under section 149.43 of the Revised Code. 68497

(B) The superintendent of public instruction shall review the 68498
results of each investigation of a person conducted under division 68499
(A)(1) of this section and shall determine, on behalf of the state 68500
board, whether the results warrant initiating action under 68501
division (B) of section 3319.31 of the Revised Code. The 68502
superintendent shall advise the board of such determination at a 68503
meeting of the board. Within fourteen days of the next meeting of 68504
the board, any member of the board may ask that the question of 68505

initiating action under section 3319.31 of the Revised Code be 68506
placed on the board's agenda for that next meeting. Prior to 68507
initiating that action against any person, the person's name and 68508
any other personally identifiable information shall remain 68509
confidential. 68510

(C) The board shall take no action against a person under 68511
division (B) of section 3319.31 of the Revised Code without 68512
providing the person with written notice of the charges and with 68513
an opportunity for a hearing in accordance with Chapter 119. of 68514
the Revised Code. 68515

(D) For purposes of an investigation under division (A)(1) of 68516
this section or a hearing under division (C) of this section or 68517
under division (E)(2) of section 3319.31 of the Revised Code, the 68518
board, or the superintendent on behalf of the board, may 68519
administer oaths, order the taking of depositions, issue 68520
subpoenas, and compel the attendance of witnesses and the 68521
production of books, accounts, papers, records, documents, and 68522
testimony. The issuance of subpoenas under this division may be by 68523
certified mail or personal delivery to the person. 68524

(E) The superintendent, on behalf of the board, may enter 68525
into a consent agreement with a person against whom action is 68526
being taken under division (B) of section 3319.31 of the Revised 68527
Code. The board may adopt rules governing the superintendent's 68528
action under this division. 68529

(F) No surrender of a license shall be effective until the 68530
board takes action to accept the surrender unless the surrender is 68531
pursuant to a consent agreement entered into under division (E) of 68532
this section. 68533

(G) The name of any person who is not required to report 68534
information under section 3314.40, 3319.313, 3326.24, 3328.19, 68535
5126.253, or 5153.176 of the Revised Code, but who in good faith 68536

provides information to the state board or superintendent of 68537
public instruction about alleged misconduct committed by a person 68538
who holds a license or has applied for issuance or renewal of a 68539
license, shall be confidential and shall not be released. Any such 68540
person shall be immune from any civil liability that otherwise 68541
might be incurred or imposed for injury, death, or loss to person 68542
or property as a result of the provision of that information. 68543

(H)(1) No person shall knowingly make a false report to the 68544
superintendent of public instruction or the state board of 68545
education alleging misconduct by an employee of a public ~~or~~ 68546
school, chartered nonpublic school, or accredited nonpublic school 68547
described in section 3301.165 of the Revised Code or an employee 68548
of the operator of a community school established under Chapter 68549
3314. or a college-preparatory boarding school established under 68550
Chapter 3328. of the Revised Code. 68551

(2)(a) In any civil action brought against a person in which 68552
it is alleged and proved that the person violated division (H)(1) 68553
of this section, the court shall award the prevailing party 68554
reasonable attorney's fees and costs that the prevailing party 68555
incurred in the civil action or as a result of the false report 68556
that was the basis of the violation. 68557

(b) If a person is convicted of or pleads guilty to a 68558
violation of division (H)(1) of this section, if the subject of 68559
the false report that was the basis of the violation was charged 68560
with any violation of a law or ordinance as a result of the false 68561
report, and if the subject of the false report is found not to be 68562
guilty of the charges brought against the subject as a result of 68563
the false report or those charges are dismissed, the court that 68564
sentences the person for the violation of division (H)(1) of this 68565
section, as part of the sentence, shall order the person to pay 68566
restitution to the subject of the false report, in an amount equal 68567
to reasonable attorney's fees and costs that the subject of the 68568

false report incurred as a result of or in relation to the 68569
charges. 68570

Sec. 3319.313. (A) As used in this section: 68571

(1) "Conduct unbecoming to the teaching profession" shall be 68572
as described in rules adopted by the state board of education. 68573

(2) "Intervention in lieu of conviction" means intervention 68574
in lieu of conviction under section 2951.041 of the Revised Code. 68575

(3) "License" has the same meaning as in section 3319.31 of 68576
the Revised Code. 68577

(4) "Pre-trial diversion program" means a pre-trial diversion 68578
program under section 2935.36 of the Revised Code or a similar 68579
diversion program under rules of a court. 68580

(5) "Accredited nonpublic school" means an accredited 68581
nonpublic school as described in section 3301.165 of the Revised 68582
Code. 68583

(B) The superintendent of each school district and each 68584
educational service center or the president of the district or 68585
service center board, if division (C)(1) of this section applies, 68586
and the chief administrator of each chartered or accredited 68587
nonpublic school or the president or chairperson of the governing 68588
authority of the nonpublic school, if division (C)(2) of this 68589
section applies, shall promptly submit to the superintendent of 68590
public instruction the information prescribed in division (D) of 68591
this section when any of the following conditions applies to an 68592
employee of the district, service center, or nonpublic school who 68593
holds a license issued by the state board of education: 68594

(1) The superintendent, chief administrator, president, or 68595
chairperson knows that the employee has pleaded guilty to, has 68596
been found guilty by a jury or court of, has been convicted of, 68597
has been found to be eligible for intervention in lieu of 68598

conviction for, or has agreed to participate in a pre-trial 68599
diversion program for an offense described in division (B)(2) or 68600
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 68601
the Revised Code; 68602

(2) The district board of education, service center governing 68603
board, or nonpublic school chief administrator or governing 68604
authority has initiated termination or nonrenewal proceedings 68605
against, has terminated, or has not renewed the contract of the 68606
employee because the board of education, governing board, or chief 68607
administrator has reasonably determined that the employee has 68608
committed an act that is unbecoming to the teaching profession or 68609
an offense described in division (B)(2) or (C) of section 3319.31 68610
or division (B)(1) of section 3319.39 of the Revised Code; 68611

(3) The employee has resigned under threat of termination or 68612
nonrenewal as described in division (B)(2) of this section; 68613

(4) The employee has resigned because of or in the course of 68614
an investigation by the board of education, governing board, or 68615
chief administrator regarding whether the employee has committed 68616
an act that is unbecoming to the teaching profession or an offense 68617
described in division (B)(2) or (C) of section 3319.31 or division 68618
(B)(1) of section 3319.39 of the Revised Code. 68619

(C)(1) If the employee to whom any of the conditions 68620
prescribed in divisions (B)(1) to (4) of this section applies is 68621
the superintendent or treasurer of a school district or 68622
educational service center, the president of the board of 68623
education of the school district or of the governing board of the 68624
educational service center shall make the report required under 68625
this section. 68626

(2) If the employee to whom any of the conditions prescribed 68627
in divisions (B)(1) to (4) of this section applies is the chief 68628
administrator of a chartered or an accredited nonpublic school, 68629

the president or chairperson of the governing authority of the 68630
chartered or accredited nonpublic school shall make the report 68631
required under this section. 68632

(D) If a report is required under this section, the 68633
superintendent, chief administrator, president, or chairperson 68634
shall submit to the superintendent of public instruction the name 68635
and social security number of the employee about whom the 68636
information is required and a factual statement regarding any of 68637
the conditions prescribed in divisions (B)(1) to (4) of this 68638
section that applies to the employee. 68639

(E) A determination made by the board of education, governing 68640
board, chief administrator, or governing authority as described in 68641
division (B)(2) of this section or a termination, nonrenewal, 68642
resignation, or other separation described in divisions (B)(2) to 68643
(4) of this section does not create a presumption of the 68644
commission or lack of the commission by the employee of an act 68645
unbecoming to the teaching profession or an offense described in 68646
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 68647
section 3319.39 of the Revised Code. 68648

(F) No individual required to submit a report under division 68649
(B) of this section shall knowingly fail to comply with that 68650
division. 68651

(G) An individual who provides information to the 68652
superintendent of public instruction in accordance with this 68653
section in good faith shall be immune from any civil liability 68654
that otherwise might be incurred or imposed for injury, death, or 68655
loss to person or property as a result of the provision of that 68656
information. 68657

Sec. 3319.314. The board of education of each school 68658
district, the governing board of each educational service center, 68659
~~and~~ the chief administrator of each chartered nonpublic school, 68660

and the chief administrator of each accredited nonpublic school 68661
operating under section 3301.165 of the Revised Code shall require 68662
that the reports of any investigation by the district board of 68663
education, service center governing board, or nonpublic school 68664
chief administrator of an employee regarding whether the employee 68665
has committed an act or offense for which the district or service 68666
center superintendent or board president or nonpublic school chief 68667
administrator or governing authority president or chairperson is 68668
required to make a report to the superintendent of public 68669
instruction under section 3319.313 of the Revised Code be kept in 68670
the employee's personnel file. If, after an investigation under 68671
division (A) of section 3319.311 of the Revised Code, the 68672
superintendent of public instruction determines that the results 68673
of that investigation do not warrant initiating action under 68674
section 3319.31 of the Revised Code, the board of education, 68675
governing board, or chief administrator shall require the reports 68676
of the board's or chief administrator's investigation to be moved 68677
from the employee's personnel file to a separate public file. 68678

Sec. 3319.317. (A) As used in this section, "license" has the 68679
same meaning as in section 3319.31 of the Revised Code. 68680

(B) No employee of a school district or educational service 68681
center shall do either of the following: 68682

(1) Knowingly make a false report to the district or service 68683
center superintendent, or the superintendent's designee, alleging 68684
misconduct by another employee of the district or service center; 68685

(2) Knowingly cause the district or service center 68686
superintendent, or the superintendent's designee, to make a false 68687
report of the alleged misconduct to the superintendent of public 68688
instruction or the state board of education. 68689

(C) Any employee of a school district or educational service 68690

center who in good faith reports to the district or service center 68691
superintendent, or the superintendent's designee, information 68692
about alleged misconduct committed by another employee of the 68693
district or service center shall be immune from any civil 68694
liability that otherwise might be incurred or imposed for injury, 68695
death, or loss to person or property as a result of the reporting 68696
of that information. 68697

If the alleged misconduct involves a person who holds a 68698
license but the district or service center superintendent is not 68699
required to submit a report to the superintendent of public 68700
instruction under section 3319.313 of the Revised Code and the 68701
district or service center superintendent, or the superintendent's 68702
designee, in good faith reports the alleged misconduct to the 68703
superintendent of public instruction or the state board, the 68704
district or service center superintendent, or the superintendent's 68705
designee, shall be immune from any civil liability that otherwise 68706
might be incurred or imposed for injury, death, or loss to person 68707
or property as a result of the reporting of that information. 68708

(D) No employee of a chartered nonpublic school or accredited 68709
nonpublic school described in section 3301.165 of the Revised Code 68710
shall do either of the following: 68711

(1) Knowingly make a false report to the chief administrator 68712
of the school, or the chief administrator's designee, alleging 68713
misconduct by another employee of the school; 68714

(2) Knowingly cause the chief administrator, or the chief 68715
administrator's designee, to make a false report of the alleged 68716
misconduct to the superintendent of public instruction or the 68717
state board. 68718

(E) Any employee of a chartered nonpublic school or 68719
accredited nonpublic school who in good faith reports to the chief 68720
administrator of the school, or the chief administrator's 68721

designee, information about alleged misconduct committed by 68722
another employee of the school shall be immune from any civil 68723
liability that otherwise might be incurred or imposed for injury, 68724
death, or loss to person or property as a result of the reporting 68725
of that information. 68726

If the alleged misconduct involves a person who holds a 68727
license but the chief administrator is not required to submit a 68728
report to the superintendent of public instruction under section 68729
3319.313 of the Revised Code and the chief administrator, or the 68730
chief administrator's designee, in good faith reports the alleged 68731
misconduct to the superintendent of public instruction or the 68732
state board, the chief administrator, or the chief administrator's 68733
designee, shall be immune from any civil liability that otherwise 68734
might be incurred or imposed for injury, death, or loss to person 68735
or property as a result of the reporting of that information. 68736

(F)(1) In any civil action brought against a person in which 68737
it is alleged and proved that the person violated division (B) or 68738
(D) of this section, the court shall award the prevailing party 68739
reasonable attorney's fees and costs that the prevailing party 68740
incurred in the civil action or as a result of the false report 68741
that was the basis of the violation. 68742

(2) If a person is convicted of or pleads guilty to a 68743
violation of division (B) or (D) of this section, if the subject 68744
of the false report that was the basis of the violation was 68745
charged with any violation of a law or ordinance as a result of 68746
the false report, and if the subject of the false report is found 68747
not to be guilty of the charges brought against the subject as a 68748
result of the false report or those charges are dismissed, the 68749
court that sentences the person for the violation of division (B) 68750
or (D) of this section, as part of the sentence, shall order the 68751
person to pay restitution to the subject of the false report, in 68752
an amount equal to reasonable attorney's fees and costs that the 68753

subject of the false report incurred as a result of or in relation 68754
to the charges. 68755

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 68756
of section 109.57 of the Revised Code, the appointing or hiring 68757
officer of the board of education of a school district, the 68758
governing board of an educational service center, or of a 68759
chartered or accredited nonpublic school shall request the 68760
superintendent of the bureau of criminal identification and 68761
investigation to conduct a criminal records check with respect to 68762
any applicant who has applied to the school district, educational 68763
service center, or school for employment in any position. The 68764
appointing or hiring officer shall request that the superintendent 68765
include information from the federal bureau of investigation in 68766
the criminal records check, unless all of the following apply to 68767
the applicant: 68768

(a) The applicant is applying to be an instructor of adult 68769
education. 68770

(b) The duties of the position for which the applicant is 68771
applying do not involve routine interaction with a child or 68772
regular responsibility for the care, custody, or control of a 68773
child or, if the duties do involve such interaction or 68774
responsibility, during any period of time in which the applicant, 68775
if hired, has such interaction or responsibility, another employee 68776
of the school district, educational service center, or chartered 68777
or accredited nonpublic school will be present in the same room 68778
with the child or, if outdoors, will be within a thirty-yard 68779
radius of the child or have visual contact with the child. 68780

(c) The applicant presents proof that the applicant has been 68781
a resident of this state for the five-year period immediately 68782
prior to the date upon which the criminal records check is 68783
requested or provides evidence that within that five-year period 68784

the superintendent has requested information about the applicant 68785
from the federal bureau of investigation in a criminal records 68786
check. 68787

(2) A person required by division (A)(1) of this section to 68788
request a criminal records check shall provide to each applicant a 68789
copy of the form prescribed pursuant to division (C)(1) of section 68790
109.572 of the Revised Code, provide to each applicant a standard 68791
impression sheet to obtain fingerprint impressions prescribed 68792
pursuant to division (C)(2) of section 109.572 of the Revised 68793
Code, obtain the completed form and impression sheet from each 68794
applicant, and forward the completed form and impression sheet to 68795
the superintendent of the bureau of criminal identification and 68796
investigation at the time the person requests a criminal records 68797
check pursuant to division (A)(1) of this section. 68798

(3) An applicant who receives pursuant to division (A)(2) of 68799
this section a copy of the form prescribed pursuant to division 68800
(C)(1) of section 109.572 of the Revised Code and a copy of an 68801
impression sheet prescribed pursuant to division (C)(2) of that 68802
section and who is requested to complete the form and provide a 68803
set of fingerprint impressions shall complete the form or provide 68804
all the information necessary to complete the form and shall 68805
provide the impression sheet with the impressions of the 68806
applicant's fingerprints. If an applicant, upon request, fails to 68807
provide the information necessary to complete the form or fails to 68808
provide impressions of the applicant's fingerprints, the board of 68809
education of a school district, governing board of an educational 68810
service center, or governing authority of a chartered nonpublic 68811
school shall not employ that applicant for any position. 68812

(4) Notwithstanding any provision of this section to the 68813
contrary, an applicant who meets the conditions prescribed in 68814
divisions (A)(1)(a) and (b) of this section and who, within the 68815
two-year period prior to the date of application, was the subject 68816

of a criminal records check under this section prior to being 68817
hired for short-term employment with the school district, 68818
educational service center, or chartered or accredited nonpublic 68819
school to which application is being made shall not be required to 68820
undergo a criminal records check prior to the applicant's rehiring 68821
by that district, service center, or school. 68822

(B)(1) Except as provided in rules adopted by the department 68823
of education in accordance with division (E) of this section and 68824
as provided in division (B)(3) of this section, no board of 68825
education of a school district, no governing board of an 68826
educational service center, and no governing authority of a 68827
chartered or accredited nonpublic school shall employ a person if 68828
the person previously has been convicted of or pleaded guilty to 68829
any of the following: 68830

(a) A violation of section 2903.01, 2903.02, 2903.03, 68831
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 68832
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 68833
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 68834
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 68835
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 68836
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 68837
2925.06, or 3716.11 of the Revised Code, a violation of section 68838
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 68839
violation of section 2919.23 of the Revised Code that would have 68840
been a violation of section 2905.04 of the Revised Code as it 68841
existed prior to July 1, 1996, had the violation been committed 68842
prior to that date, a violation of section 2925.11 of the Revised 68843
Code that is not a minor drug possession offense, or felonious 68844
sexual penetration in violation of former section 2907.12 of the 68845
Revised Code; 68846

(b) A violation of an existing or former law of this state, 68847
another state, or the United States that is substantially 68848

equivalent to any of the offenses or violations described in 68849
division (B)(1)(a) of this section. 68850

(2) A board, governing board of an educational service 68851
center, or a governing authority of a chartered or accredited 68852
nonpublic school may employ an applicant conditionally until the 68853
criminal records check required by this section is completed and 68854
the board or governing authority receives the results of the 68855
criminal records check. If the results of the criminal records 68856
check indicate that, pursuant to division (B)(1) of this section, 68857
the applicant does not qualify for employment, the board or 68858
governing authority shall release the applicant from employment. 68859

(3) No board and no governing authority of a chartered or 68860
accredited nonpublic school shall employ a teacher who previously 68861
has been convicted of or pleaded guilty to any of the offenses 68862
listed in section 3319.31 of the Revised Code. 68863

(C)(1) Each board and each governing authority of a chartered 68864
or accredited nonpublic school shall pay to the bureau of criminal 68865
identification and investigation the fee prescribed pursuant to 68866
division (C)(3) of section 109.572 of the Revised Code for each 68867
criminal records check conducted in accordance with that section 68868
upon the request pursuant to division (A)(1) of this section of 68869
the appointing or hiring officer of the board or governing 68870
authority. 68871

(2) A board and the governing authority of a chartered or 68872
accredited nonpublic school may charge an applicant a fee for the 68873
costs it incurs in obtaining a criminal records check under this 68874
section. A fee charged under this division shall not exceed the 68875
amount of fees the board or governing authority pays under 68876
division (C)(1) of this section. If a fee is charged under this 68877
division, the board or governing authority shall notify the 68878
applicant at the time of the applicant's initial application for 68879
employment of the amount of the fee and that, unless the fee is 68880

paid, the board or governing authority will not consider the 68881
applicant for employment. 68882

(D) The report of any criminal records check conducted by the 68883
bureau of criminal identification and investigation in accordance 68884
with section 109.572 of the Revised Code and pursuant to a request 68885
under division (A)(1) of this section is not a public record for 68886
the purposes of section 149.43 of the Revised Code and shall not 68887
be made available to any person other than the applicant who is 68888
the subject of the criminal records check or the applicant's 68889
representative, the board or governing authority requesting the 68890
criminal records check or its representative, and any court, 68891
hearing officer, or other necessary individual involved in a case 68892
dealing with the denial of employment to the applicant. 68893

(E) The department of education shall adopt rules pursuant to 68894
Chapter 119. of the Revised Code to implement this section, 68895
including rules specifying circumstances under which the board or 68896
governing authority may hire a person who has been convicted of an 68897
offense listed in division (B)(1) or (3) of this section but who 68898
meets standards in regard to rehabilitation set by the department. 68899

The department shall amend rule 3301-83-23 of the Ohio 68900
Administrative Code that took effect August 27, 2009, and that 68901
specifies the offenses that disqualify a person for employment as 68902
a school bus or school van driver and establishes rehabilitation 68903
standards for school bus and school van drivers. 68904

(F) Any person required by division (A)(1) of this section to 68905
request a criminal records check shall inform each person, at the 68906
time of the person's initial application for employment, of the 68907
requirement to provide a set of fingerprint impressions and that a 68908
criminal records check is required to be conducted and 68909
satisfactorily completed in accordance with section 109.572 of the 68910
Revised Code if the person comes under final consideration for 68911
appointment or employment as a precondition to employment for the 68912

school district, educational service center, or school for that 68913
position. 68914

(G) As used in this section: 68915

(1) "Accredited nonpublic school" means an accredited 68916
nonpublic school as described in section 3301.165 of the Revised 68917
Code. 68918

(2) "Applicant" means a person who is under final 68919
consideration for appointment or employment in a position with a 68920
board of education, governing board of an educational service 68921
center, or a chartered nonpublic school, except that "applicant" 68922
does not include a person already employed by a board or chartered 68923
nonpublic school who is under consideration for a different 68924
position with such board or school. 68925

~~(2)~~(3) "Teacher" means a person holding an educator license 68926
or permit issued under section 3319.22 or 3319.301 of the Revised 68927
Code and teachers in a chartered nonpublic school. 68928

~~(3)~~(4) "Criminal records check" has the same meaning as in 68929
section 109.572 of the Revised Code. 68930

~~(4)~~(5) "Minor drug possession offense" has the same meaning 68931
as in section 2925.01 of the Revised Code. 68932

(H) If the board of education of a local school district 68933
adopts a resolution requesting the assistance of the educational 68934
service center in which the local district has territory in 68935
conducting criminal records checks of substitute teachers and 68936
substitutes for other district employees under this section, the 68937
appointing or hiring officer of such educational service center 68938
shall serve for purposes of this section as the appointing or 68939
hiring officer of the local board in the case of hiring substitute 68940
teachers and other substitute employees for the local district. 68941

Sec. 3319.391. This section applies to any person hired by a 68942

school district, educational service center, or chartered 68943
nonpublic school, or accredited nonpublic school as described in 68944
section 3301.165 of the Revised Code in any position that does not 68945
require a "license" issued by the state board of education, as 68946
defined in section 3319.31 of the Revised Code, and is not for the 68947
operation of a vehicle for pupil transportation. 68948

(A) For each person to whom this section applies who is hired 68949
on or after November 14, 2007, the employer shall request a 68950
criminal records check in accordance with section 3319.39 of the 68951
Revised Code and shall request a subsequent criminal records check 68952
by the fifth day of September every fifth year thereafter. For 68953
each person to whom this division applies who is hired prior to 68954
November 14, 2007, the employer shall request a criminal records 68955
check by a date prescribed by the department of education and 68956
shall request a subsequent criminal records check by the fifth day 68957
of September every fifth year thereafter. 68958

(B)(1) Each request for a criminal records check under this 68959
section shall be made to the superintendent of the bureau of 68960
criminal identification and investigation in the manner prescribed 68961
in section 3319.39 of the Revised Code, except that if both of the 68962
following conditions apply to the person subject to the records 68963
check, the employer shall request the superintendent only to 68964
obtain any criminal records that the federal bureau of 68965
investigation has on the person: 68966

(a) The employer previously requested the superintendent to 68967
determine whether the bureau of criminal identification and 68968
investigation has any information, gathered pursuant to division 68969
(A) of section 109.57 of the Revised Code, on the person in 68970
conjunction with a criminal records check requested under section 68971
3319.39 of the Revised Code or under this section. 68972

(b) The person presents proof that the person has been a 68973

resident of this state for the five-year period immediately prior 68974
to the date upon which the person becomes subject to a criminal 68975
records check under this section. 68976

(2) Upon receipt of a request under division (B)(1) of this 68977
section, the superintendent shall conduct the criminal records 68978
check in accordance with section 109.572 of the Revised Code as if 68979
the request had been made under section 3319.39 of the Revised 68980
Code. However, as specified in division (B)(2) of section 109.572 68981
of the Revised Code, if the employer requests the superintendent 68982
only to obtain any criminal records that the federal bureau of 68983
investigation has on the person for whom the request is made, the 68984
superintendent shall not conduct the review prescribed by division 68985
(B)(1) of that section. 68986

(C) Any person who is the subject of a criminal records check 68987
under this section and has been convicted of or pleaded guilty to 68988
any offense described in division (B)(1) of section 3319.39 of the 68989
Revised Code shall not be hired or shall be released from 68990
employment, as applicable, unless the person meets the 68991
rehabilitation standards adopted by the department under division 68992
(E) of that section. 68993

Sec. 3319.392. (A) As used in this section: 68994

(1) "Accredited nonpublic school" means an accredited 68995
nonpublic school as described in section 3301.165 of the Revised 68996
Code. 68997

(2) "Designated official" means the superintendent, or the 68998
superintendent's designee, in the case of a school district or 68999
educational service center and the chief administrator, or the 69000
chief administrator's designee, in the case of a chartered 69001
nonpublic school. 69002

~~(2)~~(3) "Essential school services" means services provided by 69003

a private company under contract with a school district, 69004
educational service center, or chartered nonpublic school that the 69005
district or service center superintendent or the chief 69006
administrator of the chartered nonpublic school has determined are 69007
necessary for the operation of the district, service center, or 69008
chartered nonpublic school and that would need to be provided by 69009
employees of the district, service center, or chartered nonpublic 69010
school if the services were not provided by the private company. 69011

~~(3)~~(4) "License" has the same meaning as in section 3319.31 69012
of the Revised Code. 69013

(B) This section applies to any person who is an employee of 69014
a private company under contract with a school district, 69015
educational service center, or chartered or accredited nonpublic 69016
school to provide essential school services and who will work in 69017
the district, service center, or chartered or accredited nonpublic 69018
school in a position that does not require a license issued by the 69019
state board of education, is not for the operation of a vehicle 69020
for pupil transportation, and that involves routine interaction 69021
with a child or regular responsibility for the care, custody, or 69022
control of a child. 69023

(C) No school district, educational service center, or 69024
chartered or accredited nonpublic school shall permit a person to 69025
whom this section applies to work in the district, service center, 69026
or chartered or accredited nonpublic school, unless one of the 69027
following applies to the person: 69028

(1) The person's employer presents proof of both of the 69029
following to the designated official: 69030

(a) That the person has been the subject of a criminal 69031
records check conducted in accordance with division (D) of this 69032
section within the five-year period immediately prior to the date 69033
on which the person will begin working in the district, service 69034

center, or chartered or accredited nonpublic school; 69035

(b) That the criminal records check indicates that the person 69036
has not been convicted of or pleaded guilty to any offense 69037
described in division (B)(1) of section 3319.39 of the Revised 69038
Code. 69039

(2) During any period of time in which the person will have 69040
routine interaction with a child or regular responsibility for the 69041
care, custody, or control of a child, the designated official has 69042
arranged for an employee of the district, service center, or 69043
chartered or accredited nonpublic school to be present in the same 69044
room with the child or, if outdoors, to be within a thirty-yard 69045
radius of the child or to have visual contact with the child. 69046

(D) Any private company that has been hired or seeks to be 69047
hired by a school district, educational service center, or 69048
chartered or accredited nonpublic school to provide essential 69049
school services may request the bureau of criminal identification 69050
and investigation to conduct a criminal records check of any of 69051
its employees for the purpose of complying with division (C)(1) of 69052
this section. Each request for a criminal records check under this 69053
division shall be made to the superintendent of the bureau in the 69054
manner prescribed in section 3319.39 of the Revised Code. Upon 69055
receipt of a request, the bureau shall conduct the criminal 69056
records check in accordance with section 109.572 of the Revised 69057
Code as if the request had been made under section 3319.39 of the 69058
Revised Code. 69059

Notwithstanding division (H) of section 109.57 of the Revised 69060
Code, the private company may share the results of any criminal 69061
records check conducted under this division with the designated 69062
official for the purpose of complying with division (C)(1) of this 69063
section, but in no case shall the designated official release that 69064
information to any other person. 69065

Sec. 3319.40. (A) As used in this section, ~~"license":~~ 69066

(1) "Accredited nonpublic school" means an accredited 69067
nonpublic school as described in section 3301.165 of the Revised 69068
Code. 69069

(2) "License" has the same meaning as in section 3319.31 of 69070
the Revised Code. 69071

(B) If a person who is employed by a school district or 69072
chartered or accredited nonpublic school is arrested, summoned, or 69073
indicted for an alleged violation of an offense listed in division 69074
(C) of section 3319.31 of the Revised Code, if the person holds a 69075
license, or an offense listed in division (B)(1) of section 69076
3319.39 of the Revised Code, if the person does not hold a 69077
license, the superintendent of the district or the chief 69078
administrative officer of the chartered or accredited nonpublic 69079
school shall suspend that person from all duties that require the 69080
care, custody, or control of a child during the pendency of the 69081
criminal action against the person. If the person who is arrested, 69082
summoned, or indicted for an alleged violation of an offense 69083
listed in division (C) of section 3319.31 or division (B)(1) of 69084
section 3319.39 of the Revised Code is a person whose duties are 69085
assigned by the district treasurer under division (B) of section 69086
3313.31 of the Revised Code, the treasurer shall suspend the 69087
person from all duties that require the care, custody, or control 69088
of a child. If the person who is arrested, summoned, or indicted 69089
for an alleged violation of an offense listed in division (C) of 69090
section 3319.31 or division (B)(1) of section 3319.39 of the 69091
Revised Code is the superintendent or treasurer of the district, 69092
the district board shall suspend the superintendent or treasurer 69093
from all duties that require the care, custody, or control of a 69094
child. If the person who is arrested, summoned, or indicted for an 69095
alleged violation of an offense listed in division (C) of section 69096

3319.31 or division (B)(1) of section 3319.39 of the Revised Code 69097
is the chief administrative officer of the chartered or accredited 69098
nonpublic school, the governing authority of the chartered or 69099
accredited nonpublic school shall suspend the chief administrative 69100
officer from all duties that require the care, custody, or control 69101
of a child. 69102

(C) When a person who holds a license is suspended in 69103
accordance with this section, the superintendent, treasurer, board 69104
of education, chief administrative officer, or governing authority 69105
that imposed the suspension promptly shall report the person's 69106
suspension to the department of education. The report shall 69107
include the offense for which the person was arrested, summoned, 69108
or indicted. 69109

Sec. 3319.52. (A) As used in this section: 69110

(1) "Accredited nonpublic school" means an accredited 69111
nonpublic school as described in section 3301.165 of the Revised 69112
Code. 69113

(2) "Intervention in lieu of conviction" means intervention 69114
in lieu of conviction under section 2951.041 of the Revised Code. 69115

~~(2)~~(3) "License" has the same meaning as in section 3319.31 69116
of the Revised Code. 69117

~~(3)~~(4) "Pre-trial diversion program" means a pre-trial 69118
diversion program under section 2935.36 of the Revised Code or a 69119
similar diversion program under rules of a court. 69120

~~(4)~~(5) "Prosecutor" has the same meaning as in section 69121
2935.01 of the Revised Code. 69122

(B) If there is any judicial finding of guilt or any 69123
conviction or a judicial finding of eligibility for intervention 69124
in lieu of conviction against a license holder, or if a license 69125
holder agrees to participate in a pre-trial diversion program, for 69126

any of the offenses listed in division (B)(2) or (C) of section 69127
3319.31 of the Revised Code, the prosecutor in the case, on forms 69128
that the state board of education shall prescribe and furnish, 69129
promptly shall notify the board and, if known, any school district 69130
or chartered or accredited nonpublic school employing the license 69131
holder of the license holder's name and residence address, and the 69132
fact that the license holder pleaded guilty to, was convicted of, 69133
has been found eligible for intervention in lieu of conviction 69134
for, or has agreed to a diversion program for the offense. 69135

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 69136
"guardian," or "other person having charge or care of a child" 69137
means either parent unless the parents are separated or divorced 69138
or their marriage has been dissolved or annulled, in which case 69139
"parent" means the parent who is the residential parent and legal 69140
custodian of the child. If the child is in the legal or permanent 69141
custody of a person or government agency, "parent" means that 69142
person or government agency. When a child is a resident of a home, 69143
as defined in section 3313.64 of the Revised Code, and the child's 69144
parent is not a resident of this state, "parent," "guardian," or 69145
"other person having charge or care of a child" means the head of 69146
the home. 69147

A child between six and eighteen years of age is "of 69148
compulsory school age" for the purpose of sections 3321.01 to 69149
3321.13 of the Revised Code. A child under six years of age who 69150
has been enrolled in kindergarten also shall be considered "of 69151
compulsory school age" for the purpose of sections 3321.01 to 69152
3321.13 of the Revised Code unless at any time the child's parent 69153
or guardian, at the parent's or guardian's discretion and in 69154
consultation with the child's teacher and principal, formally 69155
withdraws the child from kindergarten. The compulsory school age 69156
of a child shall not commence until the beginning of the term of 69157
such schools, or other time in the school year fixed by the rules 69158

of the board of the district in which the child resides. 69159

(2) In a district in which all children are admitted to 69160
kindergarten and the first grade in August or September, a child 69161
shall be admitted if the child is five or six years of age, 69162
respectively, by the thirtieth day of September of the year of 69163
admittance, or by the first day of a term or semester other than 69164
one beginning in August or September in school districts granting 69165
admittance at the beginning of such term or semester. A child who 69166
does not meet the age requirements of this section for admittance 69167
to kindergarten or first grade, but who will be five or six years 69168
old, respective, prior to the first day of January of the school 69169
year in which admission is requested, shall be evaluated for early 69170
admittance in accordance with district policy upon referral by the 69171
child's parent or guardian, an educator employed by the district, 69172
a preschool educator who knows the child, or a pediatrician or 69173
psychologist who knows the child. Following an evaluation in 69174
accordance with a referral under this section, the district board 69175
shall decide whether to admit the child. If a child for whom 69176
admission to kindergarten or first grade is requested will not be 69177
five or six years of age, respectively, prior to the first day of 69178
January of the school year in which admission is requested, the 69179
child shall be admitted only in accordance with the district's 69180
acceleration policy adopted under section 3324.10 of the Revised 69181
Code. 69182

(3) Notwithstanding division (A)(2) of this section, 69183
beginning with the school year that starts in 2001 and continuing 69184
thereafter the board of education of any district may adopt a 69185
resolution establishing the first day of August in lieu of the 69186
thirtieth day of September as the required date by which students 69187
must have attained the age specified in that division. 69188

(4) After a student has been admitted to kindergarten in a 69189
school district or chartered or accredited nonpublic school, no 69190

board of education of a school district to which the student 69191
transfers shall deny that student admission based on the student's 69192
age. As used in this section, "accredited nonpublic school" means 69193
an accredited nonpublic school as described in section 3301.165 of 69194
the Revised Code. 69195

(B) As used in division (C) of this section, "successfully 69196
completed kindergarten" means that the child has completed the 69197
kindergarten requirements at one of the following: 69198

(1) A public or chartered or accredited nonpublic school; 69199

(2) A kindergarten class that is both of the following: 69200

(a) Offered by a day-care provider licensed under Chapter 69201
5104. of the Revised Code; 69202

(b) If offered after July 1, 1991, is directly taught by a 69203
teacher who holds one of the following: 69204

(i) A valid educator license issued under section 3319.22 of 69205
the Revised Code; 69206

(ii) A Montessori preprimary credential or age-appropriate 69207
diploma granted by the American Montessori society or the 69208
association Montessori internationale; 69209

(iii) Certification determined under division (F) of this 69210
section to be equivalent to that described in division 69211
(B)(2)(b)(ii) of this section; 69212

(iv) Certification for teachers in nontax-supported schools 69213
pursuant to section 3301.071 of the Revised Code. 69214

(C)(1) Except as provided in division (A)(2) of this section, 69215
no school district shall admit to the first grade any child who 69216
has not successfully completed kindergarten. 69217

(2) Notwithstanding division (A)(2) of this section, any 69218
student who has successfully completed kindergarten in accordance 69219
with section (B) of this section shall be admitted to first grade. 69220

(D) The scheduling of times for kindergarten classes and 69221
length of the school day for kindergarten shall be determined by 69222
the board of education of a city, exempted village, or local 69223
school district. 69224

(E) Any kindergarten class offered by a day-care provider or 69225
school described by division (B)(1) or (B)(2)(a) of this section 69226
shall be developmentally appropriate. 69227

(F) Upon written request of a day-care provider described by 69228
division (B)(2)(a) of this section, the department of education 69229
shall determine whether certification held by a teacher employed 69230
by the provider meets the requirement of division (B)(2)(b)(iii) 69231
of this section and, if so, shall furnish the provider a statement 69232
to that effect. 69233

(G) As used in this division, "all-day kindergarten" has the 69234
same meaning as in section 3321.05 of the Revised Code. 69235

(1) A school district that is offering all-day kindergarten 69236
for the first time or that charged fees or tuition for all-day 69237
kindergarten in the 2012-2013 school year may charge fees or 69238
tuition for a student enrolled in all-day kindergarten in any 69239
school year following the 2012-2013 school year. The department 69240
shall adjust the district's average daily membership certification 69241
under section 3317.03 of the Revised Code by one-half of the 69242
full-time equivalency for each student charged fees or tuition for 69243
all-day kindergarten under this division. If a district charges 69244
fees or tuition for all-day kindergarten under this division, the 69245
district shall develop a sliding fee scale based on family 69246
incomes. 69247

(2) The department of education shall conduct an annual 69248
survey of each school district described in division (G)(1) of 69249
this section to determine the following: 69250

(a) Whether the district charges fees or tuition for students 69251

enrolled in all-day kindergarten; 69252

(b) The amount of the fees or tuition charged; 69253

(c) How many of the students for whom tuition is charged are 69254
eligible for free lunches under the "National School Lunch Act," 69255
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 69256
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 69257
and how many of the students for whom tuition is charged are 69258
eligible for reduced price lunches under those acts; 69259

(d) How many students are enrolled in traditional half-day 69260
kindergarten rather than all-day kindergarten. 69261

Each district shall report to the department, in the manner 69262
prescribed by the department, the information described in 69263
divisions (G)(2)(a) to (d) of this section. 69264

The department shall issue an annual report on the results of 69265
the survey and shall post the report on its web site. The 69266
department shall issue the first report not later than April 30, 69267
2008, and shall issue a report not later than the thirtieth day of 69268
April each year thereafter. 69269

Sec. 3326.01. (A) As used in this chapter: 69270

(1) "Accredited nonpublic school" means an accredited 69271
nonpublic school as described in section 3301.165 of the Revised 69272
Code. 69273

(2) "Community school" means a community school established 69274
under Chapter 3314. of the Revised Code. 69275

(3) "STEM" is an abbreviation of "science, technology, 69276
engineering, and mathematics." 69277

~~(2)~~(4) "STEAM" is an abbreviation of "science, technology, 69278
engineering, arts, and mathematics." 69279

(B)(1) A science, technology, engineering, arts, and 69280

mathematics school shall be considered a type of science, 69281
technology, engineering, and mathematics school. 69282

(2) A STEAM school equivalent shall be considered to be a 69283
type of STEM school equivalent. 69284

(3) A STEAM program of excellence shall be considered to be a 69285
type of STEM program of excellence. 69286

(C)(1) Any reference to a STEM school or science, technology, 69287
engineering, and mathematics school in the Revised Code shall be 69288
considered to include a STEAM school, unless the context 69289
specifically indicates a different meaning or intent. All 69290
provisions of the Revised Code applicable to a STEM school shall 69291
apply to a STEAM school in the same manner, except as otherwise 69292
provided in this chapter. 69293

(2) Any reference to a STEM school equivalent in the Revised 69294
Code shall be considered to include a STEAM school equivalent, 69295
unless the context specifically indicates a different meaning or 69296
intent. All provisions of the Revised Code applicable to a STEM 69297
school equivalent shall apply to a STEAM school equivalent in the 69298
same manner, except as otherwise provided in this chapter. 69299

(3) Any reference to a STEM program of excellence in the 69300
Revised Code shall be considered to include a STEAM program of 69301
excellence, unless the context specifically indicates a different 69302
meaning or intent. All provisions of the Revised Code applicable 69303
to a STEM program of excellence shall apply to a STEAM program of 69304
excellence in the same manner, except as otherwise provided in 69305
this chapter. 69306

Sec. 3326.03. (A) The STEM committee shall authorize the 69307
establishment of and award grants to science, technology, 69308
engineering, and mathematics schools based on proposals submitted 69309
to the committee. 69310

The committee shall determine the criteria for proposals, 69311
establish procedures for the submission of proposals, accept and 69312
evaluate proposals, and choose which proposals to approve to 69313
become a STEM school. In approving proposals for STEM schools, the 69314
committee shall consider locating the schools in diverse 69315
geographic regions of the state so that all students have access 69316
to a STEM school. 69317

The committee shall seek technical assistance from the Ohio 69318
STEM learning network, or its successor, throughout the process of 69319
accepting and evaluating proposals and choosing which proposals to 69320
approve. In approving proposals for STEM schools, the committee 69321
shall consider the recommendations of the Ohio STEM learning 69322
network, or its successor. 69323

The committee may authorize the establishment of a group of 69324
multiple STEM schools to operate from multiple facilities located 69325
in one or more school districts under the direction of a single 69326
governing body in the manner prescribed by section 3326.031 of the 69327
Revised Code. The committee shall consider the merits of each of 69328
the proposed STEM schools within a group and shall authorize each 69329
school separately. Anytime after authorizing a group of STEM 69330
schools to be under the direction of a single governing body, upon 69331
a proposal from the governing body, the committee may authorize 69332
one or more additional schools to operate as part of that group. 69333

The STEM committee may approve one or more STEM schools to 69334
serve only students identified as gifted under Chapter 3324. of 69335
the Revised Code. 69336

(B) Proposals may be submitted only by a partnership of 69337
public and private entities consisting of at least all of the 69338
following: 69339

(1) A city, exempted village, local, or joint vocational 69340
school district or an educational service center; 69341

(2) Higher education entities; 69342

(3) Business organizations. 69343

A community school ~~established under Chapter 3314. of the~~ 69344
~~Revised Code~~, a chartered nonpublic school, an accredited 69345
nonpublic school, or ~~both~~ any combination of such schools may be 69346
part of the partnership. 69347

(C) Each proposal shall include at least the following: 69348

(1) Assurances that the STEM school or group of STEM schools 69349
will be under the oversight of a governing body and a description 69350
of the members of that governing body and how they will be 69351
selected; 69352

(2) Assurances that each STEM school will operate in 69353
compliance with this chapter and the provisions of the proposal as 69354
accepted by the committee; 69355

(3) Evidence that each school will offer a rigorous, diverse, 69356
integrated, and project-based curriculum to students in any of 69357
grades kindergarten through twelve, with the goal to prepare those 69358
students for college, the workforce, and citizenship, and that 69359
does all of the following: 69360

(a) Emphasizes the role of science, technology, engineering, 69361
and mathematics in promoting innovation and economic progress; 69362

(b) Incorporates scientific inquiry and technological design; 69363

(c) Includes the arts and humanities. If the proposal is for 69364
a STEAM school, it also shall include evidence that the curriculum 69365
will integrate arts and design into the study of science, 69366
technology, engineering, and mathematics to foster creative 69367
thinking, problem-solving, and new approaches to scientific 69368
invention. 69369

(d) Emphasizes personalized learning and teamwork skills. 69370

(4) Evidence that each school will attract school leaders who 69371

support the curriculum principles of division (C)(3) of this 69372
section; 69373

(5) A description of how each school's curriculum will be 69374
developed and approved in accordance with section 3326.09 of the 69375
Revised Code; 69376

(6) Evidence that each school will utilize an established 69377
capacity to capture and share knowledge for best practices and 69378
innovative professional development with the Ohio STEM learning 69379
network, or its successor; 69380

(7) Evidence that each school will operate in collaboration 69381
with a partnership that includes institutions of higher education 69382
and businesses. If the proposal is for a STEAM school, it also 69383
shall include evidence that this partnership will include arts 69384
organizations. 69385

(8) Assurances that each school has received commitments of 69386
sustained and verifiable fiscal and in-kind support from regional 69387
education and business entities. If the proposal is for a STEAM 69388
school, it also shall include assurances that the school has 69389
received commitments of sustained and verifiable fiscal and 69390
in-kind support from arts organizations. 69391

(9) A description of how each school's assets will be 69392
distributed if the school closes for any reason. 69393

(D) If a STEM school wishes to become a STEAM school, it may 69394
change its existing proposal to include the items required under 69395
divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit 69396
the revised proposal to the STEM committee for approval. 69397

Sec. 3326.032. (A) The STEM committee may grant a designation 69398
of STEM school equivalent to a community school ~~established under~~ 69399
~~Chapter 3314. of the Revised Code,~~ or to a chartered or accredited 69400
nonpublic school. In order to be eligible for this designation, a 69401

community school or chartered or accredited nonpublic school shall 69402
submit a proposal that satisfies the requirements of this section. 69403

69404

The committee shall determine the criteria for proposals, 69405
establish procedures for the submission of proposals, accept and 69406
evaluate proposals, and choose which proposals warrant a community 69407
school or chartered or accredited nonpublic school to be 69408
designated as a STEM school equivalent. 69409

(B) A proposal for designation as a STEM school equivalent 69410
shall include at least the following: 69411

(1) Assurances that the community school or chartered or 69412
accredited nonpublic school submitting the proposal has a working 69413
partnership with both public and private entities, including 69414
higher education entities and business organizations. If the 69415
proposal is for a STEAM school equivalent, it also shall include 69416
evidence that this partnership includes arts organizations. 69417

(2) Assurances that the school submitting the proposal will 69418
operate in compliance with this section and the provisions of the 69419
proposal as accepted by the committee; 69420

(3) Evidence that the school submitting the proposal will 69421
offer a rigorous, diverse, integrated, and project-based 69422
curriculum to students in any of grades kindergarten through 69423
twelve, with the goal to prepare those students for college, the 69424
workforce, and citizenship, and that does all of the following: 69425

(a) Emphasizes the role of science, technology, engineering, 69426
and mathematics in promoting innovation and economic progress; 69427

(b) Incorporates scientific inquiry and technological design; 69428

(c) Includes the arts and humanities. If the proposal is for 69429
a STEAM school equivalent, it also shall include evidence that the 69430
curriculum will integrate arts and design into the study of 69431

science, technology, engineering, and mathematics to foster 69432
creative thinking, problem-solving, and new approaches to 69433
scientific invention. 69434

(d) Emphasizes personalized learning and teamwork skills. 69435

(4) Evidence that the school submitting the proposal will 69436
attract school leaders who support the curriculum principles of 69437
division (B)(3) of this section; 69438

(5) A description of how each school's curriculum will be 69439
developed and approved in accordance with section 3326.09 of the 69440
Revised Code; 69441

(6) Evidence that the school submitting the proposal will 69442
utilize an established capacity to capture and share knowledge for 69443
best practices and innovative professional development; 69444

(7) Assurances that the school submitting the proposal has 69445
received commitments of sustained and verifiable fiscal and 69446
in-kind support from regional education and business entities. If 69447
the proposal is for a STEAM school equivalent, it also shall 69448
include assurances that the school has received commitments of 69449
sustained and verifiable fiscal and in-kind support from arts 69450
organizations. 69451

(C)(1) A community school or chartered or accredited 69452
nonpublic school that is designated as a STEM school equivalent 69453
under this section shall not be subject to the requirements of 69454
Chapter 3326. of the Revised Code, except that the school shall be 69455
subject to the requirements of this section and to the curriculum 69456
requirements of section 3326.09 of the Revised Code. 69457

Nothing in this section, however, shall relieve a community 69458
school of the applicable requirements of Chapter 3314. of the 69459
Revised Code. Nor shall anything in this section relieve a 69460
chartered or accredited nonpublic school of any provisions of law 69461
outside of this chapter that are applicable to chartered or 69462

accredited nonpublic schools. 69463

(2) A community school or chartered or accredited nonpublic 69464
school that is designated as a STEM school equivalent under this 69465
section shall not be eligible for operating funding under sections 69466
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 69467
Code. 69468

(3) A community school or chartered or accredited nonpublic 69469
school that is designated as a STEM school equivalent under this 69470
section may apply for any of the grants and additional funds 69471
described in section 3326.38 of the Revised Code for which the 69472
school is eligible. 69473

(D) If a community school or chartered or accredited 69474
nonpublic school that is designated as a STEM school equivalent 69475
under this section intends to close or intends to no longer be 69476
designated as a STEM school equivalent, it shall notify the STEM 69477
committee of that fact. 69478

(E) If a community school or chartered or accredited 69479
nonpublic school that is designated as a STEM school equivalent 69480
wishes to be designated as a STEAM school equivalent, it may 69481
change its existing proposal to include the items required under 69482
divisions (B)(1), (B)(3)(c), and (B)(7) of this section and submit 69483
the revised proposal to the STEM committee for approval. 69484

Sec. 3326.04. (A) The STEM committee shall award grants to 69485
support the operation of STEM programs of excellence to serve 69486
students in any of grades kindergarten through twelve through a 69487
request for proposals. 69488

(B) Proposals may be submitted by any of the following: 69489

(1) The board of education of a city, exempted village, or 69490
local school district; 69491

(2) The governing authority of a community school established 69492

under Chapter 3314. of the Revised Code; 69493

(3) The governing authority of a chartered or accredited 69494
nonpublic school. 69495

(C) Each proposal shall demonstrate to the satisfaction of 69496
the STEM committee that the program meets at least the following 69497
standards: 69498

(1) Unless the program is designed to serve only students 69499
identified as gifted under Chapter 3324. of the Revised Code, the 69500
program will serve all students enrolled in the district or school 69501
in the grades for which the program is designed. 69502

(2) The program will offer a rigorous and diverse curriculum 69503
that is based on scientific inquiry and technological design, that 69504
emphasizes personalized learning and teamwork skills, and that 69505
will expose students to advanced scientific concepts within and 69506
outside the classroom. If the proposal is for a STEAM program of 69507
excellence, it also shall include evidence that the curriculum 69508
will integrate arts and design into the curriculum to foster 69509
creative thinking, problem-solving, and new approaches to 69510
scientific invention. 69511

(3) Unless the program is designed to serve only students 69512
identified as gifted under Chapter 3324. of the Revised Code, the 69513
program will not limit participation of students on the basis of 69514
intellectual ability, measures of achievement, or aptitude. 69515

(4) The program will utilize an established capacity to 69516
capture and share knowledge for best practices and innovative 69517
professional development. 69518

(5) The program will operate in collaboration with a 69519
partnership that includes institutions of higher education and 69520
businesses. If the proposal is for a STEAM program of excellence, 69521
it also shall include evidence that this partnership includes arts 69522
organizations. 69523

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to include the items required under divisions (C)(2) and (C)(5) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.09. Subject to approval by its governing body or governing authority, the curriculum of each science, technology, engineering, and mathematics school and of each community school or chartered or accredited nonpublic school that is designated as a STEM school equivalent under section 3326.032 of the Revised Code shall be developed by a team that consists of at least the school's chief administrative officer, a teacher, a representative of the higher education institution that is a collaborating partner in the STEM school or school designated as a STEM school equivalent, and a member of the public with expertise in the application of science, technology, engineering, or mathematics. In the case of a STEAM school or a STEAM school equivalent, the team also shall include an expert in the integration of arts and design into the STEM fields.

Sec. 3327.07. (A) The governing authority of a chartered or an accredited nonpublic school, as described in section 3301.165 of the Revised Code, that transports a student enrolled in the school to and from school and to and from school-sponsored activities, including extracurricular activities, may charge the parent or guardian of the student a fee for the transportation, if the governing authority purchased the vehicle that transports the

student using no state or federal funds. The fee shall not exceed 69554
the per student cost of the transportation, as determined by the 69555
governing authority. 69556

(B) The parent or guardian of a student who is enrolled in a 69557
chartered or accredited nonpublic school and is eligible for 69558
transportation by a school district under section 3327.01 of the 69559
Revised Code may decline that transportation and accept 69560
transportation from the chartered or accredited nonpublic school. 69561
The governing authority of a chartered or accredited nonpublic 69562
school may charge a fee under division (A) of this section 69563
regardless of whether a student is eligible for transportation 69564
under section 3327.01 of the Revised Code. 69565

(C) The offering by the governing authority of a chartered or 69566
accredited nonpublic school of transportation to and from the 69567
school does not relieve any school district board of education 69568
from any duty imposed by sections 3327.01 and 3327.02 of the 69569
Revised Code with respect to the chartered or accredited nonpublic 69570
school's students. 69571

Sec. 3327.10. (A) No person shall be employed as driver of a 69572
school bus or motor van, owned and operated by any school district 69573
or educational service center or privately owned and operated 69574
under contract with any school district or service center in this 69575
state, who has not received a certificate from either the 69576
educational service center governing board that has entered into 69577
an agreement with the school district under section 3313.843 or 69578
3313.845 of the Revised Code or the superintendent of the school 69579
district, certifying that such person is at least eighteen years 69580
of age and is of good moral character and is qualified physically 69581
and otherwise for such position. The service center governing 69582
board or the superintendent, as the case may be, shall provide for 69583
an annual physical examination that conforms with rules adopted by 69584

the state board of education of each driver to ascertain the 69585
driver's physical fitness for such employment. Any certificate may 69586
be revoked by the authority granting the same on proof that the 69587
holder has been guilty of failing to comply with division (D)(1) 69588
of this section, or upon a conviction or a guilty plea for a 69589
violation, or any other action, that results in a loss or 69590
suspension of driving rights. Failure to comply with such division 69591
may be cause for disciplinary action or termination of employment 69592
under division (C) of section 3319.081, or section 124.34 of the 69593
Revised Code. 69594

(B) No person shall be employed as driver of a school bus or 69595
motor van not subject to the rules of the department of education 69596
pursuant to division (A) of this section who has not received a 69597
certificate from the school administrator or contractor certifying 69598
that such person is at least eighteen years of age, is of good 69599
moral character, and is qualified physically and otherwise for 69600
such position. Each driver shall have an annual physical 69601
examination which conforms to the state highway patrol rules, 69602
ascertaining the driver's physical fitness for such employment. 69603
The examination shall be performed by one of the following: 69604

(1) A person licensed under Chapter 4731. or 4734. of the 69605
Revised Code or by another state to practice medicine and surgery, 69606
osteopathic medicine and surgery, or chiropractic; 69607

(2) A physician assistant; 69608

(3) A certified nurse practitioner; 69609

(4) A clinical nurse specialist; 69610

(5) A certified nurse-midwife; 69611

(6) A medical examiner who is listed on the national registry 69612
of certified medical examiners established by the federal motor 69613
carrier safety administration in accordance with 49 C.F.R. part 69614

390. 69615

Any written documentation of the physical examination shall 69616
be completed by the individual who performed the examination. 69617

Any certificate may be revoked by the authority granting the 69618
same on proof that the holder has been guilty of failing to comply 69619
with division (D)(2) of this section. 69620

(C) Any person who drives a school bus or motor van must give 69621
satisfactory and sufficient bond except a driver who is an 69622
employee of a school district and who drives a bus or motor van 69623
owned by the school district. 69624

(D) No person employed as driver of a school bus or motor van 69625
under this section who is convicted of a traffic violation or who 69626
has had the person's commercial driver's license suspended shall 69627
drive a school bus or motor van until the person has filed a 69628
written notice of the conviction or suspension, as follows: 69629

(1) If the person is employed under division (A) of this 69630
section, the person shall file the notice with the superintendent, 69631
or a person designated by the superintendent, of the school 69632
district for which the person drives a school bus or motor van as 69633
an employee or drives a privately owned and operated school bus or 69634
motor van under contract. 69635

(2) If employed under division (B) of this section, the 69636
person shall file the notice with the employing school 69637
administrator or contractor, or a person designated by the 69638
administrator or contractor. 69639

(E) In addition to resulting in possible revocation of a 69640
certificate as authorized by divisions (A) and (B) of this 69641
section, violation of division (D) of this section is a minor 69642
misdemeanor. 69643

(F)(1) Not later than thirty days after June 30, 2007, each 69644

owner of a school bus or motor van shall obtain the complete 69645
driving record for each person who is currently employed or 69646
otherwise authorized to drive the school bus or motor van. An 69647
owner of a school bus or motor van shall not permit a person to 69648
operate the school bus or motor van for the first time before the 69649
owner has obtained the person's complete driving record. 69650
Thereafter, the owner of a school bus or motor van shall obtain 69651
the person's driving record not less frequently than semiannually 69652
if the person remains employed or otherwise authorized to drive 69653
the school bus or motor van. An owner of a school bus or motor van 69654
shall not permit a person to resume operating a school bus or 69655
motor van, after an interruption of one year or longer, before the 69656
owner has obtained the person's complete driving record. 69657

(2) The owner of a school bus or motor van shall not permit a 69658
person to operate the school bus or motor van for ten years after 69659
the date on which the person pleads guilty to or is convicted of a 69660
violation of section 4511.19 of the Revised Code or a 69661
substantially equivalent municipal ordinance. 69662

(3) An owner of a school bus or motor van shall not permit 69663
any person to operate such a vehicle unless the person meets all 69664
other requirements contained in rules adopted by the state board 69665
of education prescribing qualifications of drivers of school buses 69666
and other student transportation. 69667

(G) No superintendent of a school district, educational 69668
service center, community school, or public or private employer 69669
shall permit the operation of a vehicle used for pupil 69670
transportation within this state by an individual unless both of 69671
the following apply: 69672

(1) Information pertaining to that driver has been submitted 69673
to the department of education, pursuant to procedures adopted by 69674
that department. Information to be reported shall include the name 69675
of the employer or school district, name of the driver, driver 69676

license number, date of birth, date of hire, status of physical 69677
evaluation, and status of training. 69678

(2) The most recent criminal records check required by 69679
division (J) of this section has been completed and received by 69680
the superintendent or public or private employer. 69681

(H) A person, school district, educational service center, 69682
community school, nonpublic school, or other public or nonpublic 69683
entity that owns a school bus or motor van, or that contracts with 69684
another entity to operate a school bus or motor van, may impose 69685
more stringent restrictions on drivers than those prescribed in 69686
this section, in any other section of the Revised Code, and in 69687
rules adopted by the state board. 69688

(I) For qualified drivers who, on July 1, 2007, are employed 69689
by the owner of a school bus or motor van to drive the school bus 69690
or motor van, any instance in which the driver was convicted of or 69691
pleaded guilty to a violation of section 4511.19 of the Revised 69692
Code or a substantially equivalent municipal ordinance prior to 69693
two years prior to July 1, 2007, shall not be considered a 69694
disqualifying event with respect to division (F) of this section. 69695

(J)(1) This division applies to persons hired by a school 69696
district, educational service center, community school, chartered 69697
nonpublic school, accredited nonpublic school as described in 69698
section 3301.165 of the Revised Code, or science, technology, 69699
engineering, and mathematics school established under Chapter 69700
3326. of the Revised Code to operate a vehicle used for pupil 69701
transportation. 69702

For each person to whom this division applies who is hired on 69703
or after November 14, 2007, the employer shall request a criminal 69704
records check in accordance with section 3319.39 of the Revised 69705
Code and every six years thereafter. For each person to whom this 69706
division applies who is hired prior to that date, the employer 69707

shall request a criminal records check by a date prescribed by the 69708
department of education and every six years thereafter. 69709

(2) This division applies to persons hired by a public or 69710
private employer not described in division (J)(1) of this section 69711
to operate a vehicle used for pupil transportation. 69712

For each person to whom this division applies who is hired on 69713
or after November 14, 2007, the employer shall request a criminal 69714
records check prior to the person's hiring and every six years 69715
thereafter. For each person to whom this division applies who is 69716
hired prior to that date, the employer shall request a criminal 69717
records check by a date prescribed by the department and every six 69718
years thereafter. 69719

(3) Each request for a criminal records check under division 69720
(J) of this section shall be made to the superintendent of the 69721
bureau of criminal identification and investigation in the manner 69722
prescribed in section 3319.39 of the Revised Code, except that if 69723
both of the following conditions apply to the person subject to 69724
the records check, the employer shall request the superintendent 69725
only to obtain any criminal records that the federal bureau of 69726
investigation has on the person: 69727

(a) The employer previously requested the superintendent to 69728
determine whether the bureau of criminal identification and 69729
investigation has any information, gathered pursuant to division 69730
(A) of section 109.57 of the Revised Code, on the person in 69731
conjunction with a criminal records check requested under section 69732
3319.39 of the Revised Code or under division (J) of this section. 69733

(b) The person presents proof that the person has been a 69734
resident of this state for the five-year period immediately prior 69735
to the date upon which the person becomes subject to a criminal 69736
records check under this section. 69737

Upon receipt of a request, the superintendent shall conduct 69738

the criminal records check in accordance with section 109.572 of 69739
the Revised Code as if the request had been made under section 69740
3319.39 of the Revised Code. However, as specified in division 69741
(B)(2) of section 109.572 of the Revised Code, if the employer 69742
requests the superintendent only to obtain any criminal records 69743
that the federal bureau of investigation has on the person for 69744
whom the request is made, the superintendent shall not conduct the 69745
review prescribed by division (B)(1) of that section. 69746

(K)(1) Until the effective date of the amendments to rule 69747
3301-83-23 of the Ohio Administrative Code required by the second 69748
paragraph of division (E) of section 3319.39 of the Revised Code, 69749
any person who is the subject of a criminal records check under 69750
division (J) of this section and has been convicted of or pleaded 69751
guilty to any offense described in division (B)(1) of section 69752
3319.39 of the Revised Code shall not be hired or shall be 69753
released from employment, as applicable, unless the person meets 69754
the rehabilitation standards prescribed for nonlicensed school 69755
personnel by rule 3301-20-03 of the Ohio Administrative Code. 69756

(2) Beginning on the effective date of the amendments to rule 69757
3301-83-23 of the Ohio Administrative Code required by the second 69758
paragraph of division (E) of section 3319.39 of the Revised Code, 69759
any person who is the subject of a criminal records check under 69760
division (J) of this section and has been convicted of or pleaded 69761
guilty to any offense that, under the rule, disqualifies a person 69762
for employment to operate a vehicle used for pupil transportation 69763
shall not be hired or shall be released from employment, as 69764
applicable, unless the person meets the rehabilitation standards 69765
prescribed by the rule. 69766

Sec. 3365.01. As used in this chapter: 69767

(A) "Articulated credit" means post-secondary credit that is 69768
reflected on the official record of a student at an institution of 69769

higher education only upon enrollment at that institution after 69770
graduation from a secondary school. 69771

(B) "Default ceiling amount" means one of the following 69772
amounts, whichever is applicable: 69773

(1) For a participant enrolled in a college operating on a 69774
semester schedule, the amount calculated according to the 69775
following formula: 69776

$$\frac{((0.83 \times \text{formula amount}) / 30)}{\text{X number of enrolled credit hours}}$$
 69777
69778

(2) For a participant enrolled in a college operating on a 69779
quarter schedule, the amount calculated according to the following 69780
formula: 69781

$$\frac{((0.83 \times \text{formula amount}) / 45)}{\text{X number of enrolled credit hours}}$$
 69782
69783

(C) "Default floor amount" means twenty-five per cent of the 69784
default ceiling amount. 69785

(D) "Eligible out-of-state college" means any institution of 69786
higher education that is located outside of Ohio and is approved 69787
by the chancellor of higher education to participate in the 69788
college credit plus program. 69789

(E) "Fee" means any course-related fee and any other fee 69790
imposed by the college, but not included in tuition, for 69791
participation in the program established by this chapter. 69792

(F) "Formula amount" has the same meaning as in section 69793
3317.02 of the Revised Code. 69794

(G) "Governing entity" means a board of education of a school 69795
district, a governing authority of a community school established 69796
under Chapter 3314., a governing body of a STEM school established 69797
under Chapter 3326., or a board of trustees of a 69798
college-preparatory boarding school established under Chapter 69799

3328. of the Revised Code. 69800

(H) "Home-instructed participant" means a student who has 69801
been excused from the compulsory attendance law for the purpose of 69802
home instruction under section 3321.04 of the Revised Code, and is 69803
participating in the program established by this chapter. 69804

(I) "Maximum per participant charge amount" means one of the 69805
following amounts, whichever is applicable: 69806

(1) For a participant enrolled in a college operating on a 69807
semester schedule, the amount calculated according to the 69808
following formula: 69809

((formula amount / 30) 69810
X number of enrolled credit hours) 69811

(2) For a participant enrolled in a college operating on a 69812
quarter schedule, the amount calculated according to the following 69813
formula: 69814

((formula amount / 45) 69815
X number of enrolled credit hours) 69816

(J) "Nonpublic secondary school" means a chartered school for 69817
which minimum standards are prescribed by the state board of 69818
education pursuant to division (D) of section 3301.07 of the 69819
Revised Code or an accredited nonpublic school as described in 69820
section 3301.165 of the Revised Code. 69821

(K) "Number of enrolled credit hours" means the number of 69822
credit hours for a course in which a participant is enrolled 69823
during the previous term after the date on which a withdrawal from 69824
a course would have negatively affected the participant's 69825
transcripted grade, as prescribed by the college's established 69826
withdrawal policy. 69827

(L) "Parent" has the same meaning as in section 3313.64 of 69828
the Revised Code. 69829

(M) "Participant" means any student enrolled in a college 69830
under the program established by this chapter. 69831

(N) "Partnering college" means a college with which a public 69832
or nonpublic secondary school has entered into an agreement in 69833
order to offer the program established by this chapter. 69834

(O) "Partnering secondary school" means a public or nonpublic 69835
secondary school with which a college has entered into an 69836
agreement in order to offer the program established by this 69837
chapter. 69838

(P) "Private college" means any of the following: 69839

(1) A nonprofit institution holding a certificate of 69840
authorization pursuant to Chapter 1713. of the Revised Code; 69841

(2) An institution holding a certificate of registration from 69842
the state board of career colleges and schools and program 69843
authorization for an associate or bachelor's degree program issued 69844
under section 3332.05 of the Revised Code; 69845

(3) A private institution exempt from regulation under 69846
Chapter 3332. of the Revised Code as prescribed in section 69847
3333.046 of the Revised Code. 69848

(Q) "Public college" means a "state institution of higher 69849
education" in section 3345.011 of the Revised Code, excluding the 69850
northeast Ohio medical university. 69851

(R) "Public secondary school" means a school serving grades 69852
nine through twelve in a city, local, or exempted village school 69853
district, a joint vocational school district, a community school 69854
established under Chapter 3314., a STEM school established under 69855
Chapter 3326., or a college-preparatory boarding school 69856
established under Chapter 3328. of the Revised Code. 69857

(S) "School year" has the same meaning as in section 3313.62 69858
of the Revised Code. 69859

(T) "Secondary grade" means any of grades nine through 69860
twelve. 69861

(U) "Standard rate" means the amount per credit hour assessed 69862
by the college for an in-state student who is enrolled in an 69863
undergraduate course at that college, but who is not participating 69864
in the college credit plus program, as prescribed by the college's 69865
established tuition policy. 69866

(V) "Transcripted credit" means post-secondary credit that is 69867
conferred by an institution of higher education and is reflected 69868
on a student's official record at that institution upon completion 69869
of a course. 69870

Sec. 3365.02. (A) There is hereby established the college 69871
credit plus program under which, beginning with the 2015-2016 69872
school year, a secondary grade student who is a resident of this 69873
state may enroll at a college, on a full- or part-time basis, and 69874
complete nonsectarian, nonremedial courses for high school and 69875
college credit. The program shall govern arrangements in which a 69876
secondary grade student enrolls in a college and, upon successful 69877
completion of coursework taken under the program, receives 69878
transcripted credit from the college. The following are not 69879
governed by the college credit plus program: 69880

(1) An agreement governing an early college high school 69881
program, provided the program meets the definition set forth in 69882
division (F)(2) of section 3313.6013 of the Revised Code and is 69883
approved by the superintendent of public instruction and the 69884
chancellor of higher education; 69885

(2) An advanced placement course or international 69886
baccalaureate diploma course, as described in divisions (A)(2) and 69887
(3) of section 3313.6013 of the Revised Code; 69888

(3) A career-technical education program that is approved by 69889

the department of education under section 3317.161 of the Revised 69890
Code and grants articulated credit to students participating in 69891
that program. However, any portion of an approved program that 69892
results in the conferral of transcribed credit upon the 69893
completion of the course shall be governed by the college credit 69894
plus program. 69895

(B) Any student enrolled in a public or nonpublic secondary 69896
school in the student's ninth, tenth, eleventh, or twelfth grade; 69897
any student enrolled in a nonchartered nonpublic secondary school 69898
in the student's ninth, tenth, eleventh, or twelfth grade; and any 69899
student who has been excused from the compulsory attendance law 69900
for the purpose of home instruction under section 3321.04 of the 69901
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 69902
twelfth grade student, may participate in the program, if the 69903
student meets the applicable eligibility criteria in section 69904
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 69905
school student chooses to participate in the program, that student 69906
shall be subject to the same requirements as a home-instructed 69907
student who chooses to participate in the program under this 69908
chapter. 69909

(C) All public secondary schools and all public colleges 69910
shall participate in the program and are subject to the 69911
requirements of this chapter. Any nonpublic secondary school or 69912
private college that chooses to participate in the program shall 69913
also be subject to the requirements of this chapter. 69914

If an accredited nonpublic school, as described in section 69915
3301.165 of the Revised Code, chooses not to participate in the 69916
program and notifies the parents of each student at the time of 69917
the student's enrollment or re-enrollment of that choice, the 69918
school shall not be subject to the requirements of this chapter or 69919
to any rule adopted by the chancellor of higher education or the 69920
state board of education for purposes of the college credit plus 69921

program. 69922

(D) The chancellor, in accordance with Chapter 119. of the 69923
Revised Code and in consultation with the state superintendent, 69924
shall adopt rules governing the program. 69925

Sec. 3701.133. (A) The department of health shall make 69926
available on its web site information about the risks associated 69927
with meningococcal meningitis and hepatitis B, the availability of 69928
vaccines, and the effectiveness of the vaccines. The department 69929
shall provide written notice of the availability of meningococcal 69930
meningitis and hepatitis B information on the web site to all of 69931
the following: 69932

(1) Each city, local, exempted village, or joint vocational 69933
school district, as defined in Chapter 3311. of the Revised Code; 69934

(2) Each nonpublic school, whether chartered, accredited as 69935
described in section 3301.165 of the Revised Code, nonchartered, 69936
or nontax supported, that enrolls students in ninth grade or the 69937
equivalent educational level; 69938

(3) Each community school created under section 3314.01 of 69939
the Revised Code, that enrolls students in ninth grade or the 69940
equivalent educational level; 69941

(4) Each state institution of higher education, as defined in 69942
section 3345.011 of the Revised Code; 69943

(5) Each nonprofit institution of higher education, as 69944
defined in section 1713.55 of the Revised Code; 69945

(6) Each private career school, as defined in section 3332.01 69946
of the Revised Code. 69947

(B) In addition to the information provided for in division 69948
(A) of this section, the department of health shall make available 69949
on its web site, in a format suitable for downloading, a 69950
meningitis and hepatitis B vaccination status statement form for a 69951

student or, if the student is younger than eighteen years of age, 69952
the student's parent, to complete to disclose whether the student 69953
has been vaccinated against meningococcal meningitis and hepatitis 69954
B. The form shall include all of the following: 69955

(1) The information described in division (A) of this section 69956
and a means for the student or the student's parent to acknowledge 69957
having received and read the information; 69958

(2) A space for the student or the student's parent to 69959
indicate one of the following: 69960

(a) The student has been vaccinated against meningococcal 69961
meningitis, and the year the vaccination was given. 69962

(b) The student has not been vaccinated against meningococcal 69963
meningitis. 69964

(3) A space for the student or the student's parent to 69965
indicate one of the following: 69966

(a) The student has been vaccinated against hepatitis B, and 69967
the year the vaccination was given. 69968

(b) The student has not been vaccinated against hepatitis B. 69969

Sec. 3781.106. (A) The board of building standards shall 69970
adopt rules, in accordance with Chapter 119. of the Revised Code, 69971
for the use of a device by a staff member of a public or private 69972
school or institution of higher education that prevents both 69973
ingress and egress through a door in a school building, for a 69974
finite period of time, in an emergency situation, and during 69975
active shooter drills. The rules shall provide that the use of a 69976
device is permissible only if the device requires minimal steps to 69977
remove it after it is engaged. 69978

The rules shall provide that the administrative authority of 69979
a building notify the police chief, or equivalent, of the law 69980
enforcement agency that has jurisdiction over the building, and 69981

the fire chief, or equivalent, of the fire department that serves 69982
the political subdivision in which the building is located, prior 69983
to the use of such devices in a building. 69984

The rules may require that the device be visible from the 69985
exterior of the door. 69986

(B) The device described in division (A) of this section 69987
shall not be permanently mounted to the door. 69988

(C) Each public and private school and institution of higher 69989
education shall provide its staff members in-service training on 69990
the use of the device described in division (A) of this section. 69991
The school shall maintain a record verifying this training on 69992
file. 69993

(D) In consultation with the state board of education and the 69994
chancellor of higher education, the board shall determine and 69995
include in the rules a definition of "emergency situation." These 69996
rules shall apply to both existing and new school buildings. 69997

(E) As used in this section: 69998

(1) "Institution of higher education" means a state 69999
institution of higher education as defined in section 3345.011 of 70000
the Revised Code, a private nonprofit college or university 70001
located in this state that possesses a certificate of 70002
authorization issued pursuant to Chapter 1713. of the Revised 70003
Code, or a school located in this state that possesses a 70004
certificate of registration and one or more program authorizations 70005
issued by the state board of career colleges and schools under 70006
Chapter 3332. of the Revised Code. 70007

(2) "Private school" means a chartered nonpublic school, an 70008
accredited nonpublic school as described in section 3301.165 of 70009
the Revised Code, or a nonchartered nonpublic school. 70010

(3) "Public school" means any school operated by a school 70011

district board of education, any community school established 70012
under Chapter 3314. of the Revised Code, any STEM school 70013
established under Chapter 3326. of the Revised Code, and any 70014
college-preparatory boarding school established under Chapter 70015
3328. of the Revised Code. 70016

(4) "School building" means a structure used for the 70017
instruction of students by a public or private school or 70018
institution of higher education. 70019

Sec. 3781.11. (A) The rules of the board of building 70020
standards shall: 70021

(1) For nonresidential buildings, provide uniform minimum 70022
standards and requirements, and for residential buildings, provide 70023
standards and requirements that are uniform throughout the state, 70024
for construction and construction materials, including 70025
construction of industrialized units, to make residential and 70026
nonresidential buildings safe and sanitary as defined in section 70027
3781.06 of the Revised Code; 70028

(2) Formulate such standards and requirements, so far as may 70029
be practicable, in terms of performance objectives, so as to make 70030
adequate performance for the use intended the test of 70031
acceptability; 70032

(3) Permit, to the fullest extent feasible, the use of 70033
materials and technical methods, devices, and improvements, 70034
including the use of industrialized units which tend to reduce the 70035
cost of construction and erection without affecting minimum 70036
requirements for the health, safety, and security of the occupants 70037
or users of buildings or industrialized units and without 70038
preferential treatment of types or classes of materials or 70039
products or methods of construction; 70040

(4) Encourage, so far as may be practicable, the 70041

standardization of construction practices, methods, equipment, 70042
material, and techniques, including methods employed to produce 70043
industrialized units; 70044

(5) Not require any alteration or repair of any part of a 70045
school building owned by a chartered nonpublic school or a city, 70046
local, exempted village, or joint vocational school district and 70047
operated in conjunction with any primary or secondary school 70048
program that is not being altered or repaired if all of the 70049
following apply: 70050

(a) The school building meets all of the applicable building 70051
code requirements in existence at the time of the construction of 70052
the building. 70053

(b) The school building otherwise satisfies the requirements 70054
of section 3781.06 of the Revised Code. 70055

(c) The part of the school building altered or repaired 70056
conforms to all rules of the board existing on the date of the 70057
repair or alteration. 70058

(6) Not require any alteration or repair to any part of a 70059
workshop or factory that is not otherwise being altered, repaired, 70060
or added to if all of the following apply: 70061

(a) The workshop or factory otherwise satisfies the 70062
requirements of section 3781.06 of the Revised Code. 70063

(b) The part of the workshop or factory altered, repaired, or 70064
added conforms to all rules of the board existing on the date of 70065
plan approval of the repair, alteration, or addition. 70066

(B) The rules of the board shall supersede and govern any 70067
order, standard, or rule of the division of industrial compliance 70068
in the department of commerce, division of the state fire marshal, 70069
the department of health, and of counties and townships, in all 70070
cases where such orders, standards, or rules are in conflict with 70071

the rules of the board, except that rules adopted and orders 70072
issued by the state fire marshal pursuant to Chapter 3743. of the 70073
Revised Code prevail in the event of a conflict. 70074

(C) The construction, alteration, erection, and repair of 70075
buildings including industrialized units, and the materials and 70076
devices of any kind used in connection with them and the heating 70077
and ventilating of them and the plumbing and electric wiring in 70078
them shall conform to the statutes of this state or the rules 70079
adopted and promulgated by the board, and to provisions of local 70080
ordinances not inconsistent therewith. Any building, structure, or 70081
part thereof, constructed, erected, altered, manufactured, or 70082
repaired not in accordance with the statutes of this state or with 70083
the rules of the board, and any building, structure, or part 70084
thereof in which there is installed, altered, or repaired any 70085
fixture, device, and material, or plumbing, heating, or 70086
ventilating system, or electric wiring not in accordance with such 70087
statutes or rules is a public nuisance. 70088

(D) As used in this section: 70089

(1) "Nonpublic school" means a chartered school for which 70090
minimum standards are prescribed by the state board of education 70091
pursuant to division (D) of section 3301.07 of the Revised Code or 70092
an accredited nonpublic school described in section 3301.165 of 70093
the Revised Code. 70094

(2) "Workshop or factory" includes manufacturing, mechanical, 70095
electrical, mercantile, art, and laundering establishments, 70096
printing, telegraph, and telephone offices, railroad depots, and 70097
memorial buildings, but does not include hotels and tenement and 70098
apartment houses. 70099

Sec. 4729.513. A manufacturer of dangerous drugs may donate 70100
inhalers, as defined in section 3313.7113 of the Revised Code, and 70101
epinephrine autoinjectors to any of the following: 70102

(A) The board of education of a city, local, exempted	70103
village, or joint vocational school district;	70104
(B) A community school established under Chapter 3314. of the	70105
Revised Code;	70106
(C) A STEM school established under Chapter 3326. of the	70107
Revised Code;	70108
(D) A college-preparatory boarding school established under	70109
Chapter 3328. of the Revised Code;	70110
(E) A chartered, <u>accredited</u> , or nonchartered nonpublic	70111
school. <u>As used in this section, "accredited nonpublic school"</u>	70112
<u>means an accredited nonpublic school as described in section</u>	70113
<u>3301.165 of the Revised Code.</u>	70114
 Sec. 4729.541. (A) Except as provided in divisions (B) to (D)	70115
of this section, all of the following are exempt from licensure as	70116
a terminal distributor of dangerous drugs:	70117
(1) A licensed health professional authorized to prescribe	70118
drugs;	70119
(2) A business entity that is a corporation formed under	70120
division (B) of section 1701.03 of the Revised Code, a limited	70121
liability company formed under Chapter 1705. of the Revised Code,	70122
or a professional association formed under Chapter 1785. of the	70123
Revised Code if the entity has a sole shareholder who is a	70124
prescriber and is authorized to provide the professional services	70125
being offered by the entity;	70126
(3) A business entity that is a corporation formed under	70127
division (B) of section 1701.03 of the Revised Code, a limited	70128
liability company formed under Chapter 1705. of the Revised Code,	70129
a partnership or a limited liability partnership formed under	70130
Chapter 1775. of the Revised Code, or a professional association	70131
formed under Chapter 1785. of the Revised Code, if, to be a	70132

shareholder, member, or partner, an individual is required to be 70133
licensed, certified, or otherwise legally authorized under Title 70134
XLVII of the Revised Code to perform the professional service 70135
provided by the entity and each such individual is a prescriber; 70136

(4) An individual who holds a current license, certificate, 70137
or registration issued under Title XLVII of the Revised Code and 70138
has been certified to conduct diabetes education by a national 70139
certifying body specified in rules adopted by the state board of 70140
pharmacy under section 4729.68 of the Revised Code, but only with 70141
respect to insulin that will be used for the purpose of diabetes 70142
education and only if diabetes education is within the 70143
individual's scope of practice under statutes and rules regulating 70144
the individual's profession; 70145

(5) An individual who holds a valid certificate issued by a 70146
nationally recognized S.C.U.B.A. diving certifying organization 70147
approved by the state board of pharmacy under rules adopted by the 70148
board, but only with respect to medical oxygen that will be used 70149
for the purpose of emergency care or treatment at the scene of a 70150
diving emergency; 70151

(6) With respect to epinephrine autoinjectors that may be 70152
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 70153
or 3328.29 of the Revised Code, any of the following: the board of 70154
education of a city, local, exempted village, or joint vocational 70155
school district; a chartered, accredited, or nonchartered 70156
nonpublic school; a community school established under Chapter 70157
3314. of the Revised Code; a STEM school established under Chapter 70158
3326. of the Revised Code; or a college-preparatory boarding 70159
school established under Chapter 3328. of the Revised Code~~+~~. As 70160
used in this section, "accredited nonpublic school" means an 70161
accredited nonpublic school as described in section 3301.165 of 70162
the Revised Code. 70163

(7) With respect to epinephrine autoinjectors that may be 70164

possessed under section 5101.76 of the Revised Code, any of the 70165
following: a residential camp, as defined in section 2151.011 of 70166
the Revised Code; a child day camp, as defined in section 5104.01 70167
of the Revised Code; or a child day camp operated by any county, 70168
township, municipal corporation, township park district created 70169
under section 511.18 of the Revised Code, park district created 70170
under section 1545.04 of the Revised Code, or joint recreation 70171
district established under section 755.14 of the Revised Code; 70172

(8) With respect to epinephrine autoinjectors that may be 70173
possessed under Chapter 3728. of the Revised Code, a qualified 70174
entity, as defined in section 3728.01 of the Revised Code; 70175

(9) With respect to inhalers that may be possessed under 70176
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the 70177
Revised Code, any of the following: the board of education of a 70178
city, local, exempted village, or joint vocational school 70179
district; a chartered, accredited, or nonchartered nonpublic 70180
school; a community school established under Chapter 3314. of the 70181
Revised Code; a STEM school established under Chapter 3326. of the 70182
Revised Code; or a college-preparatory boarding school established 70183
under Chapter 3328. of the Revised Code; 70184

(10) With respect to inhalers that may be possessed under 70185
section 5101.77 of the Revised Code, any of the following: a 70186
residential camp, as defined in section 2151.011 of the Revised 70187
Code; a child day camp, as defined in section 5104.01 of the 70188
Revised Code; or a child day camp operated by any county, 70189
township, municipal corporation, township park district created 70190
under section 511.18 of the Revised Code, park district created 70191
under section 1545.04 of the Revised Code, or joint recreation 70192
district established under section 755.14 of the Revised Code; 70193

(11) With respect to naloxone that may be possessed under 70194
section 2925.61 of the Revised Code, a law enforcement agency and 70195
its peace officers; 70196

(12) With respect to naloxone that may be possessed under 70197
section 4729.514 of the Revised Code, a service entity, as defined 70198
in that section; 70199

(13) A facility that is owned and operated by the United 70200
States department of defense, the United States department of 70201
veterans affairs, or any other federal agency. 70202

(B) If a person described in division (A) of this section is 70203
a pain management clinic or is operating a pain management clinic, 70204
the person shall hold a license as a terminal distributor of 70205
dangerous drugs with a pain management clinic classification 70206
issued under section 4729.552 of the Revised Code. 70207

(C) If a person described in division (A) of this section is 70208
operating a facility, clinic, or other location described in 70209
division (B) of section 4729.553 of the Revised Code that must 70210
hold a category III terminal distributor of dangerous drugs 70211
license with an office-based opioid treatment classification, the 70212
person shall hold a license with that classification. 70213

(D) Any of the persons described in divisions (A)(1) to (12) 70214
of this section shall hold a license as a terminal distributor of 70215
dangerous drugs in order to possess, have custody or control of, 70216
and distribute any of the following: 70217

(1) Dangerous drugs that are compounded or used for the 70218
purpose of compounding; 70219

(2) A schedule I, II, III, IV, or V controlled substance, as 70220
defined in section 3719.01 of the Revised Code. 70221

Sec. 5104.01. As used in this chapter: 70222

(A) "Administrator" means the person responsible for the 70223
daily operation of a center, type A home, or type B home. The 70224
administrator and the owner may be the same person. 70225

(B) "Approved child day camp" means a child day camp approved 70226

pursuant to section 5104.22 of the Revised Code. 70227

(C) "Border state child care provider" means a child care 70228
provider that is located in a state bordering Ohio and that is 70229
licensed, certified, or otherwise approved by that state to 70230
provide child care. 70231

(D) "Career pathways model" means an alternative pathway to 70232
meeting the requirements to be a child-care staff member or 70233
administrator that does both of the following: 70234

(1) Uses a framework approved by the director of job and 70235
family services to document formal education, training, 70236
experience, and specialized credentials and certifications; 70237

(2) Allows the child-care staff member or administrator to 70238
achieve a designation as an early childhood professional level 70239
one, two, three, four, five, or six. 70240

(E) "Caretaker parent" means the father or mother of a child 70241
whose presence in the home is needed as the caretaker of the 70242
child, a person who has legal custody of a child and whose 70243
presence in the home is needed as the caretaker of the child, a 70244
guardian of a child whose presence in the home is needed as the 70245
caretaker of the child, and any other person who stands in loco 70246
parentis with respect to the child and whose presence in the home 70247
is needed as the caretaker of the child. 70248

(F)(1) "Chartered nonpublic school" means a school that meets 70249
standards for nonpublic schools prescribed by the state board of 70250
education for nonpublic schools pursuant to section 3301.07 of the 70251
Revised Code. 70252

(2) "Accredited nonpublic school" means an accredited 70253
nonpublic school as described in section 3301.165 of the Revised 70254
Code. 70255

(G) "Child" includes an infant, toddler, preschool-age child, 70256

or school-age child. 70257

(H) "Child care block grant act" means the "Child Care and 70258
Development Block Grant Act of 1990," established in section 5082 70259
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 70260
1388-236 (1990), 42 U.S.C. 9858, as amended. 70261

(I) "Child day camp" means a program in which only school-age 70262
children attend or participate, that operates for no more than 70263
seven hours per day, that operates only during one or more public 70264
school district's regular vacation periods or for no more than 70265
fifteen weeks during the summer, and that operates outdoor 70266
activities for each child who attends or participates in the 70267
program for a minimum of fifty per cent of each day that children 70268
attend or participate in the program, except for any day when 70269
hazardous weather conditions prevent the program from operating 70270
outdoor activities for a minimum of fifty per cent of that day. 70271
For purposes of this division, the maximum seven hours of 70272
operation time does not include transportation time from a child's 70273
home to a child day camp and from a child day camp to a child's 70274
home. 70275

(J) "Child care" means all of the following: 70276

(1) Administering to the needs of infants, toddlers, 70277
preschool-age children, and school-age children outside of school 70278
hours; 70279

(2) By persons other than their parents, guardians, or 70280
custodians; 70281

(3) For any part of the twenty-four-hour day; 70282

(4) In a place other than a child's own home, except that an 70283
in-home aide provides child care in the child's own home. 70284

(K) "Child day-care center" and "center" mean any place in 70285
which child care or publicly funded child care is provided for 70286

thirteen or more children at one time or any place that is not the
permanent residence of the licensee or administrator in which
child care or publicly funded child care is provided for seven to
twelve children at one time. In counting children for the purposes
of this division, any children under six years of age who are
related to a licensee, administrator, or employee and who are on
the premises of the center shall be counted. "Child day-care
center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined
in section 3727.01 of the Revised Code, in which the needs of
children are administered to, if all the children whose needs are
being administered to are monitored under the on-site supervision
of a physician licensed under Chapter 4731. of the Revised Code or
a registered nurse licensed under Chapter 4723. of the Revised
Code, and the services are provided only for children who, in the
opinion of the child's parent, guardian, or custodian, are
exhibiting symptoms of a communicable disease or other illness or
are injured;

(2) A child day camp;

(3) A place that provides child care, but not publicly funded
child care, if all of the following apply:

(a) An organized religious body provides the child care;

(b) A parent, custodian, or guardian of at least one child
receiving child care is on the premises and readily accessible at
all times;

(c) The child care is not provided for more than thirty days
a year;

(d) The child care is provided only for preschool-age and
school-age children.

(L) "Child care resource and referral service organization"

means a community-based nonprofit organization that provides child 70317
care resource and referral services but not child care. 70318

(M) "Child care resource and referral services" means all of 70319
the following services: 70320

(1) Maintenance of a uniform data base of all child care 70321
providers in the community that are in compliance with this 70322
chapter, including current occupancy and vacancy data; 70323

(2) Provision of individualized consumer education to 70324
families seeking child care; 70325

(3) Provision of timely referrals of available child care 70326
providers to families seeking child care; 70327

(4) Recruitment of child care providers; 70328

(5) Assistance in the development, conduct, and dissemination 70329
of training for child care providers and provision of technical 70330
assistance to current and potential child care providers, 70331
employers, and the community; 70332

(6) Collection and analysis of data on the supply of and 70333
demand for child care in the community; 70334

(7) Technical assistance concerning locally, state, and 70335
federally funded child care and early childhood education 70336
programs; 70337

(8) Stimulation of employer involvement in making child care 70338
more affordable, more available, safer, and of higher quality for 70339
their employees and for the community; 70340

(9) Provision of written educational materials to caretaker 70341
parents and informational resources to child care providers; 70342

(10) Coordination of services among child care resource and 70343
referral service organizations to assist in developing and 70344
maintaining a statewide system of child care resource and referral 70345
services if required by the department of job and family services; 70346

(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes. 70347
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(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties. 70351
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(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis. 70356
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(P) "Employee" means a person who either: 70360

(1) Receives compensation for duties performed in a child day-care center or type A family day-care home; 70361
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(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home. 70363
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(Q) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter. 70365
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(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. 70369
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(S) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the 70374
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"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 70377
amended, and is licensed as a child day-care center. 70378

(T) "Income" means gross income, as defined in section 70379
5107.10 of the Revised Code, less any amounts required by federal 70380
statutes or regulations to be disregarded. 70381

(U) "Indicator checklist" means an inspection tool, used in 70382
conjunction with an instrument-based program monitoring 70383
information system, that contains selected licensing requirements 70384
that are statistically reliable indicators or predictors of a 70385
child day-care center's type A family day-care home's, or licensed 70386
type B family day-care home's compliance with licensing 70387
requirements. 70388

(V) "Infant" means a child who is less than eighteen months 70389
of age. 70390

(W) "In-home aide" means a person who does not reside with 70391
the child but provides care in the child's home and is certified 70392
by a county director of job and family services pursuant to 70393
section 5104.12 of the Revised Code to provide publicly funded 70394
child care to a child in a child's own home pursuant to this 70395
chapter and any rules adopted under it. 70396

(X) "Instrument-based program monitoring information system" 70397
means a method to assess compliance with licensing requirements 70398
for child day-care centers, type A family day-care homes, and 70399
licensed type B family day-care homes in which each licensing 70400
requirement is assigned a weight indicative of the relative 70401
importance of the requirement to the health, growth, and safety of 70402
the children that is used to develop an indicator checklist. 70403

(Y) "License capacity" means the maximum number in each age 70404
category of children who may be cared for in a child day-care 70405
center or type A family day-care home at one time as determined by 70406
the director of job and family services considering building 70407

occupancy limits established by the department of commerce, amount 70408
of available indoor floor space and outdoor play space, and amount 70409
of available play equipment, materials, and supplies. For the 70410
purposes of a provisional license issued under this chapter, the 70411
director shall also consider the number of available child-care 70412
staff members when determining "license capacity" for the 70413
provisional license. 70414

(Z) "Licensed child care program" means any of the following: 70415

(1) A child day-care center licensed by the department of job 70416
and family services pursuant to this chapter; 70417

(2) A type A family day-care home or type B family day-care 70418
home licensed by the department of job and family services 70419
pursuant to this chapter; 70420

(3) A licensed preschool program or licensed school child 70421
program. 70422

(AA) "Licensed preschool program" or "licensed school child 70423
program" means a preschool program or school child program, as 70424
defined in section 3301.52 of the Revised Code, that is licensed 70425
by the department of education pursuant to sections 3301.52 to 70426
3301.59 of the Revised Code. 70427

(BB) "Licensed type B family day-care home" and "licensed 70428
type B home" mean a type B family day-care home for which there is 70429
a valid license issued by the director of job and family services 70430
pursuant to section 5104.03 of the Revised Code. 70431

(CC) "Licensee" means the owner of a child day-care center, 70432
type A family day-care home, or type B family day-care home that 70433
is licensed pursuant to this chapter and who is responsible for 70434
ensuring its compliance with this chapter and rules adopted 70435
pursuant to this chapter. 70436

(DD) "Operate a child day camp" means to operate, establish, 70437

manage, conduct, or maintain a child day camp. 70438

(EE) "Owner" includes a person, as defined in section 1.59 of 70439
the Revised Code, or government entity. 70440

(FF) "Parent cooperative child day-care center," "parent 70441
cooperative center," "parent cooperative type A family day-care 70442
home," and "parent cooperative type A home" mean a corporation or 70443
association organized for providing educational services to the 70444
children of members of the corporation or association, without 70445
gain to the corporation or association as an entity, in which the 70446
services of the corporation or association are provided only to 70447
children of the members of the corporation or association, 70448
ownership and control of the corporation or association rests 70449
solely with the members of the corporation or association, and at 70450
least one parent-member of the corporation or association is on 70451
the premises of the center or type A home during its hours of 70452
operation. 70453

(GG) "Part-time child day-care center," "part-time center," 70454
"part-time type A family day-care home," and "part-time type A 70455
home" mean a center or type A home that provides child care or 70456
publicly funded child care for not more than four hours a day for 70457
any child or not more than fifteen consecutive weeks per year, 70458
regardless of the number of hours per day. 70459

(HH) "Place of worship" means a building where activities of 70460
an organized religious group are conducted and includes the 70461
grounds and any other buildings on the grounds used for such 70462
activities. 70463

(II) "Preschool-age child" means a child who is three years 70464
old or older but is not a school-age child. 70465

(JJ) "Protective child care" means publicly funded child care 70466
for the direct care and protection of a child to whom either of 70467
the following applies: 70468

(1) A case plan prepared and maintained for the child 70469
pursuant to section 2151.412 of the Revised Code indicates a need 70470
for protective care and the child resides with a parent, 70471
stepparent, guardian, or another person who stands in loco 70472
parentis as defined in rules adopted under section 5104.38 of the 70473
Revised Code; 70474

(2) The child and the child's caretaker either temporarily 70475
reside in a facility providing emergency shelter for homeless 70476
families or are determined by the county department of job and 70477
family services to be homeless, and are otherwise ineligible for 70478
publicly funded child care. 70479

(KK) "Publicly funded child care" means administering to the 70480
needs of infants, toddlers, preschool-age children, and school-age 70481
children under age thirteen during any part of the 70482
twenty-four-hour day by persons other than their caretaker parents 70483
for remuneration wholly or in part with federal or state funds, 70484
including funds available under the child care block grant act, 70485
Title IV-A, and Title XX, distributed by the department of job and 70486
family services. 70487

(LL) "Religious activities" means any of the following: 70488
worship or other religious services; religious instruction; Sunday 70489
school classes or other religious classes conducted during or 70490
prior to worship or other religious services; youth or adult 70491
fellowship activities; choir or other musical group practices or 70492
programs; meals; festivals; or meetings conducted by an organized 70493
religious group. 70494

(MM) "School-age child" means a child who is enrolled in or 70495
is eligible to be enrolled in a grade of kindergarten or above but 70496
is less than fifteen years old. 70497

(NN) "School-age child care center" and "school-age child 70498
type A home" mean a center or type A home that provides child care 70499

for school-age children only and that does either or both of the 70500
following: 70501

(1) Operates only during that part of the day that 70502
immediately precedes or follows the public school day of the 70503
school district in which the center or type A home is located; 70504

(2) Operates only when the public schools in the school 70505
district in which the center or type A home is located are not 70506
open for instruction with pupils in attendance. 70507

(OO) "Serious risk noncompliance" means a licensure or 70508
certification rule violation that leads to a great risk of harm 70509
to, or death of, a child, and is observable, not inferable. 70510

(PP) "State median income" means the state median income 70511
calculated by the department of development pursuant to division 70512
(A)(1)(g) of section 5709.61 of the Revised Code. 70513

(QQ) "Title IV-A" means Title IV-A of the "Social Security 70514
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 70515

(RR) "Title XX" means Title XX of the "Social Security Act," 70516
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 70517

(SS) "Toddler" means a child who is at least eighteen months 70518
of age but less than three years of age. 70519

(TT) "Type A family day-care home" and "type A home" mean a 70520
permanent residence of the administrator in which child care or 70521
publicly funded child care is provided for seven to twelve 70522
children at one time or a permanent residence of the administrator 70523
in which child care is provided for four to twelve children at one 70524
time if four or more children at one time are under two years of 70525
age. In counting children for the purposes of this division, any 70526
children under six years of age who are related to a licensee, 70527
administrator, or employee and who are on the premises of the type 70528
A home shall be counted. "Type A family day-care home" and "type A 70529

home" do not include any child day camp. 70530

(UU) "Type B family day-care home" and "type B home" mean a 70531
permanent residence of the provider in which child care is 70532
provided for one to six children at one time and in which no more 70533
than three children are under two years of age at one time. In 70534
counting children for the purposes of this division, any children 70535
under six years of age who are related to the provider and who are 70536
on the premises of the type B home shall be counted. "Type B 70537
family day-care home" and "type B home" do not include any child 70538
day camp. 70539

Sec. 5104.02. (A) The director of job and family services is 70540
responsible for the licensing of child day-care centers and type A 70541
family day-care homes. Each entity operating a head start program 70542
shall meet the criteria for, and be licensed as, a child day-care 70543
center. The director is responsible for the enforcement of this 70544
chapter and of rules promulgated pursuant to this chapter. 70545

No person, firm, organization, institution, or agency shall 70546
operate, establish, manage, conduct, or maintain a child day-care 70547
center or type A family day-care home without a license issued 70548
under section 5104.03 of the Revised Code. The current license 70549
shall be posted in a conspicuous place in the center or type A 70550
home that is accessible to parents, custodians, or guardians and 70551
employees of the center or type A home at all times when the 70552
center or type A home is in operation. 70553

(B) A person, firm, institution, organization, or agency 70554
operating any of the following programs is exempt from the 70555
requirements of this chapter: 70556

(1) A program of child care that operates for two or less 70557
consecutive weeks; 70558

(2) Child care in places of worship during religious 70559

activities during which children are cared for while at least one 70560
parent, guardian, or custodian of each child is participating in 70561
such activities and is readily available; 70562

(3) Religious activities which do not provide child care; 70563

(4) Supervised training, instruction, or activities of 70564
children in specific areas, including, but not limited to: art; 70565
drama; dance; music; gymnastics, swimming, or another athletic 70566
skill or sport; computers; or an educational subject conducted on 70567
an organized or periodic basis no more than one day a week and for 70568
no more than six hours duration; 70569

(5) Programs in which the director determines that at least 70570
one parent, custodian, or guardian of each child is on the 70571
premises of the facility offering child care and is readily 70572
accessible at all times, except that child care provided on the 70573
premises at which a parent, custodian, or guardian is employed 70574
more than two and one-half hours a day shall be licensed in 70575
accordance with division (A) of this section; 70576

(6)(a) Programs that provide child care funded and regulated 70577
or operated and regulated by state departments other than the 70578
department of job and family services or the state board of 70579
education when the director of job and family services has 70580
determined that the rules governing the program are equivalent to 70581
or exceed the rules promulgated pursuant to this chapter. 70582

Notwithstanding any exemption from regulation under this 70583
chapter, each state department shall submit to the director of job 70584
and family services a copy of the rules that govern programs that 70585
provide child care and are regulated or operated and regulated by 70586
the department. Annually, each state department shall submit to 70587
the director a report for each such program it regulates or 70588
operates and regulates that includes the following information: 70589

(i) The site location of the program; 70590

(ii) The maximum number of infants, toddlers, preschool-age children, or school-age children served by the program at one time; 70591
70592
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(iii) The number of adults providing child care for the number of infants, toddlers, preschool-age children, or school-age children; 70594
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(iv) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director. 70597
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The director shall maintain a record of the child care information submitted by other state departments and shall provide this information upon request to the general assembly or the public. 70599
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(b) Child care programs conducted by boards of education or by chartered or accredited nonpublic schools that are conducted in school buildings and that provide child care to school-age children only shall be exempt from meeting or exceeding rules promulgated pursuant to this chapter. 70603
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(7) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code. 70608
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(8) Any program providing child care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only or an accredited nonpublic school: 70612
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(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 70617
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(b) The nonpublic school continues to be chartered by the 70621
state board for kindergarten, or receives and continues to hold a 70622
charter from the state board for kindergarten through grade five 70623
or is an accredited nonpublic school; 70624

(c) The program is conducted in a school building; 70625

(d) The program is operated in accordance with rules 70626
promulgated by the state board under sections 3301.52 to 3301.57 70627
of the Revised Code. 70628

(9) A youth development program operated outside of school 70629
hours by a community-based center to which all of the following 70630
apply: 70631

(a) The children enrolled in the program are under nineteen 70632
years of age and enrolled in or eligible to be enrolled in a grade 70633
of kindergarten or above. 70634

(b) The program provides informal child care, which is child 70635
care that does not require parental signature, permission, or 70636
notice for the child receiving the care to enter or leave the 70637
program. 70638

(c) The program provides any of the following supervised 70639
activities: educational, recreational, culturally enriching, 70640
social, and personal development activities. 70641

(d) The program is eligible for participation in the child 70642
and adult care food program as an outside-school-hours care center 70643
pursuant to standards established under section 3313.813 of the 70644
Revised Code. 70645

(e) The community-based center operating the program is 70646
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 70647
and (c)(3). 70648

(10) A preschool program operated by a nonchartered, 70649
nontax-supported school if the preschool program meets all of the 70650

following conditions: 70651

(a) The program complies with state and local health, fire, 70652
and safety laws. 70653

(b) The program annually certifies in a report to the parents 70654
of its pupils that the school is in compliance with division 70655
(B)(10)(a) of this section and files a copy of the report with the 70656
department of job and family services on or before the thirtieth 70657
day of September of each year. 70658

(c) The program complies with all applicable reporting 70659
requirements in the same manner as required by the state board of 70660
education for nonchartered, nonpublic primary and secondary 70661
schools. 70662

(d) The program is associated with a nonchartered, 70663
nontax-supported primary or secondary school. 70664

Sec. 5139.18. (A) Except with respect to children who are 70665
granted a judicial release to court supervision pursuant to 70666
division (B) or (D) of section 2152.22 of the Revised Code, the 70667
department of youth services is responsible for locating homes or 70668
jobs for children released from its institutions, for supervision 70669
of children released from its institutions, and for providing or 70670
arranging for the provision to those children of appropriate 70671
services that are required to facilitate their satisfactory 70672
community adjustment. Regional administrators through their staff 70673
of parole officers shall supervise children paroled or released to 70674
community supervision in a manner that insures as nearly as 70675
possible the children's rehabilitation and that provides maximum 70676
protection to the general public. 70677

(B) The department of youth services shall exercise general 70678
supervision over all children who have been released on placement 70679
from any of its institutions other than children who are granted a 70680

judicial release to court supervision pursuant to division (B) or 70681
(D) of section 2152.22 of the Revised Code. The director of youth 70682
services, with the consent and approval of the board of county 70683
commissioners of any county, may contract with the public children 70684
services agency of that county, the department of probation of 70685
that county established pursuant to section 2301.27 of the Revised 70686
Code, or the probation department or service established pursuant 70687
to sections 2151.01 to 2151.54 of the Revised Code for the 70688
provision of direct supervision and control over and the provision 70689
of supportive assistance to all children who have been released on 70690
placement into that county from any of its institutions, or, with 70691
the consent of the juvenile judge or the administrative judge of 70692
the juvenile court of any county, contract with any other public 70693
agency, institution, or organization that is qualified to provide 70694
the care and supervision that is required under the terms and 70695
conditions of the child's treatment plan for the provision of 70696
direct supervision and control over and the provision of 70697
supportive assistance to all children who have been released on 70698
placement into that county from any of its institutions. 70699

(C) A juvenile parole officer shall furnish to a child placed 70700
on community control under the parole officer's supervision a 70701
statement of the conditions of parole and shall instruct the child 70702
regarding them. The parole officer shall keep informed concerning 70703
the conduct and condition of a child under the parole officer's 70704
supervision and shall report on the child's conduct to the judge 70705
as the judge directs. A parole officer shall use all suitable 70706
methods to aid a child on community control and to improve the 70707
child's conduct and condition. A parole officer shall keep full 70708
and accurate records of work done for children under the parole 70709
officer's supervision. 70710

(D) In accordance with division (D) of section 2151.14 of the 70711
Revised Code, a court may issue an order requiring boards of 70712

education, governing bodies of chartered and accredited nonpublic 70713
schools, public children services agencies, private child placing 70714
agencies, probation departments, law enforcement agencies, and 70715
prosecuting attorneys that have records related to the child in 70716
question to provide copies of one or more specified records, or 70717
specified information in one or more specified records, that the 70718
individual or entity has with respect to the child to the 70719
department of youth services when the department has custody of 70720
the child or is performing any services for the child that are 70721
required by the juvenile court or by statute, and the department 70722
requests the records in accordance with division (D)(3)(a) of 70723
section 2151.14 of the Revised Code. 70724

As used in this division, "accredited nonpublic school" means 70725
an accredited nonpublic school as described in section 3301.165 of 70726
the Revised Code. 70727

(E) Whenever any placement official has reasonable cause to 70728
believe that any child released by a court pursuant to section 70729
2152.22 of the Revised Code has violated the conditions of the 70730
child's placement, the official may request, in writing, from the 70731
committing court or transferee court a custodial order, and, upon 70732
reasonable and probable cause, the court may order any sheriff, 70733
deputy sheriff, constable, or police officer to apprehend the 70734
child. A child so apprehended may be confined in the detention 70735
facility of the county in which the child is apprehended until 70736
further order of the court. If a child who was released on 70737
supervised release by the release authority of the department of 70738
youth services or a child who was granted a judicial release to 70739
department of youth services supervision violates the conditions 70740
of the supervised release or judicial release, section 5139.52 of 70741
the Revised Code applies with respect to that child. 70742

Section 130.11. That existing sections 921.06, 955.43, 70743

3301.07, 3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 70744
3301.52, 3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 70745
3312.05, 3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 70746
3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 70747
3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 70748
3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 70749
3317.13, 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 70750
3319.391, 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 70751
3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 70752
3701.133, 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, 70753
and 5139.18 of the Revised Code are hereby repealed. 70754

Section 130.12. (A) The Speaker of the House of 70755
Representatives and the President of the Senate shall appoint a 70756
joint committee of the General Assembly to study the effects of 70757
the creation of accredited nonpublic schools by this act. The 70758
committee shall consist of the following six members: 70759

(1) The chairperson of the standing committee of the House of 70760
Representatives principally responsible for primary and secondary 70761
education policy; 70762

(2) The chairperson of the standing committee of the Senate 70763
principally responsible for primary and secondary education 70764
policy; 70765

(3) Two other members of the House of Representatives 70766
appointed by the Speaker, one of whom is from the majority party 70767
and one of whom is from the minority party; 70768

(4) Two other members of the Senate appointed by the 70769
President, one of whom is from the majority party and one of whom 70770
is from the minority party. 70771

(B) In completing the study required under this section, the 70772
committee shall compare data from accredited nonpublic schools 70773

before and after the effective date of this act. The committee 70774
also shall compare data of accredited schools to other public 70775
schools and private school associations, as available. The 70776
committee shall compare aggregate data on all of the following: 70777

(1) Remediation rates; 70778

(2) SAT and ACT test scores; 70779

(3) College acceptance and attendance rates; 70780

(4) Results of other standardized tests for lower grade 70781
levels. 70782

(C) Not later than two years after the effective date of this 70783
section, the committee shall submit a report to the General 70784
Assembly in accordance with section 101.68 of the Revised Code 70785
that includes recommendations on expanding the designation to 70786
chartered nonpublic schools not accredited by the Independent 70787
Schools Association of the Central States. The report also shall 70788
include criteria that should be used to qualify chartered 70789
nonpublic schools for such an expansion. 70790

Section 130.13. Nothing in this act shall be construed to 70791
give preference or heightened approval of a chartered nonpublic 70792
school accredited by the Independent Schools Association of the 70793
Central States over a chartered nonpublic school accredited by any 70794
other association or organization. 70795

Section 201.10. Except as otherwise provided in this act, all 70796
appropriation items in this act are appropriated out of any moneys 70797
in the state treasury to the credit of the designated fund that 70798
are not otherwise appropriated. For all appropriations made in 70799
this act, the amounts in the first column are for fiscal year 2020 70800
and the amounts in the second column are for fiscal year 2021. 70801

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 70802

Dedicated Purpose Fund Group				70803
4J80 889601 CPA Education	\$	525,000	\$ 525,000	70804
Assistance				
4K90 889609 Operating Expenses	\$	1,236,965	\$ 1,291,139	70805
TOTAL DPF Dedicated Purpose Fund				70806
Group	\$	1,761,965	\$ 1,816,139	70807
TOTAL ALL BUDGET FUND GROUPS	\$	1,761,965	\$ 1,816,139	70808
Section 205.10. ADJ ADJUTANT GENERAL				70810
General Revenue Fund				70811
GRF 745401 Ohio Military Reserve	\$	11,939	\$ 11,939	70812
GRF 745404 Air National Guard	\$	1,805,346	\$ 1,773,954	70813
GRF 745407 National Guard	\$	388,000	\$ 388,000	70814
Benefits				
GRF 745409 Central	\$	5,123,132	\$ 5,184,396	70815
Administration				
GRF 745499 Army National Guard	\$	3,644,419	\$ 3,620,908	70816
TOTAL GRF General Revenue Fund	\$	10,972,836	\$ 10,979,197	70817
Dedicated Purpose Fund Group				70818
5340 745612 Property Operations	\$	900,000	\$ 900,000	70819
Management				
5360 745605 Marksmanship	\$	115,000	\$ 115,000	70820
Activities				
5360 745620 Camp Perry and	\$	874,054	\$ 874,054	70821
Buckeye Inn				
Operations				
5370 745604 Ohio National Guard	\$	190,000	\$ 190,000	70822
Facilities				
Maintenance				
5LY0 745626 Military Medal of	\$	5,000	\$ 5,000	70823
Distinction				
5U80 745613 Community Match	\$	350,000	\$ 350,000	70824

Armories

TOTAL DPF Dedicated Purpose Fund Group	\$	2,434,054	\$	2,434,054	70825
Federal Fund Group					70826
3420 745616 Army National Guard Service Agreement	\$	26,262,967	\$	26,252,590	70827
3E80 745628 Air National Guard Operations and Maintenance	\$	16,276,986	\$	16,276,984	70828
3R80 745603 Counter Drug Operations	\$	15,000	\$	15,000	70829
TOTAL FED Federal Fund Group	\$	42,554,953	\$	42,544,574	70830
TOTAL ALL BUDGET FUND GROUPS	\$	55,961,843	\$	55,957,825	70831

Section 205.20. NATIONAL GUARD BENEFITS 70833

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 70834 70835 70836 70837

If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made. 70838 70839 70840 70841 70842 70843 70844 70845 70846

For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the 70847 70848 70849 70850

member's Servicemembers' Group Life Insurance Policy. 70851

STATE ACTIVE DUTY COSTS 70852

Of the foregoing appropriation item 745409, Central 70853
Administration, \$50,000 in each fiscal year shall be used for the 70854
purpose of paying expenses related to state active duty of members 70855
of the Ohio organized militia, in accordance with a proclamation 70856
of the Governor. Expenses include, but are not limited to, the 70857
cost of equipment, supplies, and services, as determined by the 70858
Adjutant General's Department. On June 1 of each fiscal year, if 70859
it is determined by the Adjutant General that any portion of this 70860
\$50,000 in that fiscal year will not be used for state active duty 70861
expenses, those amounts may be encumbered by the Adjutant General 70862
for maintenance expenses. If before the end of that fiscal year, 70863
state active duty expenses occur, these encumbrances should be 70864
canceled by the Adjutant General to pay for expenses related to 70865
state active duty. 70866

CYBER RANGE 70867

The Adjutant General's Department, in conjunction and 70868
collaboration with the Department of Administrative Services, the 70869
Department of Public Safety, the Department of Higher Education, 70870
and the Department of Education shall establish and maintain a 70871
cyber range. The Adjutant General's Department may work with 70872
federal agencies to assist in accomplishing this objective. The 70873
cyber range shall: (1) provide cyber training and education to 70874
K-12 students, higher education students, Ohio National Guardsmen, 70875
federal employees, and state and local government employees, and 70876
(2) provide for emergency preparedness exercises and training. The 70877
state agencies identified in this paragraph may procure any 70878
necessary goods and services including, but not limited to, 70879
contracted services, hardware, networking services, maintenance 70880
costs, and the training and management costs of a cyber range. 70881
These state agencies shall determine the amount of funds each 70882

agency will contribute from available funds and appropriations 70883
enacted herein in order to establish and maintain a cyber range. 70884

Of the foregoing appropriation item 745409, Central 70885
Administration, up to \$2,000,000 in each fiscal year shall be used 70886
by the Adjutant General's Department for the purposes of 70887
establishing and maintaining the cyber range. 70888

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 70889

General Revenue Fund 70890

GRF 100412 Unemployment Insurance \$ 0 \$ 1,817,900 70891

System Lease Rental
Payments

GRF 100413 EDCS Lease Rental \$ 11,843,800 \$ 13,716,500 70892

Payments

GRF 100414 MARCS Lease Rental \$ 6,768,900 \$ 6,769,600 70893

Payments

GRF 100415 OAKS Lease Rental \$ 2,440,300 \$ 2,444,500 70894

Payments

GRF 100416 STARS Lease Rental \$ 3,846,000 \$ 5,097,800 70895

Payments

GRF 100447 Administrative \$ 86,914,500 \$ 94,266,800 70896

Buildings Lease Rental
Bond Payments

GRF 100456 State IT Services \$ 2,249,158 \$ 2,249,773 70897

GRF 100457 Equal Opportunity \$ 2,178,704 \$ 2,178,704 70898

Services

GRF 100459 Ohio Business Gateway \$ 15,527,621 \$ 14,527,621 70899

GRF 100469 Aronoff Center \$ 270,000 \$ 270,000 70900

Building Maintenance

GRF 100501 MARCS Fee Offset \$ 1,000,000 \$ 1,000,000 70901

GRF 130321 State Agency Support \$ 18,494,092 \$ 18,513,941 70902

Services

TOTAL GRF General Revenue Fund	\$	151,533,075	\$	162,853,139	70903
Dedicated Purpose Fund Group					70904
5L70 100610 Professional Development	\$	1,650,000	\$	1,650,000	70905
5MV0 100662 Theater Equipment Maintenance	\$	50,000	\$	50,000	70906
5NM0 100663 911 Program	\$	717,060	\$	715,522	70907
5V60 100619 Employee Educational Development	\$	1,245,000	\$	1,245,000	70908
TOTAL DPF Dedicated Purpose Fund Group	\$	3,662,060	\$	3,660,522	70909
Internal Service Activity Fund Group					70910
1120 100616 DAS Administration	\$	12,667,391	\$	13,100,541	70911
1150 100632 Central Service Agency	\$	956,061	\$	975,025	70912
1170 100644 General Services Division - Operating	\$	18,265,815	\$	21,460,060	70913
1220 100637 Fleet Management	\$	18,650,951	\$	23,315,522	70914
1250 100622 Human Resources Division - Operating	\$	18,612,217	\$	18,718,045	70915
1250 100657 Benefits Communication	\$	607,577	\$	615,521	70916
1280 100620 Office of Collective Bargaining	\$	4,283,998	\$	4,385,893	70917
1300 100606 Risk Management Reserve	\$	15,370,845	\$	15,389,803	70918
1320 100631 DAS Building Management	\$	49,173,190	\$	49,384,799	70919
1330 100607 IT Services Delivery	\$	162,248,367	\$	162,665,093	70920
1880 100649 Equal Opportunity Division - Operating	\$	1,836,834	\$	1,264,515	70921
2100 100612 State Printing	\$	29,092,749	\$	28,295,851	70922
2290 100630 IT Governance	\$	32,125,970	\$	32,602,191	70923
2290 100640 Consolidated IT	\$	69,348,000	\$	74,348,000	70924

Purchases					
4270 100602	Investment Recovery	\$	1,662,341	\$	1,662,341 70925
4N60 100617	Major IT Purchases	\$	3,288,990	\$	5,736,219 70926
5C20 100605	MARCS Administration	\$	27,207,396	\$	26,484,493 70927
5EB0 100635	OAKS Support	\$	55,382,093	\$	58,807,701 70928
Organization					
5EB0 100656	OAKS Updates and	\$	6,423,624	\$	6,359,539 70929
Developments					
5JQ0 100658	Professionals	\$	9,996,303	\$	8,723,135 70930
Licensing System					
5KZ0 100659	Building Improvement	\$	3,449,500	\$	2,862,000 70931
5LJ0 100661	IT Development	\$	21,500,000	\$	21,500,000 70932
5PC0 100665	Enterprise	\$	111,095,956	\$	111,263,921 70933
Applications					
TOTAL ISA Internal Service Activity					70934
Fund Group		\$	673,246,168	\$	689,920,208 70935
Fiduciary Fund Group					70936
5UH0 100670	Enterprise	\$	1,150,000	\$	1,150,000 70937
Transactions					
TOTAL FID Fiduciary Fund Group		\$	1,150,000	\$	1,150,000 70938
Federal Fund Group					70939
3AJ0 100623	Information Technology	\$	10,000	\$	10,000 70940
Grants					
TOTAL FED Federal Fund Group		\$	10,000	\$	10,000 70941
TOTAL ALL BUDGET FUND GROUPS		\$	829,601,303	\$	857,593,869 70942
Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL					70944
PAYMENTS					70945
The foregoing appropriation item 100412, Unemployment					70946
Insurance System Lease Rental Payments, shall be used to make					70947
payments during the period from July 1, 2019, through June 30,					70948
2021, pursuant to leases and agreements entered into under Chapter					70949

125. of the Revised Code, as supplemented by Section 701.40 of 70950
H.B. 529 of the 132nd General Assembly, with respect to financing 70951
the costs associated with the acquisition, development, 70952
implementation, and integration of the Unemployment Insurance 70953
System. 70954

EDCS LEASE RENTAL PAYMENTS 70955

The foregoing appropriation item 100413, EDCS Lease Rental 70956
Payments, shall be used to make payments during the period from 70957
July 1, 2019, through June 30, 2021, pursuant to leases and 70958
agreements entered into under Chapter 125. of the Revised Code, as 70959
supplemented by Section 701.10 of H.B. 529 of the 132nd General 70960
Assembly and other prior acts of the General Assembly, with 70961
respect to financing the costs associated with the acquisition, 70962
development, implementation, and integration of the Enterprise 70963
Data Center Solutions (EDCS) information technology initiative. 70964

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 70965

The foregoing appropriation item 100414, MARCS Lease Rental 70966
Payments, shall be used to make payments during the period from 70967
July 1, 2019, through June 30, 2021, pursuant to leases and 70968
agreements entered into under Chapter 125. of the Revised Code, as 70969
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 70970
General Assembly and other prior acts of the General Assembly, 70971
with respect to financing the costs associated with the 70972
acquisition, development, implementation, and integration of the 70973
Multi-Agency Radio Communications System (MARCS) upgrade. 70974

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 70975

The foregoing appropriation item 100415, OAKS Lease Rental 70976
Payments, shall be used to make payments during the period from 70977
July 1, 2019, through June 30, 2021, pursuant to leases and 70978
agreements entered into under Chapter 125. of the Revised Code, as 70979
supplemented by Section 701.10 of H.B. 529 of the 132nd General 70980

Assembly and other prior acts of the General Assembly, with 70981
respect to financing the costs associated with the acquisition, 70982
development, implementation, and integration of the Ohio 70983
Administrative Knowledge System (OAKS). 70984

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 70985
PAYMENTS 70986

The foregoing appropriation item 100416, STARS Lease Rental 70987
Payments, shall be used to make payments during the period from 70988
July 1, 2019, through June 30, 2021, pursuant to leases and 70989
agreements entered into under Chapter 125. of the Revised Code, as 70990
supplemented by Section 701.30 of H.B. 529 of the 132nd General 70991
Assembly and other prior acts of the General Assembly, with 70992
respect to financing the costs associated with the acquisition, 70993
development, implementation, and integration of the State Taxation 70994
Accounting and Revenue System (STARS). 70995

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 70996

The foregoing appropriation item 100447, Administrative 70997
Buildings Lease Rental Bond Payments, shall be used to meet all 70998
payments during the period from July 1, 2019, through June 30, 70999
2021, by the Department of Administrative Services pursuant to 71000
leases and agreements under Chapters 152. and 154. of the Revised 71001
Code. These appropriations are the source of funds pledged for 71002
bond service charges on related obligations issued under Chapters 71003
152. and 154. of the Revised Code. 71004

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 71005

The Director of Administrative Services, in consultation with 71006
the Multi-Agency Radio Communication System (MARCS) Steering 71007
Committee and the Director of Budget and Management, shall 71008
determine the share of debt service payments attributable to 71009
spending for MARCS components that are not specific to any one 71010
agency and that shall be charged to the Public Safety - Highway 71011

Purposes Fund (Fund 5TM0). Such share of debt service payments 71012
shall be calculated for MARCS capital disbursements made beginning 71013
July 1, 1997. Within thirty days of any payment made from 71014
appropriation item 100447, Administrative Buildings Lease Rental 71015
Bond Payments, the Director of Administrative Services shall 71016
certify to the Director of Budget and Management the amount of 71017
this share. On or before June 30 of each fiscal year, the Director 71018
of Budget and Management may transfer an amount up to the amount 71019
certified for that fiscal year to the General Revenue Fund from 71020
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 71021
in section 4501.06 of the Revised Code. 71022

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 71023
FUND 71024

The foregoing appropriation item 130321, State Agency Support 71025
Services, may be used to provide funding for the cost of property 71026
appraisals or building studies that the Department of 71027
Administrative Services may be required to obtain for property 71028
that is being sold by the state or property under consideration to 71029
be renovated or purchased by the state. 71030

Notwithstanding section 125.28 of the Revised Code, the 71031
foregoing appropriation item 130321, State Agency Support 71032
Services, also may be used to pay the operating expenses of state 71033
facilities maintained by the Department of Administrative Services 71034
that are not billed to building tenants, or other costs associated 71035
with the Voinovich Center in Youngstown, Ohio. These expenses may 71036
include, but are not limited to, the costs for vacant space and 71037
space undergoing renovation, and the rent expenses of tenants that 71038
are relocated because of building renovations. These payments may 71039
be processed by the Department of Administrative Services through 71040
intrastate transfer vouchers and placed into the Building 71041
Management Fund (Fund 1320). 71042

At least once per year, the portion of appropriation item 71043

130321, State Agency Support Services, that is not used for the 71044
regular expenses of the appropriation item may be processed by the 71045
Department of Administrative Services through intrastate transfer 71046
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 71047

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 71048

Upon the request of the Director of Administrative Services, 71049
the Director of Budget and Management may transfer unobligated 71050
cash in the MARCS Administration Fund (Fund 5C20) to the General 71051
Revenue Fund to reimburse the General Revenue Fund for lease 71052
rental payments made on behalf of the MARCS upgrade. 71053

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 71054

The foregoing appropriation item 100610, Professional 71055
Development, shall be used to make payments from the Professional 71056
Development Fund (Fund 5L70) under section 124.182 of the Revised 71057
Code. If it is determined by the Director of Budget and Management 71058
that additional amounts are necessary, the amounts are hereby 71059
appropriated. 71060

911 PROGRAM 71061

The foregoing appropriation item 100663, 911 Program, shall 71062
be used by the Department of Administrative Services to pay the 71063
administrative, marketing, and educational costs of the Statewide 71064
Emergency Services Internet Protocol Network program. 71065

EMPLOYEE EDUCATIONAL DEVELOPMENT 71066

The foregoing appropriation item 100619, Employee Educational 71067
Development, shall be used to make payments from the Employee 71068
Educational Development Fund (Fund 5V60) under section 124.86 of 71069
the Revised Code. The fund shall be used to pay the costs of 71070
administering educational programs under existing collective 71071
bargaining agreements with District 1199, the Health Care and 71072
Social Service Union, Service Employees International Union; State 71073

Council of Professional Educators; Ohio Education Association and 71074
National Education Association; the Fraternal Order of Police Ohio 71075
Labor Council, Unit 2; and the Ohio State Troopers Association, 71076
Units 1 and 15. 71077

If it is determined by the Director of Budget and Management 71078
that additional amounts are necessary, the amounts are hereby 71079
appropriated. 71080

Section 207.40. GENERAL SERVICE CHARGES 71081

The Department of Administrative Services, with the approval 71082
of the Director of Budget and Management, shall establish charges 71083
for recovering the costs of administering the programs funded by 71084
the General Services Fund (Fund 1170) and the State Printing Fund 71085
(Fund 2100). 71086

COLLECTIVE BARGAINING ARBITRATION EXPENSES 71087

The Department of Administrative Services may seek 71088
reimbursement from state agencies for the actual costs and 71089
expenses the Department incurs in the collective bargaining 71090
arbitration process. The reimbursements shall be processed through 71091
intrastate transfer vouchers and credited to the Collective 71092
Bargaining Fund (Fund 1280). 71093

EQUAL OPPORTUNITY PROGRAM 71094

The Department of Administrative Services, with the approval 71095
of the Director of Budget and Management, shall establish charges 71096
for recovering the costs of administering the activities supported 71097
by the State EEO Fund (Fund 1880). These charges shall be 71098
deposited to the credit of Fund 1880 upon payment made by state 71099
agencies, state-supported or state-assisted institutions of higher 71100
education, tax-supported agencies, municipal corporations, and 71101
other political subdivisions of the state, for services rendered. 71102

CONSOLIDATED IT PURCHASES 71103

The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase.

INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to \$3,800,000 of cash in excess of needs from the Investment Recovery Fund (Fund 4270) to the Enterprise Applications Fund (Fund 5PC0) during the biennium beginning July 1, 2019, and ending June 30, 2021, to pay the operating and maintenance expenses of the Ohio Business Gateway.

MAJOR IT PURCHASES CHARGES

Effective July 1, 2019, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 100617, Major IT Purchases, and reestablish them against appropriation item 100640, Consolidated IT Purchases. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 100617, Major IT Purchases, by July 1, 2019, shall be completed under appropriation item 100640, Consolidated IT Purchases, in the

same manner, and with the same effect, as if completed with regard 71135
to appropriation item 100617, Major IT Purchases. 71136

On July 1, 2019, or as soon as possible thereafter, the 71137
Director of Administrative Services shall certify to the Director 71138
of Budget and Management the amount of cash in the Major 71139
Information Technology Purchases Fund (Fund 4N60) that was 71140
received from agencies for actual expenditures. The Director of 71141
Budget and Management shall transfer the certified amount of cash 71142
from the Major Information Technology Purchases Fund (Fund 4N60) 71143
to the IT Governance Fund (Fund 2290). 71144

Upon the request of the Director of Administrative Services, 71145
the Director of Budget and Management may transfer up to the 71146
amount collected for statewide indirect costs attributable to debt 71147
service paid for the enterprise data center solutions project from 71148
the General Revenue Fund to the Major Information Technology 71149
Purchases Fund (Fund 4N60). 71150

PROFESSIONS LICENSING SYSTEM 71151

The foregoing appropriation item, 100658, Ohio Professionals 71152
Licensing System, shall be used to purchase the equipment, 71153
products, and services necessary to update and maintain an 71154
automated licensing system for the professional licensing boards. 71155

The Department of Administrative Services shall establish 71156
charges for recovering the costs of ongoing maintenance of the 71157
system that are not otherwise recovered under section 125.18 of 71158
the Revised Code. The charges shall be billed to state agencies, 71159
boards, and commissions using the state's enterprise electronic 71160
licensing system and deposited via intrastate transfer vouchers to 71161
the credit of the Professions Licensing System Fund (Fund 5JQ0). 71162

Section 207.45. BUILDING IMPROVEMENT FUND 71163

The foregoing appropriation item 100659, Building 71164

Improvement, shall be used to make payments from the Building 71165
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 71166
required in facilities maintained by the Department of 71167
Administrative Services. The Department of Administrative Services 71168
shall conduct or contract for regular assessments of these 71169
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 71170
the cost of the repairs and improvements that are recommended to 71171
occur within the next five years, with the following exception 71172
described below. 71173

Upon request of the Director of Administrative Services, the 71174
Director of Budget and Management may permit a cash transfer from 71175
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 71176
of operating and maintaining facilities managed by the Department 71177
of Administrative Services that are not charged to tenants during 71178
the same fiscal year. 71179

Should the cash balance in Fund 1320 be determined to be 71180
sufficient, the Director of Administrative Services may request 71181
that the Director of Budget and Management transfer cash from Fund 71182
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 71183
made under this section plus applicable interest. 71184

INFORMATION TECHNOLOGY DEVELOPMENT 71185

The foregoing appropriation item 100661, IT Development, 71186
shall be used by the Department of Administrative Services to pay 71187
the costs of modernizing the state's information technology 71188
management and investment practices away from a limited, 71189
agency-specific focus in favor of a statewide methodology 71190
supporting development of enterprise solutions. This appropriation 71191
item may be used to pay the costs of enterprise information 71192
technology initiatives affecting state agencies or their 71193
customers. 71194

Notwithstanding any provision of law to the contrary, the 71195

Department of Administrative Services, with the approval of the 71196
Director of Budget and Management, may charge state agencies an 71197
information technology development assessment based on state 71198
agencies' information technology expenditures or other methodology 71199
and may assess fees or charges to entities that are not state 71200
agencies to offset the cost of specific technology events or 71201
services. The revenue from these assessments, fees, or charges 71202
shall be deposited into the Information Technology Development 71203
Fund (Fund 5LJ0), which is hereby created. 71204

Upon the request of the Director of Administrative Services, 71205
the Director of Budget and Management may transfer up to 71206
\$4,000,000 in cash in each fiscal year from the General Revenue 71207
Fund to the Information Technology Development Fund (Fund 5LJ0) to 71208
support the operations of the Office of InnovateOhio. 71209

ENTERPRISE APPLICATIONS 71210

The foregoing appropriation item 100665, Enterprise 71211
Applications, shall be used for the operation and management of 71212
information technology applications that support state agencies' 71213
objectives. Charges billed to benefiting agencies shall be 71214
deposited to the credit of the Enterprise Applications Fund (Fund 71215
5PC0). 71216

CASH TRANSFER FROM THE DIRECTOR'S OFFICE FUND TO THE LOCAL 71217
GOVERNMENT INNOVATION FUND 71218

On July 1, 2019, or as soon as possible thereafter, the 71219
Director of Budget and Management shall transfer \$38,555.24 cash 71220
from the Director's Office Fund (Fund 1120) to the Local 71221
Government Innovation Fund (Fund 5KN0). This amount represents the 71222
unexpended balance of a grant received from the Local Government 71223
Innovation Fund (Fund 5KN0) and appropriated under Fund 1120 71224
appropriation item 100667, Local Government Efficiency Programs. 71225

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 71226

The Director of Administrative Services shall determine and 71227
implement strategies that benefit the enterprise by improving 71228
efficiency, reducing costs, or enhancing capacity of information 71229
technology (IT) services. Such improvements and efficiencies may 71230
result in the consolidation and transfer of such services. As 71231
determined to be necessary for successful implementation of this 71232
section and notwithstanding any provision of law to the contrary, 71233
the Director of Administrative Services may request the Director 71234
of Budget and Management to consolidate or transfer IT-specific 71235
budget authority between agencies or within an agency as necessary 71236
to implement enterprise IT cost containment strategies and related 71237
efficiencies. Once the Director of Budget and Management is 71238
satisfied that the proposed initiative is cost advantageous to the 71239
enterprise, the Director of Budget and Management may transfer 71240
appropriations, funds, and cash as needed to implement the 71241
proposed initiative. The establishment of any new fund or 71242
additional appropriation as a result of this section shall be 71243
subject to Controlling Board approval. 71244

The Director of Budget and Management and the Director of 71245
Administrative Services may transfer any employees, assets, and 71246
liabilities, including, but not limited to, records, contracts, 71247
and agreements in order to facilitate the improvements determined 71248
in accordance with this section. 71249

Section 209.10. AGE DEPARTMENT OF AGING 71250

General Revenue Fund 71251

GRF 490321 Operating Expenses \$ 1,551,161 \$ 1,514,690 71252

GRF 490410 Long-Term Care \$ 1,846,979 \$ 3,112,901 71253

Ombudsman

GRF 490411 Senior Community \$ 8,152,696 \$ 8,144,480 71254

		Services				
GRF	490414	Alzheimer's and Other	\$	2,495,245	\$	2,495,245 71255
		Dementia Respite				
GRF	490506	National Senior	\$	222,792	\$	222,792 71256
		Service Corps				
GRF	656423	Long-Term Care Budget	\$	5,073,618	\$	5,325,896 71257
		- State				
TOTAL GRF		General Revenue Fund	\$	19,342,491	\$	20,816,004 71258
		Dedicated Purpose Fund Group				71259
4800 490606		Senior Community	\$	372,523	\$	372,523 71260
		Outreach and				
		Education				
4C40 490609		Regional Long-Term	\$	1,000,000	\$	1,000,000 71261
		Care Ombudsman				
		Program				
5BA0 490620		Ombudsman Support	\$	1,500,000	\$	1,500,000 71262
5K90 490613		Long-Term Care	\$	1,350,000	\$	1,350,000 71263
		Consumers Guide				
5MT0 490627		Board of Executives	\$	800,000	\$	800,000 71264
		of Long-Term Services				
		and Supports				
5T40 656625		Health Care Grants -	\$	200,000	\$	200,000 71265
		State				
5TI0 656624		Provider	\$	120,000	\$	120,000 71266
		Certification				
5W10 490616		Resident Services	\$	344,700	\$	344,700 71267
		Coordinator Program				
TOTAL DPF		Dedicated Purpose				71268
Fund Group			\$	5,687,223	\$	5,687,223 71269
		Federal Fund Group				71270
3220 490618		Federal Aging Grants	\$	8,700,000	\$	8,700,000 71271
3C40 656623		Long-Term Care Budget	\$	5,341,281	\$	5,477,117 71272

- Federal

3M40 490612	Federal Independence	\$	58,655,080	\$	58,655,080	71273
	Services					
TOTAL FED	Federal Fund Group	\$	72,696,361	\$	72,832,197	71274
TOTAL ALL BUDGET FUND GROUPS		\$	97,726,075	\$	99,335,424	71275

Section 209.20. LONG-TERM CARE 71277

Pursuant to an interagency agreement, the Department of 71278
Medicaid may designate the Department of Aging to perform 71279
assessments under section 5165.04 of the Revised Code. The 71280
Department of Aging shall provide long-term care consultations 71281
under section 173.42 of the Revised Code to assist individuals in 71282
planning for their long-term health care needs. 71283

The Department of Aging shall administer the Medicaid 71284
waiver-funded PASSPORT Home Care Program, the Assisted Living 71285
Program, and PACE as delegated by the Department of Medicaid in an 71286
interagency agreement. 71287

PERFORMANCE-BASED REIMBURSEMENT 71288

The Department of Aging may design and utilize a payment 71289
method for PASSPORT administrative agency operations that includes 71290
a pay-for-performance incentive component that is earned by a 71291
PASSPORT administrative agency when defined consumer and policy 71292
outcomes are achieved. 71293

Section 209.30. MYCARE OHIO 71294

The authority of the Office of the State Long-Term Care 71295
Ombudsman as described in sections 173.14 to 173.28 of the Revised 71296
Code extends to MyCare Ohio during the period of the federal 71297
financial alignment demonstration program. 71298

SENIOR COMMUNITY SERVICES 71299

The foregoing appropriation item 490411, Senior Community 71300

Services, may be used for programs, services, and activities 71301
designated by the Department of Aging, including, but not limited 71302
to, home-delivered and congregate meals, transportation services, 71303
personal care services, respite services, adult day services, home 71304
repair, care coordination, prevention and disease self-management, 71305
and decision support systems. The Department may also use these 71306
funds to provide grants to community organizations to support and 71307
expand evidence-based/informed programming. Service priority shall 71308
be given to low income, high need, and/or cognitively impaired 71309
persons 60 years of age and over. 71310

NATIONAL SENIOR SERVICE CORPS 71311

The foregoing appropriation item 490506, National Senior 71312
Service Corps, may be used by the Department of Aging to fund 71313
grants to organizations that receive federal funds from the 71314
Corporation for National and Community Service to support the 71315
following Senior Corps programs: the Foster Grandparents Program, 71316
the Senior Companion Program, and the Retired Senior Volunteer 71317
Program. A recipient of these grant funds shall use the funds to 71318
support priorities established by the Department and the Ohio 71319
State Office of the Corporation for National and Community 71320
Service. Neither the Department nor any area agencies on aging 71321
that are involved in the distribution of these funds to 71322
lower-tiered grant recipients may use any portion of these funds 71323
to cover administrative costs. 71324

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 71325

The foregoing appropriation item 490627, Board of Executives 71326
of Long-Term Services and Supports, may be used by the Board of 71327
Executives of Long-Term Services and Supports to administer and 71328
enforce Chapter 4751. of the Revised Code and rules adopted under 71329
it. 71330

Section 209.40. PASSPORT PROGRAM PAYMENT RATES 71331

Notwithstanding section 5164.77 of the Revised Code, the base
and unit payment rates for the following services provided under
the Medicaid-funded and state-funded components of the PASSPORT
program during fiscal years 2020 and 2021 shall be at least two
and seven tenths per cent higher than the rates for the services
in effect on June 30, 2019:

(A) Home care attendant services;

(B) Personal care services;

(C) Waiver nursing services.

**Section 209.50. PASSPORT PAYMENT RATES FOR HOME-DELIVERED
MEALS**

The payment rates for home-delivered meals provided under the
PASSPORT program during the period beginning July 1, 2019, and
ending July 1, 2021, shall be the following:

(A) For each meal delivered daily on a per-meal delivery
basis by a volunteer or employee of the provider, \$7.19;

(B) For each meal delivered in a chilled or frozen format on
a weekly delivery basis by a volunteer or employee of the
provider, \$6.99;

(C) For each meal delivered in a chilled or frozen format on
a weekly basis by a common carrier used by the provider, \$6.50.

Section 209.60. ASSISTED LIVING PROGRAM PAYMENT RATES

Notwithstanding section 5164.77 of the Revised Code, the
payment rates for each tier of assisted living services provided
under the Medicaid-funded and state-funded components of the
Assisted Living Program during fiscal years 2020 and 2021 shall be
at least two and seven tenths per cent higher than the rates for
the services in effect on June 30, 2019.

Section 211.10. AGR DEPARTMENT OF AGRICULTURE						71360	
General Revenue Fund						71361	
GRF	700401	Animal Health Programs	\$	3,785,399	\$	3,700,399	71362
GRF	700403	Dairy Division	\$	1,208,067	\$	1,178,459	71363
GRF	700404	Ohio Proud	\$	99,159	\$	100,771	71364
GRF	700406	Consumer Protection	\$	1,369,703	\$	1,320,696	71365
		Lab					
GRF	700407	Food Safety	\$	1,385,046	\$	1,340,046	71366
GRF	700409	Farmland Preservation	\$	74,686	\$	74,686	71367
GRF	700410	Plant Industry	\$	152,468	\$	147,468	71368
GRF	700412	Weights and Measures	\$	614,723	\$	614,723	71369
GRF	700415	Poultry Inspection	\$	811,427	\$	811,428	71370
GRF	700417	Soil and Water	\$	20,000,000	\$	20,000,000	71371
		Phosphorus Program					
GRF	700418	Livestock Regulation	\$	1,145,071	\$	1,145,071	71372
		Program					
GRF	700424	Livestock Testing and	\$	117,493	\$	117,493	71373
		Inspections					
GRF	700426	Dangerous and	\$	582,340	\$	604,060	71374
		Restricted Animals					
GRF	700427	High Volume Breeder	\$	1,235,767	\$	1,235,767	71375
		Kennel Control					
GRF	700428	Soil and Water	\$	3,543,482	\$	3,543,482	71376
		Division					
GRF	700499	Meat Inspection	\$	6,172,407	\$	5,882,091	71377
		Program - State Share					
GRF	700501	County Agricultural	\$	379,673	\$	379,673	71378
		Societies					
GRF	700509	Soil and Water	\$	11,833,016	\$	11,833,016	71379
		District Support					
TOTAL	GRF	General Revenue Fund	\$	54,509,927	\$	54,029,329	71380
Dedicated Purpose Fund Group						71381	

4900	700651	License Plates - Sustainable Agriculture	\$	17,500	\$	17,500	71382
4940	700612	Agricultural Commodity Marketing Program	\$	253,000	\$	253,000	71383
4960	700626	Ohio Grape Industries	\$	1,543,223	\$	1,550,000	71384
4970	700627	Grain Warehouse Program	\$	491,590	\$	500,000	71385
4C90	700605	Commercial Feed and Seed	\$	2,367,396	\$	2,426,251	71386
4D20	700609	Auction Education	\$	50,000	\$	50,000	71387
4E40	700606	Utility Radiological Safety	\$	97,610	\$	101,130	71388
4P70	700610	Food Safety Inspection	\$	1,022,005	\$	1,043,743	71389
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	71390
4R20	700637	Dairy Industry Inspection	\$	1,800,246	\$	1,852,950	71391
4T60	700611	Poultry and Meat Inspection	\$	120,000	\$	120,000	71392
5780	700620	Ride Inspection	\$	1,827,551	\$	1,944,585	71393
5B80	700629	Auctioneers	\$	350,449	\$	361,450	71394
5BV0	700660	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	71395
5BV0	700661	Soil and Water Districts	\$	8,000,000	\$	8,000,000	71396
5FC0	700648	Plant Pest Program	\$	1,468,037	\$	1,515,298	71397
5H20	700608	Metrology Lab and Scale Certification	\$	975,000	\$	975,000	71398
5L80	700604	Livestock Management Program	\$	274,814	\$	275,000	71399
5MA0	700657	Dangerous and	\$	7,000	\$	7,000	71400

		Restricted Animals				
5MR0	700658	High Volume Breeders	\$	320,000	\$	320,000 71401
		and Kennels				
5MS0	700659	Captive Deer	\$	40,000	\$	40,000 71402
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000 71403
6520	700634	Animal, Consumer, and	\$	5,396,151	\$	5,466,896 71404
		ATL Labs				
6690	700635	Pesticide,	\$	4,859,314	\$	5,000,000 71405
		Fertilizer, and Lime				
		Inspection Program				
6H20	700670	H2Ohio	\$	30,300,000	\$	0 71406
TOTAL DPF Dedicated Purpose						71407
Fund Group			\$	62,376,386	\$	32,615,303 71408
Internal Service Activity Fund Group						71409
5DA0	700644	Laboratory	\$	1,200,807	\$	1,204,626 71410
		Administration				
		Support				
5GH0	700655	Administrative	\$	5,403,892	\$	5,524,048 71411
		Support				
TOTAL ISA Internal Service Activity						71412
Fund Group			\$	6,604,699		6,728,674 71413
Capital Projects Fund Group						71414
7057	700632	Clean Ohio	\$	589,960	\$	610,000 71415
		Agricultural Easement				
		Operating				
TOTAL CPF Capital Projects Fund			\$	589,960	\$	610,000 71416
Group						
Federal Fund Group						71417
3260	700618	Meat Inspection	\$	5,036,419	\$	5,194,424 71418
		Program - Federal				
		Share				
3360	700617	Ohio Farm Loan -	\$	351,743	\$	360,000 71419

		Revolving				
3820	700601	Federal Cooperative	\$	7,000,000	\$	7,000,000 71420
		Contracts				
3AB0	700641	Agricultural Easement	\$	342,419	\$	350,000 71421
3J40	700607	Federal	\$	1,209,234	\$	1,209,234 71422
		Administrative				
		Programs				
3R20	700614	Federal Plant	\$	6,020,619	\$	6,095,972 71423
		Industry				
TOTAL FED	Federal Fund Group		\$	19,960,434	\$	20,209,630 71424
TOTAL ALL BUDGET	FUND GROUPS		\$	144,041,406	\$	114,192,936 71425

Section 211.20. SOIL AND WATER PHOSPHORUS PROGRAM 71427

The Department of Agriculture shall establish programs to 71428
assist in reducing total phosphorus and dissolved reactive 71429
phosphorus in the Western Lake Erie Basin. The programs shall give 71430
priority to those subwatersheds determined to be highest in total 71431
phosphorus and dissolved reactive phosphorus nutrient loading. 71432

The foregoing appropriation item 700417, Soil and Water 71433
Phosphorus Program, shall be used to support the programs 71434
described above, which may include but not be limited to, the 71435
following: (1) equipment for subsurface placement of nutrients 71436
into the soil; (2) equipment for nutrient placement based on 71437
geographic information system data; (3) soil testing; (4) 71438
implementation of variable rate technology; (5) equipment 71439
implementing manure transformation and manure conversion 71440
technologies; (6) tributary monitoring; (7) water management and 71441
edge-of-field drainage management; and (8) an agricultural 71442
phosphorus reduction revolving loan program. Not more than forty 71443
per cent of the foregoing appropriation item 700417, Soil and 71444
Water Phosphorus Program, shall be used for any single activity. 71445

DANGEROUS AND RESTRICTED WILD ANIMALS 71446

The foregoing appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE BASIN

Of the foregoing appropriation item 700509, Soil and Water District Support, \$350,000 in each fiscal year shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin in complying with provisions of Sub. S.B. 1 of the 131st General Assembly. The Department shall approve a soil and water district's application for funding under the program if the application demonstrates that funding will be used for, but not limited to, providing technical assistance, developing applicable nutrient or manure management plans, hiring and training of soil and water conservation district staff on best conservation practices, or other activities the Director determines appropriate to assist farmers in the Western Lake Erie Basin in complying with the provisions of Sub. S.B. 1 of the 131st General Assembly.

Of the foregoing appropriation item 700509, Soil and Water District Support, \$3,500,000 in each fiscal year shall be used to support county soil and water conservation districts in the Western Lake Erie Basin for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and other conservation support.

SOIL AND WATER DISTRICTS 71478

In addition to state payments to soil and water conservation 71479
districts authorized by section 940.15 of the Revised Code, the 71480
Department of Agriculture may use appropriation item 700661, Soil 71481
and Water Districts, to pay any soil and water conservation 71482
district an annual amount not to exceed \$40,000 upon receipt of a 71483
request and justification from the district and approval by the 71484
Ohio Soil and Water Conservation Commission. The county auditor 71485
shall credit the payments to the special fund established under 71486
section 940.12 of the Revised Code for use by the local soil and 71487
water conservation district. The amounts received by each district 71488
shall be expended for the purposes of the district. 71489

H2OHIO FUND 71490

The foregoing appropriation item 700670, H2Ohio, shall be 71491
used by the Department of Agriculture to support best management 71492
practices for farmers including but not limited to assistance with 71493
equipment purchases and soil testing. In addition, the foregoing 71494
appropriation item 700760, H2Ohio, may be used to fund 71495
improvements and protection of state waterways in support of water 71496
quality priorities and management in accordance with section 71497
126.60 of the Revised Code. 71498

On July 1, 2020, or as soon as possible thereafter, the 71499
Director of Agriculture may certify to the Director of Budget and 71500
Management an amount up to the unexpended, unencumbered balance of 71501
the foregoing appropriation item, 700670, H2Ohio, at the end of 71502
fiscal year 2020 to be reappropriated in fiscal year 2021. The 71503
amount certified is hereby reappropriated to the same 71504
appropriation item for fiscal year 2021. 71505

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 71506

The foregoing appropriation item 700632, Clean Ohio 71507
Agricultural Easement Operating, shall be used by the Department 71508

of Agriculture in administering Clean Ohio Agricultural Easement 71509
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 71510
5301.67 to 5301.70 of the Revised Code. 71511

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 71512

Dedicated Purpose Fund Group 71513

4Z90 898602 Small Business \$ 208,813 \$ 208,813 71514
Ombudsman

5700 898601 Operating Expenses \$ 565,364 \$ 583,395 71515

5A00 898603 Small Business \$ 450,000 \$ 450,000 71516
Assistance

TOTAL DPF Dedicated Purpose Fund \$ 1,224,177 \$ 1,242,208 71517
Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,224,177 \$ 1,242,208 71518

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 71520

AUTHORITY TRUST ACCOUNT 71521

Notwithstanding any other provision of law to the contrary, 71522
the Air Quality Development Authority may reimburse the Air 71523
Quality Development Authority trust account established under 71524
section 3706.10 of the Revised Code from all operating funds of 71525
the agency for expenses pertaining to the administration and 71526
shared costs incurred by the Air Quality Development Authority in 71527
the execution of responsibilities as prescribed in Chapter 3706. 71528
of the Revised Code. The reimbursement shall be made by voucher 71529
and completed in accordance with the administrative indirect costs 71530
allocation plan approved by the Office of Budget and Management. 71531

Section 215.10. ARC ARCHITECTS BOARDS 71532

Dedicated Purpose Fund Group 71533

4K90 891609 Operating \$ 638,611 \$ 646,294 71534

TOTAL DPF Dedicated Purpose Fund 71535

Group	\$	638,611	\$	646,294	71536
TOTAL ALL BUDGET FUND GROUPS	\$	638,611	\$	646,294	71537

Section 217.10. ART OHIO ARTS COUNCIL 71539

General Revenue Fund 71540

GRF 370321	Operating Expenses	\$	1,947,031	\$	2,042,828	71541
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GRF 370502	State Program	\$	13,730,750	\$	13,730,750	71542
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Subsidies

TOTAL GRF General Revenue Fund	\$	15,677,781	\$	15,773,578	71543
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Dedicated Purpose Fund Group 71544

4600 370602	Arts Council Program	\$	377,942	\$	385,000	71545
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Support

4B70 370603	Percent for Art	\$	165,000	\$	165,000	71546
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Acquisitions

TOTAL DPF Dedicated Purpose Fund	\$	542,942	\$	550,000	71547
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Group

Federal Fund Group 71548

3140 370601	Federal Support	\$	1,250,000	\$	1,250,000	71549
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TOTAL FED Federal Fund Group	\$	1,250,000	\$	1,250,000	71550
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TOTAL ALL BUDGET FUND GROUPS	\$	17,470,723	\$	17,573,578	71551
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STATE PROGRAM SUBSIDIES 71552

Notwithstanding any provision of law to the contrary, of the 71553

foregoing appropriation item 370502, State Program Subsidies, at 71554

least \$2,000,000 in each fiscal year shall be used by the Ohio 71555

Arts Council to award grants for arts-related educational 71556

programming for kindergarten through twelfth grade students. 71557

FEDERAL SUPPORT 71558

Notwithstanding any provision of law to the contrary, the 71559

foregoing appropriation item 370601, Federal Support, shall be 71560

used by the Ohio Arts Council for subsidies only, and not for its 71561

administrative costs, unless the Council is required to use a 71562

portion of the funds for administrative costs under conditions of 71563
the federal grant. 71564

Section 219.10. ATH ATHLETIC COMMISSION 71565

Dedicated Purpose Fund Group 71566

4K90 175609 Operating Expenses \$ 331,169 \$ 331,822 71567

TOTAL DPF Dedicated Purpose Fund \$ 331,169 \$ 331,822 71568

Group

TOTAL ALL BUDGET FUND GROUPS \$ 331,169 \$ 331,822 71569

Section 221.10. AGO ATTORNEY GENERAL 71571

General Revenue Fund 71572

GRF 055321 Operating Expenses \$ 60,646,591 \$ 62,958,461 71573

GRF 055405 Law-Related Education \$ 68,950 \$ 68,950 71574

GRF 055406 BCIRS Lease Rental \$ 2,515,100 \$ 2,513,400 71575

Payments

GRF 055411 County Sheriffs' Pay \$ 983,341 \$ 1,000,554 71576

Supplement

GRF 055415 County Prosecutors' \$ 1,247,225 \$ 1,278,630 71577

Pay Supplement

GRF 055431 Drug Abuse Response \$ 1,500,000 \$ 1,500,000 71578

Team Grants

GRF 055501 Rape Crisis Centers \$ 4,450,000 \$ 4,450,000 71579

GRF 055502 School Safety \$ 12,000,000 \$ 12,000,000 71580

Training Grants

GRF 055504 Domestic Violence \$ 1,000,000 \$ 1,000,000 71581

Programs

TOTAL GRF General Revenue Fund \$ 84,411,207 \$ 86,769,995 71582

Dedicated Purpose Fund Group 71583

1060 055612 Attorney General \$ 58,426,184 \$ 60,018,182 71584

Operating

4020 055616 Victims of Crime \$ 20,624,291 \$ 20,624,291 71585

4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	71586
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	71587
4190	055623	Claims Section	\$	41,500,000	\$	42,600,000	71588
4200	055603	Attorney General Antitrust	\$	2,432,925	\$	2,432,925	71589
4210	055617	Police Officers' Training Academy Fee	\$	2,182,062	\$	2,250,000	71590
4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289	71591
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	71592
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	2,500,000	\$	2,500,000	71593
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	71594
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	71595
5LR0	055655	Peace Officer Training - Casino	\$	5,355,079	\$	5,529,409	71596
5MP0	055657	Peace Officer Training Commission	\$	325,000	\$	325,000	71597
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	71598
6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	71599
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728	71600
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,650,000	\$	2,650,000	71601

TOTAL DPF Dedicated Purpose Fund				71602
Group	\$	158,944,634	\$	161,878,900
				71603
Internal Service Activity Fund Group				71604
1950 055660 Workers' Compensation	\$	7,416,045	\$	6,898,040
Section				71605
TOTAL ISA Internal Service Activity	\$	7,416,045	\$	6,898,040
Fund Group				71606
Holding Account Fund Group				71607
R004 055631 General Holding	\$	1,000,000	\$	1,000,000
Account				71608
R005 055632 Antitrust Settlements	\$	1,000,000	\$	1,000,000
				71609
R018 055630 Consumer Frauds	\$	1,000,000	\$	1,000,000
				71610
R042 055601 Organized Crime	\$	750,000	\$	750,000
Commission				71611
Distributions				
R054 055650 Collection Payment	\$	4,500,000	\$	4,500,000
Redistribution				71612
TOTAL HLD Holding Account				71613
Fund Group	\$	8,250,000	\$	8,250,000
				71614
Federal Fund Group				71615
3060 055620 Medicaid Fraud	\$	8,961,419	\$	8,961,419
Control				71616
3830 055634 Crime Victims	\$	109,971,344	\$	110,000,000
Assistance				71617
3E50 055638 Attorney General	\$	4,017,209	\$	4,020,999
Pass-Through Funds				71618
3FV0 055656 Crime Victim	\$	4,600,000	\$	4,600,000
Compensation				71619
3R60 055613 Attorney General	\$	2,799,999	\$	2,799,999
Federal Funds				71620
TOTAL FED Federal Fund Group	\$	130,349,971	\$	130,382,417
				71621
TOTAL ALL BUDGET FUND GROUPS	\$	389,371,857	\$	394,179,352
				71622

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 71624
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Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 71626
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DOMESTIC VIOLENCE PROGRAM 71633

Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code. 71634
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NARCOTICS TASK FORCES 71638

Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used by the Attorney General to support narcotics task forces to be funded through appropriation item 761403, Recovery Ohio Law Enforcement, used by the Department of Public Safety. 71639
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BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS 71644
71645

The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into pursuant to Section 701.40 of Am. Sub. S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS. 71646
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COUNTY SHERIFFS' PAY SUPPLEMENT 71654

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 71655
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At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 71659
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COUNTY PROSECUTORS' PAY SUPPLEMENT 71665

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code. 71666
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At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code. 71670
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Section 221.30. BATTERED WOMEN'S SHELTER 71677

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility. 71678
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DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 71683

The Attorney General shall maintain the Drug Abuse Response Team Grant Program for the purpose of replicating or expanding successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department, and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or nonprofit matching support.

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

DOMESTIC VIOLENCE PROGRAMS 71708

The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.

WORKERS' COMPENSATION SECTION 71713

The Workers' Compensation Fund (Fund 1950) is entitled to 71714

receive quarterly payments from the Bureau of Workers' 71715
Compensation and the Ohio Industrial Commission to fund legal 71716
services provided to the Bureau of Workers' Compensation and the 71717
Ohio Industrial Commission during the fiscal year. 71718

In addition, the Bureau of Workers' Compensation shall 71719
transfer payments for the support of the Workers' Compensation 71720
Fraud Unit. 71721

All amounts shall be mutually agreed upon by the Attorney 71722
General, the Bureau of Workers' Compensation, and the Ohio 71723
Industrial Commission. 71724

GENERAL HOLDING ACCOUNT 71725

The foregoing appropriation item 055631, General Holding 71726
Account, shall be used to distribute moneys under the terms of 71727
relevant court orders or other settlements received in a variety 71728
of cases involving the Office of the Attorney General. If it is 71729
determined that additional amounts are necessary for this purpose, 71730
the amounts are hereby appropriated. 71731

ANTITRUST SETTLEMENTS 71732

The foregoing appropriation item 055632, Antitrust 71733
Settlements, shall be used to distribute moneys under the terms of 71734
relevant court orders or other out of court settlements in 71735
antitrust cases or antitrust matters involving the Office of the 71736
Attorney General. If it is determined that additional amounts are 71737
necessary for this purpose, the amounts are hereby appropriated. 71738

CONSUMER FRAUDS 71739

The foregoing appropriation item 055630, Consumer Frauds, 71740
shall be used for distribution of moneys from court-ordered 71741
judgments against sellers in actions brought by the Office of the 71742
Attorney General under sections 1334.08 and 4549.48 and division 71743
(B) of section 1345.07 of the Revised Code. These moneys shall be 71744

used to provide restitution to consumers victimized by the fraud 71745
that generated the court-ordered judgments. If it is determined 71746
that additional amounts are necessary for this purpose, the 71747
amounts are hereby appropriated. 71748

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 71749

The foregoing appropriation item 055601, Organized Crime 71750
Commission Distributions, shall be used by the Organized Crime 71751
Investigations Commission, as provided by section 177.011 of the 71752
Revised Code, to reimburse political subdivisions for the expenses 71753
the political subdivisions incur when their law enforcement 71754
officers participate in an organized crime task force. If it is 71755
determined that additional amounts are necessary for this purpose, 71756
the amounts are hereby appropriated. 71757

COLLECTION PAYMENT REDISTRIBUTION 71758

The foregoing appropriation item 055650, Collection Payment 71759
Redistribution, shall be used for the purpose of allocating the 71760
revenue where debtors mistakenly paid the client agencies instead 71761
of the Attorney General's Collections Enforcement Section. If it 71762
is determined that additional amounts are necessary for this 71763
purpose, the amounts are hereby appropriated. 71764

Section 223.10. AUD AUDITOR OF STATE 71765

General Revenue Fund 71766

GRF	070403	Fiscal	\$	700,000	\$	700,000	71767
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Watch/Emergency

Technical Assistance

GRF	070401	Audit Management and	\$	11,998,471	\$	12,209,612	71768
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Services

GRF	070402	Performance Audits	\$	1,750,000	\$	1,600,000	71769
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GRF	070404	Fraud/Corruption	\$	2,550,000	\$	2,550,000	71770
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Audits and

		Investigation					
GRF	070412	Local Government	\$	13,300,000	\$	13,300,000	71771
		Audit Support					
TOTAL GRF	General Revenue Fund		\$	30,298,471	\$	30,359,612	71772
		Dedicated Purpose Fund Group					71773
1090	070601	Public Audit Expense	\$	11,184,958	\$	11,545,067	71774
		- Intrastate					
4220	070602	Public Audit Expense	\$	34,477,707	\$	35,053,886	71775
		- Local Government					
5840	070603	Training Program	\$	475,000	\$	475,000	71776
5JZ0	070606	LEAP Revolving Loans	\$	250,000	\$	250,000	71777
6750	070605	Uniform Accounting	\$	4,191,269	\$	4,228,178	71778
		Network					
5VP0	070611	Local Government	\$	10,000,000	\$	10,000,000	71779
		Audit Support Fund					
TOTAL DPF	Dedicated Purpose Fund						71780
Group			\$	60,578,934	\$	61,552,131	71781
TOTAL ALL BUDGET FUND GROUPS			\$	90,877,405	\$	91,911,743	71782

Section 223.20. AUDIT MANAGEMENT AND SERVICES 71784

The foregoing appropriation item 070401, Audit Management and 71785
Services, shall be used pursuant to section 117.13 of the Revised 71786
Code to support costs of the Auditor of State that are not 71787
recovered through charges to local governments and state entities, 71788
which are deposited into the Public Audit Expense-Intrastate Fund 71789
(Fund 1090), including costs that cannot be recovered from audit 71790
clients under federal indirect cost allocation guidelines. 71791

PERFORMANCE AUDITS 71792

The foregoing appropriation item 070402, Performance Audits, 71793
shall be used pursuant to section 117.13 of the Revised Code to 71794
support costs of the Auditor of State related to the provision of 71795
performance audits for local governments, school districts, state 71796

agencies, and colleges and universities that are not recovered 71797
through charges to those entities, including costs that cannot be 71798
recovered from audit clients under federal indirect cost 71799
allocation guidelines. 71800

LOCAL GOVERNMENT AUDIT SUPPORT 71801

The foregoing appropriation item 070412, Local Government 71802
Audit Support, shall be used pursuant to section 117.13 of the 71803
Revised Code to support costs of the Auditor of State that are not 71804
recovered through charges to local governments and state entities, 71805
which are deposited into the Public Audit Expense-Local Government 71806
Fund (Fund 4220), including costs that cannot be recovered from 71807
audit clients under federal indirect cost allocation guidelines. 71808

LOCAL GOVERNMENT AUDIT SUPPORT FUND 71809

The foregoing appropriation item 070611, Local Government 71810
Audit Support Fund, shall be used pursuant to section 5747.461 of 71811
the Revised Code to offset costs of audits that would otherwise be 71812
charged to local public offices in the absence of the fund. 71813

Notwithstanding section 131.511 of the Revised Code, during 71814
fiscal year 2020, the Director of Budget and Management shall 71815
monthly credit to the Local Government Audit Support Fund such 71816
amounts as are necessary to support the fiscal year 2020 71817
appropriations from the fund. 71818

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 71819

General Revenue Fund 71820

GRF 042321 Budget Development \$ 3,328,574 \$ 3,389,364 71821
and Implementation

GRF 042425 Shared Services \$ 1,285,250 \$ 1,049,725 71822
Development

TOTAL GRF General Revenue Fund \$ 4,613,824 \$ 4,439,089 71823

Internal Service Activity Fund Group 71824

1050 042603	Financial Management	\$	17,106,380	\$	16,995,903	71825
1050 042620	Shared Services	\$	6,744,587	\$	6,543,051	71826
	Operating					
TOTAL ISA Internal Service Activity						71827
Fund Group		\$	23,850,967	\$	23,538,954	71828
Fiduciary Fund Group						71829
5EH0 042604	Forgery Recovery	\$	30,000	\$	30,000	71830
TOTAL FID Fiduciary Fund Group						71831
TOTAL ALL BUDGET FUND GROUPS						71832

Section 229.20. AUDIT COSTS 71834

All centralized audit costs associated with either Single 71835
Audit Schedules or financial statements prepared in conformance 71836
with generally accepted accounting principles for the state shall 71837
be paid from the foregoing appropriation item 042603, Financial 71838
Management. 71839

Costs associated with the audit of the Auditor of State shall 71840
be paid from the foregoing appropriation item 042321, Budget 71841
Development and Implementation. 71842

SHARED SERVICES CENTER 71843

The foregoing appropriation items 042425, Shared Services 71844
Development, and 042620, Shared Services Operating, shall be used 71845
by the Director of Budget and Management to support the Shared 71846
Services program pursuant to division (D) of section 126.21 of the 71847
Revised Code. 71848

The Director of Budget and Management shall include the 71849
recovery of costs to operate the Shared Services program in the 71850
accounting and budgeting services payroll rate and through direct 71851
charges using intrastate transfer vouchers billed to agencies for 71852
services rendered using a methodology determined by the Director 71853
of Budget and Management. Such cost recovery revenues shall be 71854

deposited to the credit of the Accounting and Budgeting Fund (Fund 1050). 71855
71856

INTERNAL AUDIT 71857

The Director of Budget and Management shall include the 71858
recovery of costs to operate the Internal Audit Program pursuant 71859
to section 126.45 of the Revised Code in the accounting and 71860
budgeting services payroll rate and through direct charges using 71861
intrastate transfer vouchers billed to agencies reviewed by the 71862
program using a methodology determined by the Director of Budget 71863
and Management. Such cost recovery revenues shall be deposited to 71864
the credit of Fund 1050. 71865

FORGERY RECOVERY 71866

The foregoing appropriation item 042604, Forgery Recovery, 71867
shall be used to reissue warrants that have been certified as 71868
forgeries by the rightful recipient as determined by the Bureau of 71869
Criminal Identification and Investigation and the Treasurer of 71870
State. Upon receipt of funds to cover the reissuance of the 71871
warrant, the Director of Budget and Management shall reissue a 71872
state warrant of the same amount. Any additional amounts needed to 71873
reissue warrants backed by the receipt of funds are hereby 71874
appropriated. 71875

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 71876

General Revenue Fund 71877

GRF	874100	Personal Services	\$	3,802,439	\$	3,819,502	71878
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GRF	874320	Maintenance and	\$	1,368,765	\$	1,368,765	71879
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Equipment

TOTAL GRF	General Revenue Fund	\$	5,171,204	\$	5,188,267	71880
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Dedicated Purpose Fund Group 71881

2080	874601	Underground Parking	\$	4,245,906	\$	4,245,906	71882
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Garage Operations

4G50 874603	Capitol Square	\$	6,000	\$	6,000	71883
	Education Center and					
	Arts					
TOTAL DPF Dedicated Purpose						71884
Fund Group		\$	4,251,906	\$	4,251,906	71885
Internal Service Activity Fund Group						71886
4S70 874602	Statehouse Gift	\$	800,000	\$	800,000	71887
	Shop/Events					
TOTAL ISA Internal Service Activity						71888
Fund Group		\$	800,000	\$	800,000	71889
TOTAL ALL BUDGET FUND GROUPS						71890
PERSONAL SERVICES						71891
On July 1, 2019, or as soon as possible thereafter, the						71892
Executive Director of the Capitol Square Review and Advisory Board						71893
may certify to the Director of Budget and Management an amount up						71894
to the unexpended, unencumbered balance of the foregoing						71895
appropriation item 874100, Personal Services, at the end of fiscal						71896
year 2019 to be reappropriated to fiscal year 2020. The amount						71897
certified is hereby appropriated to the same appropriation item						71898
for fiscal year 2020.						71899
On July 1, 2020, or as soon as possible thereafter, the						71900
Executive Director of the Capital Square Review and Advisory Board						71901
may certify to the Director of Budget and Management an amount up						71902
to the unexpended, unencumbered balance of the foregoing						71903
appropriation item 874100, Personal Services, at the end of fiscal						71904
year 2020 to be reappropriated to fiscal year 2021. The amount						71905
certified is hereby appropriated to the same appropriation item						71906
for fiscal year 2021.						71907
MAINTENANCE AND EQUIPMENT						71908
On July 1, 2019, or as soon as possible thereafter, the						71909
Executive Director of the Capitol Square Review and Advisory Board						71910

may certify to the Director of Budget and Management an amount up 71911
to the unexpended, unencumbered balance of the foregoing 71912
appropriation item 874320, Maintenance and Equipment, at the end 71913
of fiscal year 2019 to be reappropriated to fiscal year 2020. The 71914
amount certified is hereby appropriated to the same appropriation 71915
item for fiscal year 2020. 71916

On July 1, 2020, or as soon as possible thereafter, the 71917
Executive Director of the Capitol Square Review and Advisory Board 71918
may certify to the Director of Budget and Management an amount up 71919
to the unexpended, unencumbered balance of the foregoing 71920
appropriation item 874320, Maintenance and Equipment, at the end 71921
of fiscal year 2020 to be reappropriated to fiscal year 2021. The 71922
amount certified is hereby appropriated to the same appropriation 71923
item for fiscal year 2021. 71924

UNDERGROUND PARKING GARAGE FUND 71925

Notwithstanding division (G) of section 105.41 of the Revised 71926
Code and any other provision to the contrary, moneys in the 71927
Underground Parking Garage Fund (Fund 2080) may be used for 71928
personnel and operating costs related to the operations of the 71929
Statehouse and the Statehouse Underground Parking Garage. 71930

HOUSE AND SENATE PARKING REIMBURSEMENT 71931

On July 1 of each fiscal year, or as soon as possible 71932
thereafter, the Director of Budget and Management shall transfer 71933
\$500,000 cash from the General Revenue Fund to the Underground 71934
Parking Garage Fund (Fund 2080). The amounts transferred under 71935
this section shall be used to reimburse the Capitol Square Review 71936
and Advisory Board for legislative parking costs. 71937

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 71938
SCHOOLS 71939

Dedicated Purpose Fund Group 71940

4K90 233601 Operating Expenses	\$	540,260	\$	540,260	71941
TOTAL DPF Dedicated Purpose Fund Group	\$	540,260	\$	540,260	71942
TOTAL ALL BUDGET FUND GROUPS	\$	540,260	\$	540,260	71943

Section 235.10. CAC CASINO CONTROL COMMISSION 71945

Dedicated Purpose Fund Group					71946
5HS0 955321 Operating Expenses	\$	13,180,629	\$	13,673,127	71947
5NU0 955601 Casino Commission Enforcement	\$	250,000	\$	250,000	71948
TOTAL DPF Dedicated Purpose Fund Group	\$	13,430,629	\$	13,923,127	71949
TOTAL ALL BUDGET FUND GROUPS	\$	13,430,629	\$	13,923,127	71950

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 71952

Dedicated Purpose Fund Group					71953
4K90 930609 Operating Expenses	\$	651,167	\$	664,212	71954
TOTAL DPF Dedicated Purpose Fund Group	\$	651,167	\$	664,212	71955
TOTAL ALL BUDGET FUND GROUPS	\$	651,167	\$	664,212	71956

Section 239.10. CHR STATE CHIROPRACTIC BOARD 71958

Dedicated Purpose Fund Group					71959
4K90 878609 Operating Expenses	\$	605,251	\$	622,000	71960
TOTAL DPF Dedicated Purpose Fund Group	\$	605,251	\$	622,000	71961
TOTAL ALL BUDGET FUND GROUPS	\$	605,251	\$	622,000	71962

Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION 71964

General Revenue Fund					71965
GRF 876321 Operating Expenses	\$	5,863,161	\$	5,863,161	71966
TOTAL GRF General Revenue Fund	\$	5,863,161	\$	5,863,161	71967

Dedicated Purpose Fund Group				71968
2170 876604 Operations Support	\$	3,000	\$ 3,000	71969
TOTAL DPF Internal Service Activity				71970
Fund Group	\$	3,000	\$ 3,000	71971
Federal Fund Group				71972
3340 876601 Federal Programs	\$	3,555,504	\$ 3,908,497	71973
TOTAL FED Federal Special Revenue				71974
Fund Group	\$	3,555,504	\$ 3,908,497	71975
TOTAL ALL BUDGET FUND GROUPS	\$	9,421,665	\$ 9,774,658	71976

Section 243.10. COM DEPARTMENT OF COMMERCE 71978

Dedicated Purpose Fund Group				71979
4B20 800631 Real Estate Appraisal	\$	35,000	\$ 35,000	71980
Recovery				
4H90 800608 Cemeteries	\$	302,250	\$ 313,466	71981
4X20 800619 Financial Institutions	\$	1,914,631	\$ 1,980,213	71982
5430 800602 Unclaimed	\$	10,452,421	\$ 10,465,295	71983
Funds-Operating				
5430 800625 Unclaimed Funds-Claims	\$	70,000,000	\$ 70,000,000	71984
5440 800612 Banks	\$	10,154,147	\$ 10,688,048	71985
5460 800610 Fire Marshal	\$	20,436,641	\$ 21,090,755	71986
5460 800639 Fire Department Grants	\$	5,200,000	\$ 5,200,000	71987
5470 800603 Real Estate	\$	69,655	\$ 69,655	71988
Education/Research				
5480 800611 Real Estate Recovery	\$	50,000	\$ 50,000	71989
5490 800614 Real Estate	\$	3,876,514	\$ 4,067,513	71990
5500 800617 Securities	\$	6,165,054	\$ 6,363,135	71991
5520 800604 Credit Union	\$	3,719,253	\$ 3,807,712	71992
5530 800607 Consumer Finance	\$	5,465,720	\$ 5,777,988	71993
5560 800615 Industrial Compliance	\$	30,729,000	\$ 30,929,000	71994
5F10 800635 Small Government Fire	\$	300,000	\$ 300,000	71995
Departments				

5FW0	800616	Financial Literacy Education	\$	150,000	\$	150,000	71996
5GK0	800609	Securities Investor Education/Enforcement	\$	678,400	\$	682,150	71997
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	71998
5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$	788,204	\$	788,204	71999
5LN0	800645	Liquor Operating Services	\$	19,540,125	\$	19,705,103	72000
5LP0	800646	Liquor Regulatory Operating Expenses	\$	15,918,941	\$	14,787,281	72001
5SE0	800651	Cemetery Grant Program	\$	100,000	\$	100,000	72002
5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$	50,000	\$	50,000	72003
5SU0	800649	Manufactured Homes Regulation	\$	260,550	\$	270,478	72004
5SY0	800650	Medical Marijuana Control Program	\$	6,435,897	\$	5,121,000	72005
5VC0	800652	Real Estate Home Inspector Operating	\$	490,000	\$	490,000	72006
5VD0	800653	Real Estate Home Inspector Recovery	\$	10,000	\$	10,000	72007
5X60	800623	Video Service	\$	416,732	\$	412,693	72008
6530	800629	UST Registration/Permit Fee	\$	2,316,230	\$	2,301,714	72009
6A40	800630	Real Estate Appraiser-Operating	\$	1,299,071	\$	1,336,056	72010
TOTAL	DPF	Dedicated Purpose					72011
Fund Group			\$	217,351,760	\$	217,369,783	72012
Internal Service Activity Fund Group							72013
1630	800620	Division of Administration	\$	8,558,140	\$	8,364,140	72014

1630 800637	Information Technology	\$	8,601,860	\$	8,985,860	72015
TOTAL ISA Internal Service Activity						72016
Fund Group		\$	17,160,000	\$	17,350,000	72017
Federal Fund Group						72018
3480 800622	Underground Storage	\$	820,675	\$	805,112	72019
Tanks						
3480 800624	Leaking Underground	\$	1,950,000	\$	1,949,887	72020
Storage Tanks						
TOTAL FED Federal Fund Group		\$	2,770,675	\$	2,754,999	72021
TOTAL ALL BUDGET FUND GROUPS		\$	237,282,435	\$	237,474,782	72022

Section 243.20. UNCLAIMED FUNDS PAYMENTS 72024

The foregoing appropriation item 800625, Unclaimed 72025
Funds-Claims, shall be used to pay claims under section 169.08 of 72026
the Revised Code. If it is determined by the Director of Commerce 72027
that additional appropriation amounts are necessary to make such 72028
payments, the Director of Commerce may request that the Director 72029
of Budget and Management increase such amounts. Such increases are 72030
hereby appropriated. 72031

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 72032

The foregoing appropriation item 800631, Real Estate 72033
Appraiser Recovery, shall be used to pay settlements, judgments, 72034
and court orders under section 4763.16 of the Revised Code. If it 72035
is determined by the Director of Commerce that additional 72036
appropriation amounts are necessary to make such payments, the 72037
Director of Commerce may request that the Director of Budget and 72038
Management increase such amounts. Such increases are hereby 72039
appropriated. 72040

The foregoing appropriation item 800611, Real Estate 72041
Recovery, shall be used to pay settlements, judgments, and court 72042
orders under section 4735.12 of the Revised Code. If it is 72043
determined by the Director of Commerce that additional 72044

appropriation amounts are necessary to make such payments, the 72045
Director of Commerce may request that the Director of Budget and 72046
Management increase such amounts. Such increases are hereby 72047
appropriated. 72048

FIRE DEPARTMENT GRANTS 72049

(A) The foregoing appropriation item 800639, Fire Department 72050
Grants, shall be used to make annual grants to the following 72051
eligible recipients: volunteer fire departments, fire departments 72052
that serve one or more small municipalities or small townships, 72053
joint fire districts comprised of fire departments that primarily 72054
serve small municipalities or small townships, local units of 72055
government responsible for such fire departments, and local units 72056
of government responsible for the provision of fire protection 72057
services for small municipalities or small townships. For the 72058
purposes of these grants, a private fire company, as that phrase 72059
is defined in section 9.60 of the Revised Code, that is providing 72060
fire protection services under a contract to a political 72061
subdivision of the state, is an additional eligible recipient for 72062
a training grant. 72063

Eligible recipients that consist of small municipalities or 72064
small townships that all intend to contract with the same fire 72065
department or private fire company for fire protection services 72066
may jointly apply and be considered for a grant. If a joint 72067
applicant is awarded a grant, the State Fire Marshal shall, if 72068
feasible, proportionately award the grant and any equipment 72069
purchased with grant funds to each of the joint applicants based 72070
upon each applicant's contribution to and demonstrated need for 72071
fire protection services. For the purpose of this grant program, 72072
an eligible recipient or any firefighting entity that is 72073
contracted to serve an eligible recipient may only file, be listed 72074
as joint applicant, or be designated as a service provider on one 72075
grant application per fiscal year. 72076

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,000,000 per fiscal year may be used to

pay for the State Fire Marshal's costs of providing firefighter I 72109
certification classes or other firefighter classes approved by the 72110
State Fire Marshal at no cost to selected students attending the 72111
Ohio Fire Academy or other class providers approved by the State 72112
Fire Marshal. The State Fire Marshal may establish the 72113
qualifications and selection processes for students to attend such 72114
classes by written policy, and such students shall be considered 72115
eligible recipients of fire department grants for the purposes of 72116
this portion of the grant program. 72117

(2) Of the foregoing appropriation item 800639, Fire 72118
Department Grants, up to \$3,000,000 in each fiscal year may be 72119
used for MARCS Grants. MARCS Grants may be used for the payment of 72120
user access fees by the eligible recipient to cover costs for 72121
accessing MARCS. 72122

For purposes of this section, a MARCS Grant is a grant for 72123
systems, equipment, or services that are a part of, integrated 72124
into, or otherwise interoperable with the Multi-Agency Radio 72125
Communication System (MARCS) operated by the state. 72126

MARCS Grant awards may be up to \$50,000 in each fiscal year 72127
per eligible recipient. Each eligible recipient may apply, as a 72128
separate entity or as a part of a joint application, for only one 72129
MARCS Grant per fiscal year. The State Fire Marshal may give a 72130
preference to MARCS Grants that will enhance the overall 72131
interoperability and effectiveness of emergency communication 72132
networks in the geographic region that includes and that is 72133
adjacent to the applicant. 72134

Eligible recipients that are or were awarded fire department 72135
grants that are not MARCS Grants may also apply for and receive 72136
MARCS Grants in accordance with criteria for the awarding of grant 72137
funds established by the State Fire Marshal. 72138

(3) Grant awards for firefighting or rescue equipment or gear 72139

or for fire department costs of providing fire protection services 72140
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 72141
fiscal year if an eligible entity serves a jurisdiction in which 72142
the Governor declared a natural disaster during the preceding or 72143
current fiscal year in which the grant was awarded. In addition to 72144
any grant funds awarded for rescue equipment or gear, or for fire 72145
department costs associated with the provision of fire protection 72146
services, an eligible entity may receive a grant for up to \$15,000 72147
per fiscal year for full or partial reimbursement of the 72148
documented costs of firefighter training. For each fiscal year, 72149
the State Fire Marshal shall determine the total amounts to be 72150
allocated for each eligible purpose. 72151

(C) The grants shall be administered by the State Fire 72152
Marshal in accordance with rules the State Fire Marshal adopts as 72153
part of the state fire code adopted pursuant to section 3737.82 of 72154
the Revised Code that are necessary for the administration and 72155
operation of the grant program. The rules may further define the 72156
entities eligible to receive grants and establish criteria for the 72157
awarding and expenditure of grant funds, including methods the 72158
State Fire Marshal may use to verify the proper use of grant funds 72159
or to obtain reimbursement for or the return of equipment for 72160
improperly used grant funds. To the extent consistent with this 72161
section and until the rules are updated, the existing rules in the 72162
state fire code adopted pursuant to section 3737.82 of the Revised 72163
Code for fire department grants under this section apply to MARCS 72164
Grants. Any amounts in appropriation item 800639, Fire Department 72165
Grants, in excess of the amount allocated for these grants may be 72166
used for the administration of the grant program. 72167

INDUSTRIAL COMPLIANCE 72168

Of the foregoing appropriation item 800615, Industrial 72169
Compliance, \$1,200,000 in each fiscal year shall be used for the 72170
Bureau of Wage and Hour Administration within the Division of the 72171

Industrial Compliance. 72172

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 72173
OPERATING FUND 72174

Upon the written request of the Director of Commerce, and 72175
subject to the approval of the Controlling Board, the Director of 72176
Budget and Management may transfer up to \$500,000 in cash from the 72177
Real Estate Education and Research Fund (Fund 5470) to the 72178
Division of Real Estate Operating Fund (Fund 5490) during the 72179
biennium ending June 30, 2021. 72180

If the Real Estate Recovery Fund (Fund 5480) cash balance 72181
exceeds \$250,000 during the biennium ending June 30, 2021, the 72182
Director of Budget and Management, upon the written request of the 72183
Director of Commerce and subject to the approval of the 72184
Controlling Board, may transfer cash from Fund 5480 to the 72185
Division of Real Estate Operating Fund (Fund 5490), such that the 72186
amount available in Fund 5480 is not less than \$250,000. 72187

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 72188

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 72189
balance exceeds \$200,000 during the biennium ending June 30, 2021, 72190
the Director of Budget and Management, upon the written request of 72191
the Director of Commerce and subject to the approval of the 72192
Controlling Board, may transfer cash from Fund 4B20 to the Real 72193
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 72194
available in Fund 4B20 is not less than \$200,000. 72195

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 72196
REVOLVING LOAN FUND 72197

Upon the written request of the Director of Commerce, and 72198
subject to the approval of the Controlling Board, the Director of 72199
Budget and Management may transfer up to \$300,000 in cash from the 72200
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 72201

Department Services Revolving Loan Fund (Fund 5F10) during the 72202
biennium ending June 30, 2021. 72203

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 72204
HOME INSPECTOR RECOVERY FUND 72205

During the biennium beginning July 1, 2019, and ending June 72206
30, 2021, upon written request from the Director of Commerce, and 72207
subject to the approval of the Controlling Board, the Director of 72208
Budget and Management may transfer up to \$500,000 in cash from the 72209
Division of Securities Fund (Fund 5500) as follows: up to \$490,000 72210
in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to 72211
\$10,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 72212
When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 72213
sufficient to sustain operations, the Director of Budget and 72214
Management, in consultation with the Director of Commerce, shall 72215
establish a repayment schedule to fully repay the cash transferred 72216
from Fund 5500 to Fund 5VC0 and Fund 5VD0. 72217

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 72218

Dedicated Purpose Fund Group 72219

5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 72220

TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 72221

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093 72222

Section 247.10. CEB CONTROLLING BOARD 72224

Internal Service Activity Fund Group 72225

5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000 72226

Emergency

Purposes/Contingencies

TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000 72227

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000 72228

Section 247.20. FEDERAL SHARE 72230

In transferring appropriations to or from appropriation items 72231
that have federal shares identified in this act, the Controlling 72232
Board shall add or subtract corresponding amounts of federal 72233
matching funds at the percentages indicated by the state and 72234
federal division of the appropriations in this act. Such changes 72235
are hereby appropriated. 72236

DISASTER SERVICES 72237

The Disaster Services Fund (Fund 5E20) shall be used by the 72238
Controlling Board, pursuant to requests submitted by state 72239
agencies, to transfer cash used for the payment of state agency 72240
disaster relief program expenses for disasters that have a written 72241
Governor's authorization, if the Director of Budget and Management 72242
determines that sufficient funds exist. 72243

Pursuant to requests submitted by the Department of Public 72244
Safety, the Controlling Board may approve cash transfers from Fund 72245
5E20 to any fund used by the Department of Public Safety to 72246
provide for assistance to political subdivisions made necessary by 72247
natural disasters or emergencies. These cash transfers may be 72248
requested and approved prior to the occurrence of any specific 72249
natural disasters or emergencies in order to facilitate the 72250
provision of timely assistance. The Emergency Management Agency of 72251
the Department of Public Safety shall use the cash to fund the 72252
State Disaster Relief Program for disasters that qualify for the 72253
program by written authorization of the Governor, and the State 72254
Individual Assistance Program for disasters that been declared by 72255
the federal Small Business Administration and that qualify for the 72256
program by written authorization from the Governor. The Ohio 72257
Emergency Management Agency shall publish and make available 72258
application packets outlining procedures for the State Disaster 72259
Relief Program and the State Individual Assistance Program. 72260

Section 249.10. COS COSMETOLOGY AND BARBER BOARD				72261
Dedicated Purpose Fund Group				72262
4K90 879609 Operating Expenses	\$	5,425,748	\$ 5,716,944	72263
TOTAL DPF Dedicated Purpose Fund Group	\$	5,425,748	\$ 5,716,944	72264
TOTAL ALL BUDGET FUND GROUPS	\$	5,425,748	\$ 5,716,944	72265
Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD				72267
Dedicated Purpose Fund Group				72269
4K90 899609 Operating Expenses	\$	1,739,538	\$ 1,854,848	72270
TOTAL DPF Dedicated Purpose Fund Group	\$	1,739,538	\$ 1,854,848	72271
TOTAL ALL BUDGET FUND GROUPS	\$	1,739,538	\$ 1,854,848	72272
Section 253.10. CLA COURT OF CLAIMS				72274
General Revenue Fund				72275
GRF 015321 Operating Expenses	\$	2,669,835	\$ 2,692,946	72276
GRF 015403 Public Records	\$	879,776	\$ 886,527	72277
Adjudication				
TOTAL GRF General Revenue Fund	\$	3,549,611	\$ 3,579,473	72278
Dedicated Purpose Fund Group				72279
5K20 015603 CLA Victims of Crime	\$	529,928	\$ 533,532	72280
5TE0 015604 Public Records	\$	8,000	\$ 8,000	72281
TOTAL DPF Dedicated Purpose Fund Group	\$	537,928	\$ 541,532	72282
TOTAL ALL BUDGET FUND GROUPS	\$	4,087,539	\$ 4,121,005	72283
Section 255.10. DEN STATE DENTAL BOARD				72285
Dedicated Purpose Fund Group				72286
4K90 880609 Operating Expenses	\$	2,000,804	\$ 2,124,251	72287

TOTAL DPF Dedicated Purpose Fund Group	\$	2,000,804	\$	2,124,251	72288
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TOTAL ALL BUDGET FUND GROUPS	\$	2,000,804	\$	2,124,251	72289
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Section 257.10. BDP BOARD OF DEPOSIT	72291
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Dedicated Purpose Fund Group	72292
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4M20 974601 Board of Deposit	\$	1,876,000	\$	1,876,000	72293
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TOTAL DPF Dedicated Purpose Fund Group	\$	1,876,000	\$	1,876,000	72294
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TOTAL ALL BUDGET FUND GROUPS	\$	1,876,000	\$	1,876,000	72295
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BOARD OF DEPOSIT EXPENSE FUND	72296
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Upon receiving certification of expenses from the Treasurer	72297
of State, the Director of Budget and Management shall transfer	72298
cash from the Investment Earnings Redistribution Fund (Fund 6080)	72299
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund	72300
shall be used pursuant to section 135.02 of the Revised Code to	72301
pay for any and all necessary expenses of the Board of Deposit or	72302
for banking charges and fees required for the operation of the	72303
State of Ohio Regular Account.	72304

Section 259.10. DEV DEVELOPMENT SERVICES AGENCY	72305
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General Revenue Fund	72306
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GRF 195402 Coal Research and Development Program	\$	227,368	\$	227,368	72307
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GRF 195405 Minority Business Development	\$	1,696,358	\$	1,696,358	72308
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GRF 195415 Business Development Services	\$	2,102,021	\$	2,149,281	72309
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GRF 195426 Redevelopment Assistance	\$	1,067,000	\$	1,067,000	72310
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GRF 195453 Technology Programs and Grants	\$	2,040,056	\$	2,096,400	72311
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GRF	195454	Small Business and Export Assistance	\$	3,057,174	\$	3,057,174	72312
GRF	195455	Appalachia Assistance	\$	10,991,465	\$	11,000,000	72313
GRF	195497	CDBG Operating Match	\$	1,092,138	\$	1,125,000	72314
GRF	195499	BSD Federal Programs Match	\$	13,148,022	\$	12,976,894	72315
GRF	195501	iBELIEVE	\$	200,000	\$	200,000	72316
GRF	195503	Local Development Projects	\$	1,015,000	\$	0	72317
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	8,123,100	\$	7,682,600	72318
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	84,181,400	\$	87,403,000	72319
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	15,516,000	\$	9,879,900	72320
TOTAL GRF		General Revenue Fund	\$	144,457,102	\$	140,560,975	72321
		Dedicated Purpose Fund Group					72322
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	72323
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000	72324
4F20	195639	State Special Projects	\$	102,104	\$	102,104	72325
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	72326
4W10	195646	Minority Business	\$	4,000,000	\$	4,000,000	72327

		Enterprise Loan				
5JR0	195635	Tax Incentives	\$	800,000	\$	800,000 72328
		Operating				
5KP0	195645	Historic	\$	1,000,000	\$	1,000,000 72329
		Rehabilitation				
		Operating				
5M40	195659	Low Income Energy	\$	349,944,742	\$	350,000,000 72330
		Assistance (USF)				
5M50	195660	Advanced Energy Loan	\$	10,000,000	\$	10,000,000 72331
		Programs				
5MH0	195644	SiteOhio	\$	2,500	\$	2,500 72332
		Administration				
5MJ0	195683	TourismOhio	\$	10,000,000	\$	10,000,000 72333
		Administration				
5UL0	195627	Brownfields Revolving	\$	2,500,000	\$	2,500,000 72334
		Loan Program				
5W60	195691	International Trade	\$	18,000	\$	18,000 72335
		Cooperative Projects				
6170	195654	Volume Cap	\$	32,562	\$	32,562 72336
		Administration				
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000 72337
		Income Housing				
		Programs				
M087	195435	Biomedical Research	\$	500,000	\$	500,000 72338
		and Technology				
		Transfer				
TOTAL	DPF	Dedicated Purpose Fund	\$	436,474,813	\$	436,530,071 72339
		Group				
		Internal Service Activity Fund Group				72340
1350	195684	Development Services	\$	11,686,861	\$	12,000,000 72341
		Operations				
6850	195636	Development Services	\$	125,000	\$	125,000 72342
		Reimbursable				

Expenditures					
TOTAL ISA Internal Service Activity	\$	11,811,861	\$	12,125,000	72343
Fund Group					
Facilities Establishment Fund Group					72344
4Z60 195647 Rural Industrial Park	\$	10,000,000	\$	0	72345
Loan					
5S90 195628 Capital Access Loan	\$	2,500,000	\$	2,500,000	72346
Program					
7009 195664 Innovation Ohio	\$	5,000,000	\$	5,000,000	72347
7010 195665 Research and	\$	5,000,000	\$	5,000,000	72348
Development					
7037 195615 Facilities	\$	25,000,000	\$	25,000,000	72349
Establishment					
TOTAL FCE Facilities Establishment	\$	47,500,000	\$	37,500,000	72350
Fund Group					
Bond Research and Development Fund Group					72351
7011 195686 Third Frontier Tax	\$	750,000	\$	750,000	72352
Exempt - Operating					
7011 195687 Third Frontier	\$	21,000,000	\$	21,000,000	72353
Research and					
Development Projects					
7014 195620 Third Frontier	\$	1,710,000	\$	1,710,000	72354
Taxable - Operating					
7014 195692 Research and	\$	90,850,250	\$	90,850,250	72355
Development Taxable					
Bond Projects					
TOTAL BRD Bond Research and	\$	114,310,250	\$	114,310,250	72356
Development Fund Group					
Federal Fund Group					72357
3080 195603 Housing Assistance	\$	12,000,000	\$	12,000,000	72358
Programs					
3080 195609 Small Business	\$	5,271,381	\$	5,271,381	72359

		Administration Grants				
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000 72360
3080	195670	Home Weatherization	\$	20,000,000	\$	20,000,000 72361
		Program				
3080	195671	Brownfield	\$	2,000,000	\$	2,000,000 72362
		Redevelopment				
3080	195672	Manufacturing	\$	6,300,000	\$	6,300,000 72363
		Extension Partnership				
3080	195675	Procurement Technical	\$	750,000	\$	750,000 72364
		Assistance				
3080	195696	State Trade and	\$	1,000,000	\$	1,000,000 72365
		Export Promotion				
3350	195610	Energy Programs	\$	345,382	\$	350,000 72366
3AE0	195643	Workforce Development	\$	800,000	\$	800,000 72367
		Initiatives				
3FJ0	195626	Small Business	\$	7,996,645	\$	8,000,000 72368
		Capital Access and				
		Collateral				
		Enhancement Program				
3FJ0	195661	Technology Targeted	\$	2,260,953	\$	2,260,953 72369
		Investment Program				
3K80	195613	Community Development	\$	60,000,000	\$	60,000,000 72370
		Block Grant				
3K90	195611	Home Energy	\$	164,914,571	\$	165,000,000 72371
		Assistance Block				
		Grant				
3K90	195614	HEAP Weatherization	\$	34,989,189	\$	35,000,000 72372
3L00	195612	Community Services	\$	28,000,000	\$	28,000,000 72373
		Block Grant				
3V10	195601	HOME Program	\$	34,979,280	\$	35,000,000 72374
TOTAL FED	Federal Fund Group		\$	385,607,401	\$	385,732,334 72375
TOTAL ALL BUDGET FUND GROUPS			\$	1,140,161,427	\$	1,126,758,630 72376

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 72378

The foregoing appropriation item 195402, Coal Research and 72379
Development Program, shall be used for the operating expenses of 72380
the Community Services Division in support of the Ohio Coal 72381
Development Office. 72382

MINORITY BUSINESS DEVELOPMENT 72383

The foregoing appropriation item 195405, Minority Business 72384
Development, shall be used to support the activities of the 72385
Minority Business Development Division, including providing grants 72386
to local nonprofit organizations to support economic development 72387
activities that promote minority business development, in 72388
conjunction with local organizations funded through appropriation 72389
item 195454, Small Business and Export Assistance. 72390

BUSINESS DEVELOPMENT SERVICES 72391

The foregoing appropriation item 195415, Business Development 72392
Services, shall be used for the operating expenses of the Office 72393
of Strategic Business Investments and the regional economic 72394
development offices. 72395

REDEVELOPMENT ASSISTANCE 72396

The foregoing appropriation item 195426, Redevelopment 72397
Assistance, shall be used to fund the costs of administering the 72398
energy, redevelopment, and other revitalization programs that may 72399
be implemented by the Development Services Agency, and may be used 72400
to match federal grant funding. 72401

TECHNOLOGY PROGRAMS AND GRANTS 72402

Of the foregoing appropriation item 195453, Technology 72403
Programs and Grants, \$1,843,656 in fiscal year 2020 and \$1,900,000 72404
in fiscal year 2021 shall be used for operating expenses incurred 72405
in administering the Ohio Third Frontier Programs and other 72406
technology focused programs that may be implemented by the 72407

Development Services Agency. 72408

Of the foregoing appropriation item 195453, Technology 72409
Programs and Grants, \$196,400 in each fiscal year shall be 72410
allocated to the Edison Welding Institute, Inc., to support the 72411
Aerospace Maintenance Repair and Overhaul - Center of Excellence 72412
Project. 72413

SMALL BUSINESS AND EXPORT ASSISTANCE 72414

The foregoing appropriation item 195454, Small Business and 72415
Export Assistance, may be used to provide a range of business 72416
assistance, including grants to local organizations to support 72417
economic development activities that promote small business 72418
development, entrepreneurship, and exports of Ohio's goods and 72419
services, in conjunction with local organizations funded through 72420
appropriation item 195405, Minority Business Development. The 72421
foregoing appropriation item shall also be used as matching funds 72422
for grants from the United States Small Business Administration 72423
and other federal agencies, pursuant to Pub. L. No. 96-302 as 72424
amended by Pub. L. No. 98-395, and regulations and policy 72425
guidelines for the programs pursuant thereto. 72426

APPALACHIA ASSISTANCE 72427

The foregoing GRF appropriation item 195455, Appalachia 72428
Assistance, may be used for the administrative costs of planning 72429
and liaison activities for the Governor's Office of Appalachia, to 72430
provide financial assistance to projects in Ohio's Appalachian 72431
counties, to support four local development districts, and to pay 72432
dues for the Appalachian Regional Commission. These funds may be 72433
used to match federal funds from the Appalachian Regional 72434
Commission. Programs funded through the foregoing appropriation 72435
item 195455, Appalachia Assistance, shall be identified and 72436
recommended by the local development districts and approved by the 72437
Governor's Office of Appalachia. The Development Services Agency 72438

shall conduct compliance and regulatory review of the programs 72439
recommended by the local development districts. Moneys allocated 72440
under the foregoing appropriation item 195455, Appalachia 72441
Assistance, may be used to fund projects including, but not 72442
limited to, those designated by the local development districts as 72443
community investment and rapid response projects. 72444

Of the foregoing appropriation item 195455, Appalachia 72445
Assistance, in each fiscal year, \$170,000 shall be allocated to 72446
the Ohio Valley Regional Development Commission, \$170,000 shall be 72447
allocated to the Ohio Mid-Eastern Government Association, \$170,000 72448
shall be allocated to the Buckeye Hills-Hocking Valley Regional 72449
Development District, and \$70,000 shall be allocated to the 72450
Eastgate Regional Council of Governments. Local development 72451
districts receiving funding under this section shall use the funds 72452
for the implementation and administration of programs and duties 72453
under section 107.21 of the Revised Code. 72454

Of the foregoing appropriation item 195455, Appalachia 72455
Assistance, up to \$4,000,000 in each fiscal year shall be 72456
allocated to the GRIT Project for operational costs and to provide 72457
virtual job training, virtual job centers, and related training 72458
and services consistent with the mission of the GRIT Project for 72459
high school students and adults residing in Adams, Brown, 72460
Highland, Pike, or Scioto counties. 72461

CDBG OPERATING MATCH 72462

The foregoing appropriation item 195497, CDBG Operating 72463
Match, shall be used as matching funds for grants from the United 72464
States Department of Housing and Urban Development pursuant to the 72465
Housing and Community Development Act of 1974 and regulations and 72466
policy guidelines for the programs pursuant thereto. 72467

BSD FEDERAL PROGRAMS MATCH 72468

The foregoing appropriation item 195499, BSD Federal Programs 72469

Match, shall be used as matching funds for grants from the U.S. 72470
Department of Commerce, National Institute of Standards and 72471
Technology (NIST) Manufacturing Extension Partnership Program and 72472
Defense Logistics Agency Procurement Technical Assistance Program, 72473
and other federal agencies, pursuant to Pub. L. No. 96-302 as 72474
amended by Pub. L. No. 98-395, and regulations and policy 72475
guidelines for the programs pursuant thereto. The foregoing 72476
appropriation item 195499, BSD Federal Programs Match, shall also 72477
be used for operating expenses of the Business Services Division. 72478

iBELIEVE 72479

The foregoing appropriation item 195501, iBELIEVE, shall be 72480
allocated to the iBELIEVE Foundation to provide opportunities for 72481
Appalachian youth to develop twenty-first century skills, 72482
including leadership, communication, and problem-solving for 72483
college access and retention. 72484

LOCAL DEVELOPMENT PROJECTS 72485

Of the foregoing appropriation item 195503, Local Development 72486
Projects, \$1,000,000 shall be used in fiscal year 2020 to provide 72487
matching funding for the National Center for Defense Manufacturing 72488
and Machining in partnership with either the U.S. Department of 72489
Defense or the U.S. Department of Energy to further economic 72490
opportunity at America Makes, the National Additive Manufacturing 72491
Innovation Institute. 72492

Of the foregoing appropriation item 195503, Local Development 72493
Projects, \$15,000 shall be allocated in fiscal year 2020, to the 72494
Jewish Foundation of Cincinnati to support workforce development 72495
costs involved with assisting in employment services for the 72496
financially indigent. 72497

On July 1, 2020, or as soon as possible thereafter, the 72498
Director of Development Services shall certify to the Director of 72499
Budget and Management the amount of the unexpended, unencumbered 72500

balance of appropriation item 195503, Local Development Projects, 72501
to be reappropriated in fiscal year 2021. The amount certified is 72502
hereby reappropriated to the appropriation item in fiscal year 72503
2021 for the same purpose. 72504

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL 72505
OBLIGATION BOND DEBT SERVICE 72506

The foregoing appropriation line item 195901, Coal Research 72507
and Development General Obligation Bond Debt Service, shall be 72508
used to pay all debt service and related financing costs during 72509
the period July 1, 2019, through June 30, 2021, on obligations 72510
issued under sections 151.01 and 151.07 of the Revised Code. 72511

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 72512
BOND DEBT SERVICE 72513

The foregoing appropriation item 195905, Third Frontier 72514
Research and Development General Obligation Bond Debt Service, 72515
shall be used to pay all debt service and related financing costs 72516
during the period from July 1, 2019, through June 30, 2021, on 72517
obligations issued under sections 151.01 and 151.10 of the Revised 72518
Code. 72519

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 72520
SERVICE 72521

The foregoing appropriation item 195912, Job Ready Site 72522
Development General Obligation Bond Debt Service, shall be used to 72523
pay all debt service and related financing costs during the period 72524
from July 1, 2019, through June 30, 2021, on obligations issued 72525
under sections 151.01 and 151.11 of the Revised Code. 72526

Section 259.30. MINORITY BUSINESS BONDING FUND 72527

Notwithstanding Chapters 122., 169., and 175. of the Revised 72528
Code, the Director of Development Services may, upon the 72529

recommendation of the Minority Development Financing Advisory 72530
Board, pledge up to \$10,000,000 in the FY 2020-FY 2021 biennium of 72531
unclaimed funds administered by the Director of Commerce and 72532
allocated to the Minority Business Bonding Program under section 72533
169.05 of the Revised Code. 72534

If needed for the payment of losses arising from the Minority 72535
Business Bonding Program, the Director of Budget and Management 72536
may, at the request of the Director of Development Services, 72537
request that the Director of Commerce transfer unclaimed funds 72538
that have been reported by holders of unclaimed funds under 72539
section 169.05 of the Revised Code to the Minority Bonding Fund 72540
(Fund 4490). The transfer of unclaimed funds shall only occur 72541
after proceeds of the initial transfer of \$2,700,000 by the 72542
Controlling Board to the Minority Business Bonding Program have 72543
been used for that purpose. If expenditures are required for 72544
payment of losses arising from the Minority Business Bonding 72545
Program, such expenditures shall be made from appropriation item 72546
195658, Minority Business Bonding Contingency in the Minority 72547
Business Bonding Fund, and such amounts are hereby appropriated. 72548

BUSINESS ASSISTANCE PROGRAMS 72549

The foregoing appropriation item 195649, Business Assistance 72550
Programs, shall be used for administrative expenses associated 72551
with the operation of loan incentives within the Office of 72552
Strategic Business Investments. 72553

STATE SPECIAL PROJECTS 72554

The State Special Projects Fund (Fund 4F20), may be used for 72555
the deposit of private-sector funds from utility companies and for 72556
the deposit of other miscellaneous state funds. State moneys so 72557
deposited may also be used to match federal funding and to support 72558
programs of the Community Service Division. 72559

MINORITY BUSINESS ENTERPRISE LOAN 72560

The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

ADVANCED ENERGY LOAN PROGRAMS 72568

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development Services.

VOLUME CAP ADMINISTRATION 72578

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

Section 259.40. DEVELOPMENT SERVICES OPERATIONS 72585

The Director of Development Services may assess offices of the agency for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an

intrastate transfer voucher.	72591
DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES	72592
The foregoing appropriation item 195636, Development Services	72593
Reimbursable Expenditures, shall be used for reimbursable costs	72594
incurred by the agency. Revenues to the General Reimbursement Fund	72595
(Fund 6850) shall consist of moneys charged for administrative	72596
costs that are not central service costs and repayments of loans,	72597
including the interest thereon, made from the Water and Sewer Fund	72598
(Fund 4440).	72599
Section 259.50. CAPITAL ACCESS LOAN PROGRAM	72600
The foregoing appropriation item 195628, Capital Access Loan	72601
Program, shall be used for operating, program, and administrative	72602
expenses of the program. Funds of the Capital Access Loan Program	72603
shall be used to assist participating financial institutions in	72604
making program loans to eligible businesses that face barriers in	72605
accessing working capital and obtaining fixed-asset financing.	72606
Loans financed with assistance under the Capital Access Loan	72607
Program are subject to Controlling Board approval.	72608
The Director of Budget and Management may transfer an amount	72609
not to exceed \$1,000,000 cash in each fiscal year from the	72610
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital	72611
Access Loan Fund (Fund 5S90). This transfer is subject to	72612
Controlling Board approval.	72613
INNOVATION OHIO	72614
The foregoing appropriation item 195664, Innovation Ohio,	72615
shall be used to provide for Innovation Ohio purposes, including	72616
loan guarantees and loans under Chapter 166. and particularly	72617
sections 166.12 to 166.16 of the Revised Code.	72618
RESEARCH AND DEVELOPMENT	72619
The foregoing appropriation item 195665, Research and	72620

Development, shall be used to provide for research and development 72621
purposes, including loans, under Chapter 166. and particularly 72622
sections 166.17 to 166.21 of the Revised Code. 72623

FACILITIES ESTABLISHMENT 72624

The foregoing appropriation item 195615, Facilities 72625
Establishment, shall be used for the purposes of the Facilities 72626
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 72627
Code. 72628

OSU NON-OPIATE, NON-ADDICTIVE PHARMACEUTICAL TREATMENT 72629

Of the foregoing appropriation item 195615, Facilities 72630
Establishment, up to \$5,200,000 in fiscal year 2020 shall be used 72631
to offer a loan to The Ohio State University for the development 72632
and clinical evaluation of a non-opiate, non-addictive 72633
pharmaceutical treatment intervention's efficacy to reduce a 72634
physician's reliance upon and limit a patient's initial exposure 72635
to opioids, provided that the loan is structured so that meeting 72636
benchmarks allows future forgiveness of the loan. 72637

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 72638

Notwithstanding Chapter 166. of the Revised Code, on July 1, 72639
2019, or as soon as possible thereafter, the Director of Budget 72640
and Management shall transfer \$10,000,000 cash from the Facilities 72641
Establishment Fund (Fund 7037) to the Rural Industrial Park Loan 72642
Fund (Fund 4Z60). The transfer is subject to Controlling Board 72643
approval under section 166.03 of the Revised Code. 72644

Notwithstanding Chapter 166. of the Revised Code, an amount 72645
not to exceed \$3,500,000 in cash in each fiscal year may be 72646
transferred from the Facilities Establishment Fund (Fund 7037) to 72647
the Business Assistance Fund (Fund 4510). The transfer is subject 72648
to Controlling Board approval under division (B) of section 166.03 72649
of the Revised Code. 72650

Notwithstanding Chapter 166. of the Revised Code, the 72651
Director of Budget and Management may transfer an amount not to 72652
exceed \$2,000,000 in cash in each fiscal year from the Facilities 72653
Establishment Fund (Fund 7037) to the Minority Business Enterprise 72654
Loan Fund (Fund 4W10). This transfer is subject to Controlling 72655
Board approval. 72656

Notwithstanding Chapter 166. of the Revised Code, the 72657
Director of Budget and Management may transfer an amount not to 72658
exceed \$2,000,000 in cash in each fiscal year from the Facilities 72659
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 72660
(Fund 5S90). This transfer is subject to Controlling Board 72661
approval. 72662

Section 259.60. THIRD FRONTIER OPERATING COSTS 72663

The foregoing appropriation items 195686, Third Frontier Tax 72664
Exempt - Operating, and 195620, Third Frontier Taxable - 72665
Operating, shall be used for operating expenses incurred by the 72666
Development Services Agency in administering projects pursuant to 72667
sections 184.10 to 184.20 of the Revised Code. Operating expenses 72668
paid from appropriation item 195686 shall be limited to the 72669
administration of projects funded from the Third Frontier Research 72670
& Development Fund (Fund 7011) and operating expenses paid from 72671
appropriation item 195620 shall be limited to the administration 72672
of projects funded from the Third Frontier Research & Development 72673
Taxable Bond Project Fund (Fund 7014). 72674

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 72675
PROJECTS 72676

The foregoing appropriation items 195687, Third Frontier 72677
Research & Development Projects, and 195692, Research & 72678
Development Taxable Bond Projects, shall be used by the 72679
Development Services Agency to fund selected projects which may 72680
include internship programs. Eligible costs are those costs of 72681

research and development projects to which the proceeds of the 72682
Third Frontier Research & Development Fund (Fund 7011) and the 72683
Research & Development Taxable Bond Project Fund (Fund 7014) are 72684
to be applied. 72685

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 72686

The Director of Budget and Management may approve written 72687
requests from the Director of Development Services for the 72688
transfer of appropriations between appropriation items 195687, 72689
Third Frontier Research & Development Projects, and 195692, 72690
Research & Development Taxable Bond Projects, based upon awards 72691
recommended by the Third Frontier Commission. 72692

In fiscal year 2021, the Director of Development Services may 72693
request that the Director of Budget and Management reappropriate 72694
any unexpended, unencumbered balances of the prior fiscal year's 72695
appropriation to the foregoing appropriation items 195687, Third 72696
Frontier Research & Development Projects, and 195692, Research & 72697
Development Taxable Bond Projects, for fiscal year 2021. The 72698
Director of Budget and Management may request additional 72699
information necessary for evaluating these requests, and the 72700
Director of Development Services shall provide the requested 72701
information to the Director of Budget and Management. Based on the 72702
information provided by the Director of Development Services, the 72703
Director of Budget and Management shall determine the amounts to 72704
be reappropriated, and those amounts are hereby reappropriated for 72705
fiscal year 2021. 72706

Section 259.70. HEAP WEATHERIZATION 72707

Up to twenty per cent of the federal funds deposited to the 72708
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 72709
may be expended from appropriation item 195614, HEAP 72710
Weatherization, to provide home weatherization services in the 72711
state as determined by the Director of Development Services. 72712

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES					72713
General Revenue Fund					72714
GRF	320411	Special Olympics	\$	100,000	\$ 100,000 72715
GRF	320412	Protective Services	\$	2,381,923	\$ 2,381,923 72716
GRF	320415	Developmental	\$	19,695,400	\$ 20,369,000 72717
Disabilities					
Facilities Lease					
Rental Bond Payments					
GRF	322420	Screening and Early	\$	300,000	\$ 300,000 72718
Identification					
GRF	322421	Part C Early	\$	23,236,369	\$ 23,302,224 72719
Intervention					
GRF	322422	Multi System Youth	\$	1,000,000	\$ 1,000,000 72720
GRF	322451	Family Support	\$	5,843,767	\$ 5,843,767 72721
Services					
GRF	322502	Community Program	\$	25,000	\$ 25,000 72722
Support					
GRF	322508	Employment First	\$	2,747,327	\$ 2,730,015 72723
Initiative					
GRF	322509	Community Supports &	\$	727,500	\$ 727,500 72724
Rental Assistance					
GRF	653321	Medicaid Program	\$	7,076,877	\$ 7,078,860 72725
Support - State					
GRF	653407	Medicaid Services	\$	675,624,643	\$ 687,129,117 72726
TOTAL GRF General Revenue Fund					\$ 738,758,806 \$ 750,987,406 72727
Dedicated Purpose Fund Group					72728
2210	322620	Supplement Service	\$	500,000	\$ 500,000 72729
Trust					
4890	653632	Developmental Centers	\$	7,000,000	\$ 7,000,000 72730
Direct Care Services					
5DK0	322629	Capital Replacement	\$	750,000	\$ 750,000 72731

		Facilities				
5EV0	653627	Medicaid Program	\$	1,750,000	\$	1,750,000 72732
		Support				
5GE0	320606	Central Office	\$	18,501,132	\$	20,501,132 72733
		Operating Expenses				
5GE0	653606	ICF/IID and Waiver	\$	42,000,000	\$	56,000,000 72734
		Match				
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000 72735
5QM0	320607	System Transformation	\$	250,000	\$	100,000 72736
		Supports				
5S20	653622	Medicaid	\$	25,220,326	\$	27,237,952 72737
		Administration &				
		Oversight				
5Z10	653624	County Board Waiver	\$	362,680,330	\$	426,668,369 72738
		Match				
TOTAL DPF	Dedicated Purpose Fund		\$	459,551,788	\$	541,407,453 72739
	Group					
		Internal Service Activity Fund Group				72740
1520	653609	DC and Residential	\$	8,719,347	\$	9,000,000 72741
		Facilities Operating				
		Services				
TOTAL ISA	Internal Service Activity		\$	8,719,347	\$	9,000,000 72742
	Fund Group					
		Federal Fund Group				72743
3250	322612	Community Social	\$	26,997,635	\$	26,997,635 72744
		Service Programs				
3A40	653654	Medicaid Services	\$	2,020,594,342	\$	2,127,985,049 72745
3A40	653655	Medicaid Support	\$	66,915,330	\$	69,657,028 72746
3A50	320613	Developmental	\$	3,200,000	\$	3,200,000 72747
		Disabilities Council				
TOTAL FED	Federal Fund Group		\$	2,117,707,307	\$	2,227,839,712 72748
TOTAL ALL BUDGET	FUND GROUPS		\$	3,324,737,248	\$	3,529,234,571 72749

Section 261.15. SPECIAL OLYMPICS 72751

The foregoing appropriation item 320411, Special Olympics, 72752
shall be distributed to the Special Olympics of Ohio. 72753

Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES 72754
LEASE-RENTAL BOND PAYMENTS 72755

The foregoing appropriation item 320415, Developmental 72756
Disabilities Facilities Lease Rental Bond Payments, shall be used 72757
to meet all payments during the period from July 1, 2019, through 72758
June 30, 2021, by the Department of Developmental Disabilities 72759
pursuant to leases and agreements made under section 154.20 of the 72760
Revised Code. These appropriations are the source of funds pledged 72761
for bond service charges on related obligations issued under 72762
Chapter 154. of the Revised Code. 72763

Section 261.30. SCREENING AND EARLY IDENTIFICATION 72764

At the discretion of the Director of Developmental 72765
Disabilities, the foregoing appropriation item 322420, Screening 72766
and Early Identification, shall be used for professional and 72767
program development related to early identification/screening and 72768
intervention for children with autism and other complex 72769
developmental disabilities and their families. 72770

Section 261.35. PART C EARLY INTERVENTION 72771

Of the foregoing appropriation item 322421, Part C Early 72772
Intervention, \$750,000 in each fiscal year shall be used to 72773
contract with the Cleveland Sight Center, the Cincinnati 72774
Association for the Blind and Visually Impaired, and the Sight 72775
Center of Northwest Ohio to provide early intervention services 72776
and family support to children under the age of three years old 72777
with blindness or low vision. 72778

Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY 72779

The foregoing appropriation item 322451, Family Support 72780
Services, may be used as follows in fiscal year 2020 and fiscal 72781
year 2021: 72782

(A) The appropriation item may be used to provide a subsidy 72783
to county boards of developmental disabilities for family support 72784
services provided under section 5126.11 of the Revised Code. The 72785
subsidy shall be paid in quarterly installments and allocated to 72786
county boards according to a formula the Director of Developmental 72787
Disabilities shall develop in consultation with representatives of 72788
county boards. A county board shall use not more than seven per 72789
cent of its subsidy for administrative costs. 72790

(B) The appropriation item may be used to distribute funds to 72791
county boards for the purpose of addressing economic hardships and 72792
to promote efficiency of operations. In consultation with 72793
representatives of county boards, the Director shall determine the 72794
amount of funds to distribute for these purposes and the criteria 72795
for distributing the funds. 72796

Section 261.60. EMPLOYMENT FIRST INITIATIVE 72797

The foregoing appropriation item 322508, Employment First 72798
Initiative, shall be used to increase employment opportunities for 72799
individuals with developmental disabilities through the Employment 72800
First Initiative in accordance with section 5123.022 of the 72801
Revised Code. 72802

Of the foregoing appropriation item, 322508, Employment First 72803
Initiative, the Director of Developmental Disabilities shall 72804
transfer, in each fiscal year, to the Opportunities for Ohioans 72805
with Disabilities Agency an amount agreed upon by the Director of 72806
Developmental Disabilities and the Executive Director of the 72807
Opportunities for Ohioans with Disabilities Agency. The transfer 72808

shall be made via an intrastate transfer voucher. The transferred 72809
funds shall be used to support the Employment First Initiative. 72810
The Opportunities for Ohioans with Disabilities Agency shall use 72811
the funds transferred as state matching funds to obtain available 72812
federal grant dollars for vocational rehabilitation services. Any 72813
federal match dollars received by the Opportunities for Ohioans 72814
with Disabilities Agency shall be used for the initiative. The 72815
Director of Developmental Disabilities and the Executive Director 72816
of the Opportunities for Ohioans with Disabilities Agency shall 72817
enter into an interagency agreement in accordance with section 72818
3304.181 of the Revised Code that will specify the 72819
responsibilities of each agency under the initiative. Under the 72820
interagency agreement, the Opportunities for Ohioans with 72821
Disabilities Agency shall retain responsibility for eligibility 72822
determination, order of selection, plan approval, plan amendment, 72823
and release of vendor payments. 72824

The remainder of appropriation item 322508, Employment First 72825
Initiative, shall be used to develop a long-term, sustainable 72826
system that places individuals with developmental disabilities in 72827
community employment, as defined in section 5123.022 of the 72828
Revised Code. 72829

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 72830

The foregoing appropriation item 322509, Community Supports 72831
and Rental Assistance, may be used by the Director of 72832
Developmental Disabilities to provide funding to county boards of 72833
developmental disabilities for rental assistance to individuals 72834
with developmental disabilities receiving home and community-based 72835
services as defined in section 5123.01 of the Revised Code 72836
pursuant to section 5124.60 of the Revised Code or section 5124.69 72837
of the Revised Code and individuals with developmental 72838
disabilities who enroll in a Medicaid waiver component providing 72839

home and community-based services after receiving preadmission 72840
counseling pursuant to section 5124.68 of the Revised Code. The 72841
Director shall establish the methodology for determining the 72842
amount and distribution of such funding. 72843

Section 261.75. COMMUNITY PROGRAM SUPPORT 72844

The foregoing appropriation item 322502, Community Program 72845
Support, shall be distributed to the Halom House, Inc. 72846

Section 261.80. MEDICAID SERVICES 72847

(A) As used in this section: 72848

(1) "Home and community-based services" has the same meaning 72849
as in section 5123.01 of the Revised Code. 72850

(2) "ICF/IID services" has the same meaning as in section 72851
5124.01 of the Revised Code. 72852

(B) Except as provided in section 5123.0416 of the Revised 72853
Code, the purposes for which the foregoing appropriation item 72854
653407, Medicaid Services, shall be used include the following: 72855

(1) Home and community-based services; 72856

(2) Implementation of the requirements of the agreement 72857
settling the consent decree in Sermak v. Manuel, Case No. 72858
C-2-80-220, United States District Court for the Southern District 72859
of Ohio, Eastern Division; 72860

(3) Implementation of the requirements of the agreement 72861
settling the consent decree in the Martin v. Strickland, Case No. 72862
89-CV-00362, United States District Court for the Southern 72863
District of Ohio, Eastern Division; 72864

(4) ICF/IID services; and 72865

(5) Other programs as identified by the Director of 72866
Developmental Disabilities. 72867

Section 261.90. OPERATING AND SERVICES 72868

Of the foregoing appropriation item 320606, Operating and 72869
Services, \$100,000 in each fiscal year shall be provided to the 72870
Ohio Center for Autism and Low Incidence to establish a lifespan 72871
autism hub to support families and professionals. 72872

Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT 72873
SERVICES 72874

Any county funds received by the Department of Developmental 72875
Disabilities from county boards of developmental disabilities for 72876
active treatment shall be deposited in the Developmental 72877
Disabilities Operating Fund (Fund 4890). 72878

Section 261.110. SYSTEM TRANSFORMATION SUPPORTS 72879

The foregoing appropriation item 320607, System 72880
Transformation Supports, may be used by the Director of 72881
Developmental Disabilities to fund system transformation 72882
initiatives identified by the Director. 72883

Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS 72884

A portion of the foregoing appropriation item 322612, 72885
Community Social Service Programs, may be used by the Early 72886
Intervention Services Advisory Council for the following purposes: 72887

(A) In addition to other necessary and allowed uses of funds 72888
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 72889
Services Advisory Council established pursuant to section 72890
5123.0422 of the Revised Code, may, in its discretion, use 72891
budgeted funds to do all of the following: 72892

(1) Conduct forums and hearings; 72893

(2) Reimburse council members for reasonable and necessary 72894

expenses, including child care expenses for parent 72895
representatives, for attending council meetings and performing 72896
council duties; 72897

(3) Pay compensation to a council member if the member is not 72898
employed or must forfeit wages from other employment when 72899
performing official council business; 72900

(4) Hire staff; 72901

(5) Obtain the services of professional, technical, and 72902
clerical personnel as necessary to carry out the performance of 72903
its lawful functions. 72904

(B) Except as provided in division (A) of this section, 72905
council members shall serve without compensation or reimbursement. 72906

Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES 72907

As used in this section, "home and community-based services" 72908
has the same meaning as in section 5123.01 of the Revised Code. 72909

The Director of Developmental Disabilities shall establish a 72910
methodology to be used in fiscal year 2020 and fiscal year 2021 to 72911
estimate the quarterly amount each county board of developmental 72912
disabilities is to pay of the nonfederal share of home and 72913
community-based services that section 5126.0510 of the Revised 72914
Code requires county boards to pay. Each quarter, the Director 72915
shall submit to a county board written notice of the amount the 72916
county board is to pay for that quarter. The notice shall specify 72917
when the payment is due. 72918

Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 72919

If a county board of developmental disabilities does not 72920
fully pay any amount owed to the Department of Developmental 72921
Disabilities by the due date established by the Department, the 72922
Director of Developmental Disabilities may withhold the amount the 72923

county board did not pay from any amounts due to the county board. 72924
The Director may use any appropriation item or fund used by the 72925
Department to transfer cash to any other fund used by the 72926
Department in an amount equal to the amount owed the Department 72927
that the county board did not pay. Transfers under this section 72928
shall be made using an intrastate transfer voucher. 72929

Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 72930

Developmental centers of the Department of Developmental 72931
Disabilities may provide services to persons with developmental 72932
disabilities living in the community or to providers of services 72933
to these persons. The Department may develop a method for recovery 72934
of all costs associated with the provision of these services. 72935

Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES 72936

(A) As used in this section, "ICF/IID," "ICF/IID services," 72937
and "Medicaid-certified capacity" have the same meanings as in 72938
section 5124.01 of the Revised Code. 72939

(B) The Director of Developmental Disabilities shall pay the 72940
nonfederal share of a claim for ICF/IID services using funds 72941
specified in division (C) of this section if all of the following 72942
apply: 72943

(1) Medicaid covers the ICF/IID services. 72944

(2) The ICF/IID services are provided to a Medicaid recipient 72945
to whom both of the following apply: 72946

(a) The Medicaid recipient is eligible for the ICF/IID 72947
services; 72948

(b) The Medicaid recipient does not occupy a bed in the 72949
ICF/IID that used to be included in the Medicaid-certified 72950
capacity of another ICF/IID certified by the Director of Health 72951
before June 1, 2003. 72952

(3) The ICF/IID services are provided by an ICF/IID whose 72953
Medicaid certification by the Director of Health was initiated or 72954
supported by a county board of developmental disabilities. 72955

(4) The provider of the ICF/IID services has a valid Medicaid 72956
provider agreement for the services for the time that the services 72957
are provided. 72958

(C) When required by division (B) of this section to pay the 72959
nonfederal share of a claim, the Director of Developmental 72960
Disabilities shall use the following funds to pay the claim: 72961

(1) Funds available from appropriation item 653407, Medicaid 72962
Services, that the Director allocates to the county board that 72963
initiated or supported the Medicaid certification of the ICF/IID 72964
that provided the ICF/IID services for which the claim is made; 72965

(2) If the amount of funds used pursuant to division (C)(1) 72966
of this section is insufficient to pay the claim in full, an 72967
amount of funds that are needed to make up the difference and 72968
available from amounts the Director allocates to other county 72969
boards from appropriation item 653407, Medicaid Services. 72970

Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 72971
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 72972

(A) As used in this section: 72973

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 72974
that converted some or all of its beds to providing home and 72975
community-based services under the IO Waiver pursuant to section 72976
5124.60 of the Revised Code. 72977

(2) "Developmental center" and "ICF/IID" have the same 72978
meanings as in section 5124.01 of the Revised Code. 72979

(3) "IO Waiver" means the Medicaid waiver component, as 72980
defined in section 5166.01 of the Revised Code, known as 72981
Individual Options. 72982

(4) "Medicaid provider" has the same meaning as in section 72983
5164.01 of the Revised Code. 72984

(5) "Public hospital" has the same meaning as in section 72985
5122.01 of the Revised Code. 72986

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 72987
whom all of the following apply: 72988

(a) The enrollee resided in a developmental center, converted 72989
facility, or public hospital immediately before enrolling in the 72990
IO Wavier. 72991

(b) The enrollee did not receive before July 1, 2011, routine 72992
homemaker/personal care services from the Medicaid provider that 72993
is to be paid the Medicaid rate authorized by this section for 72994
providing such services to the enrollee during the period 72995
specified in division (C) of this section. 72996

(c) The Director of Developmental Disabilities has determined 72997
that the enrollee's special circumstances (including the 72998
enrollee's diagnosis, service needs, or length of stay at the 72999
developmental center, converted facility, or public hospital) 73000
warrants paying the Medicaid rate authorized by this section. 73001

(B) The total Medicaid payment rate for each fifteen minutes 73002
of routine homemaker/personal care services that a Medicaid 73003
provider provides to a qualifying IO enrollee during the period 73004
specified in division (C) of this section shall be fifty-two cents 73005
higher than the Medicaid payment rate in effect on the day the 73006
services are provided for each fifteen minutes of routine 73007
homemaker/personal care services that a Medicaid provider provides 73008
to an IO enrollee who is not a qualifying IO enrollee. 73009

(C) Division (B) of this section applies to the first twelve 73010
months, consecutive or otherwise, that a Medicaid provider, during 73011
the period beginning July 1, 2019, and ending July 1, 2021, 73012
provides routine homemaker/personal care services to a qualifying 73013

IO enrollee. 73014

(D) Of the foregoing appropriation items 653407, Medicaid 73015
Services, and 653654, Medicaid Services, portions shall be used to 73016
pay the Medicaid payment rate determined in accordance with this 73017
section for routine homemaker/personal care services provided to 73018
qualifying IO enrollees. 73019

Section 261.220. DIRECT SUPPORT PROFESSIONAL RATE INCREASE 73020

(A) As used in this section: 73021

(1) "DD-administered waiver" means a Medicaid waiver 73022
component, as defined in section 5166.01 of the Revised Code, 73023
administered by the Department of Developmental Disabilities. 73024

(2) "Direct support professional" means an individual who 73025
works directly with people with developmental disabilities. 73026

(3) "Homemaker/personal care services" means the coordinated 73027
provision of a variety of services, supports, and supervision to 73028
which all of the following apply: 73029

(a) They are necessary to ensure the health and welfare of an 73030
individual with a developmental disability who lives in the 73031
community. 73032

(b) They advance the individual's independence within the 73033
individual's home and community. 73034

(c) They help the individual meet daily living needs. 73035

(B) The Medicaid payment rate for homemaker/personal care 73036
services provided by direct support professionals under a 73037
DD-administered waiver during the period beginning January 1, 73038
2020, and ending July 1, 2021, shall be \$13 per hour. 73039

Section 261.230. ADULT DAY SUPPORT AND NONMEDICAL 73040
TRANSPORTATION SERVICES WORKGROUP 73041

(A)(1) The Director of Developmental Disabilities shall 73042
establish a workgroup to advise the Department of Developmental 73043
Disabilities on the payment system for adult day support and 73044
nonmedical transportation services available under the home and 73045
community-based services Medicaid waiver components administered 73046
by the Department. The workgroup shall consist of the following 73047
members: 73048

(a) Representatives from each of the following as appointed 73049
by the Director: 73050

(i) The Department of Developmental Disabilities; 73051

(ii) The Ohio Health Care Association; 73052

(iii) The Ohio Provider Resource Association; 73053

(iv) The Arc of Ohio; 73054

(v) The Values and Faith Alliance; 73055

(vi) The Ohio Association of County Boards of DD; 73056

(vii) The Ohio Waiver Network; 73057

(viii) A company that provides nonmedical transportation 73058
services in multiple counties in this and other states. 73059

(b) All of the following also as appointed by the Director: 73060

(i) One parent advocate; 73061

(ii) One resident of a county that has a population of less 73062
than 65,000 and a geographical area between 520 square miles and 73063
620 square miles; 73064

(iii) Two representatives of private agency providers of 73065
adult day support that are located in counties with populations of 73066
at least 750,000 and that each serve more than 200 consumers and 73067
operate their own nonmedical transportation system. 73068

(c) Two members of the Senate, one from the majority party 73069
and one from the minority party, both appointed by the President 73070

of the Senate; 73071

(d) Two members of the House of Representatives, one from the 73072
majority party and one from the minority party, both appointed by 73073
the Speaker of the House of Representatives. 73074

(2) Members of the workgroup shall serve without compensation 73075
or reimbursement, except to the extent that serving on the 73076
workgroup is part of their usual job duties. 73077

(B) Not later than June 30, 2020, the workgroup shall submit 73078
to the Director a report containing recommended changes to the 73079
payment system for the adult day support and nonmedical 73080
transportation services. In making its recommendations, the 73081
workgroup shall consider both of the following: 73082

(1) Whether payment for the two services should be combined; 73083

(2) Potential quality measures for providers of adult day 73084
support services. 73085

(C) The Department shall not implement any changes to the 73086
payment system for adult day support and nonmedical transportation 73087
services until the workgroup submits its report to the Director. 73088

(D) The workgroup shall cease to exist on the submission of 73089
its report. 73090

Section 265.10. EDU DEPARTMENT OF EDUCATION 73091

General Revenue Fund 73092

GRF 200321 Operating Expenses \$ 15,153,032 \$ 16,565,951 73093

GRF 200408 Early Childhood \$ 68,116,789 \$ 68,116,789 73094

Education

GRF 200420 Information Technology \$ 4,004,299 \$ 4,026,960 73095

Development and

Support

GRF 200422 School Management \$ 2,385,580 \$ 2,408,711 73096

		Assistance				
GRF	200424	Policy Analysis	\$	458,232	\$ 457,676	73097
GRF	200426	Ohio Educational	\$	15,457,000	\$ 15,457,000	73098
		Computer Network				
GRF	200427	Academic Standards	\$	4,434,215	\$ 4,483,525	73099
GRF	200437	Student Assessment	\$	56,906,893	\$ 56,948,365	73100
GRF	200439	Accountability/Report	\$	7,517,406	\$ 7,565,320	73101
		Cards				
GRF	200442	Child Care Licensing	\$	2,156,322	\$ 2,227,153	73102
GRF	200446	Education Management	\$	8,112,987	\$ 8,174,415	73103
		Information System				
GRF	200448	Educator Preparation	\$	11,510,384	\$ 7,010,384	73104
GRF	200455	Community Schools and	\$	4,867,763	\$ 4,912,546	73105
		Choice Programs				
GRF	200465	Education Technology	\$	5,179,664	\$ 5,179,664	73106
		Resources				
GRF	200478	Industry-Recognized	\$	25,000,000	\$ 25,000,000	73107
		Credentials High				
		School Students				
GRF	200502	Pupil Transportation	\$	527,129,809	\$ 527,129,809	73108
GRF	200505	School Lunch Match	\$	8,963,500	\$ 8,963,500	73109
GRF	200511	Auxiliary Services	\$	150,594,178	\$ 150,594,178	73110
GRF	200532	Nonpublic	\$	68,034,790	\$ 68,034,790	73111
		Administrative Cost				
		Reimbursement				
GRF	200540	Special Education	\$	152,600,000	\$ 152,850,000	73112
		Enhancements				
GRF	200545	Career-Technical	\$	9,650,892	\$ 9,650,892	73113
		Education Enhancements				
GRF	200550	Foundation Funding	\$	6,946,280,845	\$ 6,895,518,845	73114
GRF	200566	Literacy Improvement	\$	1,352,876	\$ 1,352,172	73115
GRF	200572	Adult Education	\$	9,707,674	\$ 9,707,674	73116
		Programs				

GRF 200573	EdChoice Expansion	\$	57,223,340	\$	71,017,418	73117
GRF 200574	Half-Mill Maintenance	\$	18,849,207	\$	18,128,526	73118
	Equalization					
GRF 200576	Adaptive Sports	\$	250,000	\$	250,000	73119
	Program					
GRF 200598	Innovative Shared	\$	1,000,000	\$	1,000,000	73120
	Services at Schools					
GRF 657401	Medicaid in Schools	\$	297,978	\$	297,978	73121
TOTAL GRF	General Revenue Fund	\$	8,183,195,655	\$	8,143,030,241	73122
	Dedicated Purpose Fund Group					73123
4520 200638	Charges and	\$	1,000,000	\$	1,000,000	73124
	Reimbursements					
4550 200608	Commodity Foods	\$	1,000,000	\$	1,000,000	73125
4L20 200681	Teacher Certification	\$	13,795,827	\$	14,000,000	73126
	and Licensure					
5980 200659	Auxiliary Services	\$	1,300,000	\$	1,300,000	73127
	Reimbursement					
5H30 200687	School District	\$	2,000,000	\$	2,000,000	73128
	Solvency Assistance					
5KX0 200691	Ohio School	\$	1,250,000	\$	1,250,000	73129
	Sponsorship Program					
5MM0 200677	Child Nutrition	\$	550,000	\$	550,000	73130
	Refunds					
5U20 200685	National Education	\$	170,675	\$	175,000	73131
	Statistics					
5VS0 200604	Student Wellness and	\$	250,000,000	\$	300,000,000	73132
	Success					
6200 200615	Educational	\$	594,443	\$	600,000	73133
	Improvement Grants					
TOTAL DPF	Dedicated Purpose Fund	\$	271,660,945	\$	321,875,000	73134
	Group					
	Internal Service Activity Fund Group					73135

1380	200606	Information Technology Development and Support	\$	7,939,104	\$	8,047,645	73136
4R70	200695	Indirect Operational Support	\$	7,856,766	\$	7,856,766	73137
4V70	200633	Interagency Program Support	\$	5,497,938	\$	5,500,000	73138
TOTAL ISA Internal Service Activity Fund Group			\$	21,293,808	\$	21,404,411	73139
State Lottery Fund Group							73140
7017	200602	School Climate Grants	\$	2,000,000	\$	2,000,000	73141
7017	200612	Foundation Funding	\$	1,077,400,000	\$	1,128,400,000	73142
7017	200625	Student Wellness and Success	\$	25,000,000	\$	100,000,000	73143
7017	200631	Quality Community Schools Support	\$	30,000,000	\$	30,000,000	73144
7017	200684	Community School Facilities	\$	16,600,000	\$	16,600,000	73145
TOTAL SLF State Lottery Fund Group			\$	1,151,000,000	\$	1,277,000,000	73146
Federal Fund Group							73147
3670	200607	School Food Services	\$	11,469,730	\$	11,897,473	73148
3700	200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000	73149
3AF0	657601	Schools Medicaid Administrative Claims	\$	295,500	\$	295,500	73150
3AN0	200671	School Improvement Grants	\$	17,000,000	\$	17,000,000	73151
3C50	200661	Early Childhood Education	\$	12,555,000	\$	12,555,000	73152
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000	73153
3EJ0	200622	Homeless Children	\$	3,295,203	\$	3,300,000	73154

		Education				
3FE0	200669	Striving Readers	\$	12,507,905	\$	12,511,000 73155
3GE0	200674	Summer Food Service	\$	15,599,467	\$	16,342,299 73156
		Program				
3GG0	200676	Fresh Fruit and	\$	4,911,207	\$	5,145,074 73157
		Vegetable Program				
3HF0	200649	Federal Education	\$	7,049,677	\$	7,056,327 73158
		Grants				
3HI0	200634	Student Support and	\$	40,042,720	\$	40,042,720 73159
		Academic Enrichment				
3L60	200617	Federal School Lunch	\$	418,643,500	\$	430,837,000 73160
3L70	200618	Federal School	\$	158,726,966	\$	163,350,081 73161
		Breakfast				
3L80	200619	Child/Adult Food	\$	110,121,168	\$	113,328,580 73162
		Programs				
3L90	200621	Career-Technical	\$	45,946,927	\$	46,000,000 73163
		Education Basic Grant				
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000 73164
3M20	200680	Individuals with	\$	454,770,591	\$	455,000,000 73165
		Disabilities				
		Education Act				
3T40	200613	Public Charter	\$	7,000,000	\$	7,000,000 73166
		Schools				
3Y20	200688	21st Century	\$	47,500,000	\$	47,500,000 73167
		Community Learning				
		Centers				
3Y60	200635	Improving Teacher	\$	85,000,000	\$	85,000,000 73168
		Quality				
3Y70	200689	English Language	\$	10,500,000	\$	10,500,000 73169
		Acquisition				
3Y80	200639	Rural and Low Income	\$	3,600,000	\$	3,600,000 73170
		Technical Assistance				
3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000 73171

3Z30 200645 Consolidated Federal	\$ 10,701,635	\$ 10,900,000	73172
Grant Administration			
TOTAL FED Federal Fund Group	\$ 2,093,937,196	\$ 2,115,861,054	73173
TOTAL ALL BUDGET FUND GROUPS	\$11,721,087,604	\$11,879,170,706	73174

Section 265.20. OPERATING EXPENSES 73176

Of the foregoing appropriation item 200321, Operating 73177
Expenses, up to \$75,000 in each fiscal year shall be distributed 73178
by the Department of Education to eligible districts pursuant to 73179
the section of this act entitled "FAFSA COMPLETION PROGRAM." 73180

A portion of the foregoing appropriation item 200321, 73181
Operating Expenses, shall be used by the Department of Education 73182
to provide matching funds related to career-technical education 73183
under 20 U.S.C. 2321. 73184

EARLY CHILDHOOD EDUCATION 73185

The Department of Education shall distribute the foregoing 73186
appropriation item 200408, Early Childhood Education, to pay the 73187
costs of early childhood education programs. The Department shall 73188
distribute such funds directly to qualifying providers. 73189

(A) As used in this section: 73190

(1) "Provider" means a city, local, exempted village, or 73191
joint vocational school district; an educational service center; a 73192
community school sponsored by an exemplary sponsor; a chartered 73193
nonpublic school; an early childhood education child care provider 73194
licensed under Chapter 5104. of the Revised Code that participates 73195
in and meets at least the third highest tier of the Step Up to 73196
Quality program established pursuant to section 5104.29 of the 73197
Revised Code; or a combination of entities described in this 73198
paragraph. 73199

(2) In the case of a city, local, or exempted village school 73200
district or early childhood education child care provider licensed 73201

under Chapter 5104. of the Revised Code, "new eligible provider" 73202
means a provider that did not receive state funding for Early 73203
Childhood Education in the previous fiscal year or demonstrates a 73204
need for early childhood programs as defined in division (D) of 73205
this section. 73206

(3) In the case of a community school, "new eligible 73207
provider" means any of the following: 73208

(a) A community school established under Chapter 3314. of the 73209
Revised Code that is sponsored by a sponsor rated "exemplary" in 73210
accordance with section 3314.016 of the Revised Code that offers a 73211
child care program in accordance with sections 3301.50 to 3301.59 73212
of the Revised Code that did not receive state funding for Early 73213
Childhood Education in the previous fiscal year; 73214

(b) A community school established under Chapter 3314. of the 73215
Revised Code that satisfies all of the following criteria: 73216

(i) It has received, on its most recent report card, either 73217
of the following: 73218

(I) If the school offers any of grade levels four through 73219
twelve, a grade of "C" or better for the overall value-added 73220
progress dimension under division (C)(1)(e) of section 3302.03 of 73221
the Revised Code and for the performance index score under 73222
division (C)(1)(b) of section 3302.03 of the Revised Code; 73223

(II) If the school does not offer a grade level higher than 73224
three, a grade of "C" or better for making progress in improving 73225
literacy in grades kindergarten through three under division 73226
(C)(1)(g) of section 3302.03 of the Revised Code. 73227

(ii) It offers a child care program in accordance with 73228
sections 3301.50 to 3301.59 of the Revised Code. 73229

(iii) It did not receive state funding for Early Childhood 73230
Education in the previous fiscal year. 73231

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the previous year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(4)(a) "Eligible child" means a child who is at least four years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their fourth birthday.

(b) If, on the first day of October of each fiscal year, a provider has remaining award funds after enrolling eligible children under division (A)(4)(a) of this section, the provider may seek approval from the Department to consider a child who is at least three years of age, is not of age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as an eligible child. Upon approval from the Department, the provider may use the remaining award funds to serve such three-year-old children as eligible children.

(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning and development programs.

(6) "Early learning and development programs" has the same 73264
meaning as section 5104.29 of the Revised Code. 73265

(B) In each fiscal year, up to two per cent of the total 73266
appropriation may be used by the Department for program support 73267
and technical assistance. The Department shall distribute the 73268
remainder of the appropriation in each fiscal year to serve 73269
eligible children. 73270

(C) The Department shall provide an annual report to the 73271
Governor, the Speaker of the House of Representatives, and the 73272
President of the Senate and post the report to the Department's 73273
web site, regarding early childhood education programs operated 73274
under this section and the early learning program standards. 73275

(D) After setting aside the amounts to make payments due from 73276
the previous fiscal year, in fiscal year 2020, the Department 73277
shall distribute funds first to recipients of funds for early 73278
childhood education programs under Section 265.20 of Am. Sub. H.B. 73279
49 of the 132nd General Assembly in the previous fiscal year and 73280
the balance to new eligible providers of early childhood education 73281
programs or to existing providers to serve more eligible children 73282
pursuant to division (E) of this section or for purposes of 73283
program expansion, improvement, or special projects to promote 73284
quality and innovation. 73285

After setting aside the amounts to make payments due from the 73286
previous fiscal year, in fiscal year 2021, the Department shall 73287
distribute funds first to providers of early childhood education 73288
programs under this section in the previous fiscal year and the 73289
balance to new eligible providers or to existing providers to 73290
serve more eligible children as outlined under division (E) of 73291
this section or for purposes of program expansion, improvement, or 73292
special projects to promote quality and innovation. 73293

(E)(1) The Department shall distribute any new or remaining 73294

funding to existing providers of early childhood education 73295
programs or any new eligible providers in an effort to invest in 73296
high quality early childhood programs where there is a need as 73297
determined by the Department. The Department shall distribute the 73298
new or remaining funds to existing providers of early childhood 73299
education programs or any new eligible providers to serve 73300
additional eligible children based on community economic 73301
disadvantage, limited access to high quality preschool or 73302
childcare services, and demonstration of high quality preschool 73303
services as determined by the Department using new metrics 73304
developed pursuant to Ohio's Race to the Top-Early Learning 73305
Challenge Grant, awarded to the Department in December 2011. 73306

(2) Awards under divisions (D) and (E) of this section shall 73307
be distributed on a per-pupil basis, and in accordance with 73308
division (I) of this section. The Department may adjust the 73309
per-pupil amount so that the per-pupil amount multiplied by the 73310
number of eligible children enrolled and receiving services on the 73311
first day of December or the business day closest to that date 73312
equals the amount allocated under this section. 73313

(F) Costs for developing and administering an early childhood 73314
education program may not exceed fifteen per cent of the total 73315
approved costs of the program. 73316

All providers shall maintain such fiscal control and 73317
accounting procedures as may be necessary to ensure the 73318
disbursement of, and accounting for, these funds. The control of 73319
funds provided in this program, and title to property obtained, 73320
shall be under the authority of the approved provider for purposes 73321
provided in the program unless, as described in division (K) of 73322
this section, the program waives its right for funding or a 73323
program's funding is eliminated or reduced due to its inability to 73324
meet financial or early learning program standards. The approved 73325
provider shall administer and use such property and funds for the 73326

purposes specified. 73327

(G) The Department may examine a provider's financial and 73328
program records. If the financial practices of the program are not 73329
in accordance with standard accounting principles or do not meet 73330
financial standards outlined under division (F) of this section, 73331
or if the program fails to substantially meet the early learning 73332
program standards, meet a quality rating level in the Step Up to 73333
Quality program established pursuant to section 5104.29 of the 73334
Revised Code as prescribed by the Department, or exhibits below 73335
average performance as measured against the standards, the early 73336
childhood education program shall propose and implement a 73337
corrective action plan that has been approved by the Department. 73338
The approved corrective action plan shall be signed by the chief 73339
executive officer and the executive of the official governing body 73340
of the provider. The corrective action plan shall include a 73341
schedule for monitoring by the Department. Such monitoring may 73342
include monthly reports, inspections, a timeline for correction of 73343
deficiencies, and technical assistance to be provided by the 73344
Department or obtained by the early childhood education program. 73345
The Department may withhold funding pending corrective action. If 73346
an early childhood education program fails to satisfactorily 73347
complete a corrective action plan, the Department may deny 73348
expansion funding to the program or withdraw all or part of the 73349
funding to the program and establish a new eligible provider 73350
through a selection process established by the Department. 73351

(H)(1) If the early childhood education program is licensed 73352
by the Department of Education and is not highly rated, as 73353
determined by the Director of Job and Family Services, under the 73354
Step Up to Quality program established pursuant to section 5104.29 73355
of the Revised Code, the program shall do all of the following: 73356

(a) Meet teacher qualification requirements prescribed by 73357
section 3301.311 of the Revised Code; 73358

(b) Align curriculum to the early learning content standards developed by the Department; 73359 73360

(c) Meet any child or program assessment requirements prescribed by the Department; 73361 73362

(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department; 73363 73364 73365 73366

(e) Document and report child progress as prescribed by the Department; 73367 73368

(f) Meet and report compliance with the early learning program standards as prescribed by the Department; 73369 73370

(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code. 73371 73372

(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program. 73373 73374 73375 73376 73377

(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that 73378 73379 73380 73381 73382 73383 73384 73385 73386 73387 73388 73389

the provider is working in collaboration with a preschool special 73390
education program, the provider may submit a waiver to the 73391
Department requesting an alternate schedule. If the Department 73392
approves a waiver for an alternate schedule that provides services 73393
for less time than the standard early childhood education 73394
schedule, the Department may reduce the provider's annual 73395
allocation proportionately. Under no circumstances shall an annual 73396
allocation be increased because of the approval of an alternate 73397
schedule. 73398

(J) Each provider shall develop a sliding fee scale based on 73399
family incomes and shall charge families who earn more than two 73400
hundred per cent of the federal poverty guidelines, as defined in 73401
division (A)(3) of section 5101.46 of the Revised Code, for the 73402
early childhood education program. 73403

The Department shall conduct an annual survey of each 73404
provider to determine whether the provider charges families 73405
tuition or fees, the amount families are charged relative to 73406
family income levels, and the number of families and students 73407
charged tuition and fees for the early childhood program. 73408

(K) If an early childhood education program voluntarily 73409
waives its right for funding, or has its funding eliminated for 73410
not meeting financial standards or the early learning program 73411
standards, the provider shall transfer control of title to 73412
property, equipment, and remaining supplies obtained through the 73413
program to providers designated by the Department and return any 73414
unexpended funds to the Department along with any reports 73415
prescribed by the Department. The funding made available from a 73416
program that waives its right for funding or has its funding 73417
eliminated or reduced may be used by the Department for new grant 73418
awards or expansion grants. The Department may award new grants or 73419
expansion grants to eligible providers who apply. The eligible 73420
providers who apply must do so in accordance with the selection 73421

process established by the Department. 73422

(L) Eligible expenditures for the Early Childhood Education 73423
Program shall be claimed each fiscal year to help meet the state's 73424
TANF maintenance of effort requirement. The Superintendent of 73425
Public Instruction and the Director of Job and Family Services 73426
shall enter into an interagency agreement to carry out the 73427
requirements under this division, which shall include developing 73428
reporting guidelines for these expenditures. 73429

(M)(1) The Department of Education and the Department of Job 73430
and Family Services shall continue to work toward establishing the 73431
following in common between early childhood education programs and 73432
publicly funded child care: 73433

(a) An application; 73434

(b) Program eligibility; 73435

(c) Funding; 73436

(d) An attendance policy; 73437

(e) An attendance tracking system. 73438

(2) In accordance with section 5104.34 of the Revised Code, 73439
eligible families may receive publicly funded child care beyond 73440
the standard early childhood schedule defined in division (I) of 73441
this section. 73442

(3) All providers, agencies, and school districts 73443
participating in the early childhood education program or 73444
providing care to eligible families beyond the standard early 73445
childhood schedule shall follow the common policies established 73446
under this division. 73447

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 73448
SUPPORT 73449

The foregoing appropriation item 200420, Information 73450

Technology Development and Support, shall be used to support the 73451
development and implementation of information technology solutions 73452
designed to improve the performance and services of the Department 73453
of Education. Funds may be used for personnel, maintenance, and 73454
equipment costs related to the development and implementation of 73455
these technical system projects. Implementation of these systems 73456
shall allow the Department to provide greater levels of assistance 73457
to school districts and to provide more timely information to the 73458
public, including school districts, administrators, and 73459
legislators. Funds may also be used to support data-driven 73460
decision-making and differentiated instruction, as well as to 73461
communicate academic content standards and curriculum models to 73462
schools through web-based applications. 73463

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 73464

The foregoing appropriation item 200422, School Management 73465
Assistance, shall be used by the Department of Education to 73466
provide fiscal technical assistance and inservice education for 73467
school district management personnel and to administer, monitor, 73468
and implement the fiscal caution, fiscal watch, and fiscal 73469
emergency provisions under Chapter 3316. of the Revised Code. 73470

Section 265.60. POLICY ANALYSIS 73471

The foregoing appropriation item 200424, Policy Analysis, 73472
shall be used by the Department of Education to support a system 73473
of administrative, statistical, and legislative education 73474
information to be used for policy analysis. Staff supported by 73475
this appropriation shall administer the development of reports, 73476
analyses, and briefings to inform education policymakers of 73477
current trends in education practice, efficient and effective use 73478
of resources, and evaluation of programs to improve education 73479
results. A portion of these funds shall be used to maintain a 73480

longitudinal database to support the assessment of the impact of 73481
policies and programs on Ohio's education and workforce 73482
development systems. The research efforts supported by this 73483
appropriation item shall be used to supply information and 73484
analysis of data to and in consultation with the General Assembly 73485
and other state policymakers, including the Office of Budget and 73486
Management and the Legislative Service Commission. 73487

A portion of the foregoing appropriation item, 200424, Policy 73488
Analysis, may be used by the Department to support the development 73489
and implementation of an evidence-based clearinghouse to support 73490
school improvement strategies as part of the Every Student 73491
Succeeds Act. 73492

The Department may use funding from this appropriation item 73493
to purchase or contract for the development of software systems or 73494
contract for policy studies that will assist in the provision and 73495
analysis of policy-related information. Funding from this 73496
appropriation item also may be used to monitor and enhance quality 73497
assurance for research-based policy analysis and program 73498
evaluation to enhance the effective use of education information 73499
to inform education policymakers. 73500

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 73501

The foregoing appropriation item 200426, Ohio Educational 73502
Computer Network, shall be used by the Department of Education to 73503
maintain a system of information technology throughout Ohio and to 73504
provide technical assistance for such a system. 73505

Of the foregoing appropriation item 200426, Ohio Educational 73506
Computer Network, up to \$9,686,658 in each fiscal year shall be 73507
used by the Department to support connection of all public school 73508
buildings and participating chartered nonpublic schools to the 73509
state's education network, to each other, and to the Internet. In 73510
each fiscal year, the Department shall use these funds to assist 73511

information technology centers or school districts with the 73512
operational costs associated with this connectivity. The 73513
Department shall develop a formula and guidelines for the 73514
distribution of these funds to information technology centers or 73515
individual school districts. As used in this section, "public 73516
school building" means a school building of any city, local, 73517
exempted village, or joint vocational school district, any 73518
community school established under Chapter 3314. of the Revised 73519
Code, any college preparatory boarding school established under 73520
Chapter 3328. of the Revised Code, any STEM school established 73521
under Chapter 3326. of the Revised Code, any educational service 73522
center building used for instructional purposes, the Ohio School 73523
for the Deaf and the Ohio School for the Blind, high schools 73524
chartered by the Ohio Department of Youth Services, or high 73525
schools operated by Ohio Department of Rehabilitation and 73526
Corrections' Ohio Central School System. 73527

Of the foregoing appropriation item 200426, Ohio Educational 73528
Computer Network, up to \$4,843,329 in each fiscal year shall be 73529
used, through a formula and guidelines devised by the Department, 73530
to support the activities of designated information technology 73531
centers, as defined by State Board of Education rules, to provide 73532
school districts and chartered nonpublic schools with 73533
computer-based student and teacher instructional and 73534
administrative information services, including approved 73535
computerized financial accounting, to ensure the effective 73536
operation of local automated administrative and instructional 73537
systems, and to monitor and support the quality of data submitted 73538
to the Department. 73539

The remainder of appropriation item 200426, Ohio Educational 73540
Computer Network, shall be used to support the work of the 73541
development, maintenance, and operation of a network of uniform 73542
and compatible computer-based information systems as well as the 73543

teacher student linkage/roster verification process and systems to 73544
support electronic sharing of student records and transcripts 73545
between entities. This technical assistance shall include, but not 73546
be restricted to, development and maintenance of adequate computer 73547
software systems to support network activities. In order to 73548
improve the efficiency of network activities, the Department and 73549
information technology centers may jointly purchase equipment, 73550
materials, and services from funds provided under this 73551
appropriation for use by the network and, when considered 73552
practical by the Department, may utilize the services of 73553
appropriate state purchasing agencies. 73554

Section 265.80. ACADEMIC STANDARDS 73555

The foregoing appropriation item 200427, Academic Standards, 73556
shall be used by the Department of Education to develop and 73557
communicate to school districts academic content standards and 73558
curriculum models and to develop professional development programs 73559
and other tools on the new content standards and model curriculum. 73560
The Department shall utilize educational service centers, 73561
consistent with requirements of section 3312.01 of the Revised 73562
Code, in the development and delivery of professional development 73563
programs supported under this section. 73564

Section 265.90. STUDENT ASSESSMENT 73565

Of the foregoing appropriation item 200437, Student 73566
Assessment, up to \$2,760,000 in each fiscal year may be used to 73567
support the state's early learning assessment work and the 73568
assessments required under section 3301.0715 of the Revised Code. 73569

Of the foregoing appropriation item 200437, Student 73570
Assessment, up to \$543,168 in each fiscal year shall be used to 73571
reimburse a portion of the costs associated with Advanced 73572
Placement Tests for low-income students. 73573

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. The funds may also be used to update and develop diagnostic assessments administered under sections 3301.079, 3301.0715, and 3313.608 of the Revised Code.

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT ASSESSMENT

In fiscal year 2020 and fiscal year 2021, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act for assessments of student performance, the Superintendent may recommend the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment, to the Director of Budget and Management. If the Director determines that such a reallocation is required, the Director may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment.

Section 265.100. ACCOUNTABILITY/REPORT CARDS

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year may be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional

development in the use of data to improve instruction and student 73605
learning, and teacher and administrator training in understanding 73606
teacher value-added reports and how they can be used as a 73607
component in measuring teacher and administrator effectiveness. A 73608
portion of this funding shall be provided to educational service 73609
centers to support training and professional development under 73610
this section consistent with section 3312.01 of the Revised Code. 73611

The remainder of appropriation item 200439, 73612
Accountability/Report Cards, shall be used by the Department of 73613
Education to incorporate a statewide value-added progress 73614
dimension into performance ratings for school districts and for 73615
the development of an accountability system that includes the 73616
preparation and distribution of school report cards, funding and 73617
expenditure accountability reports under sections 3302.03 and 73618
3302.031 of the Revised Code, the development and maintenance of 73619
teacher value-added reports, the teacher student linkage/roster 73620
verification process, and the performance management section of 73621
the Department's web site required by section 3302.26 of the 73622
Revised Code. 73623

CHILD CARE LICENSING 73624

The foregoing appropriation item 200442, Child Care 73625
Licensing, shall be used by the Department of Education to license 73626
and to inspect preschool and school-age child care programs under 73627
sections 3301.52 to 3301.59 of the Revised Code. 73628

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 73629

The foregoing appropriation item 200446, Education Management 73630
Information System, shall be used by the Department of Education 73631
to improve the Education Management Information System (EMIS). 73632

Of the foregoing appropriation item 200446, Education 73633
Management Information System, up to \$400,000 in each fiscal year 73634

shall be used to support grants to information technology centers 73635
to provide professional development opportunities to district and 73636
school personnel related to the EMIS, with a focus placed on data 73637
submission and data quality. 73638

Of the foregoing appropriation item 200446, Education 73639
Management Information System, up to \$725,000 in each fiscal year 73640
shall be distributed to designated information technology centers 73641
for costs relating to processing, storing, and transferring data 73642
for the effective operation of the EMIS. These costs may include, 73643
but are not limited to, personnel, hardware, software development, 73644
communications connectivity, professional development, and support 73645
services. 73646

The remainder of appropriation item 200446, Education 73647
Management Information System, shall be used to develop and 73648
support the data definitions and standards outlined in the EMIS 73649
guidelines adopted under section 3301.0714 of the Revised Code, to 73650
implement recommendations of the EMIS Advisory Council and the 73651
Superintendent of Public Instruction, to enhance data quality 73652
assurance practices, and to support responsibilities related to 73653
the school report cards prescribed by section 3302.03 of the 73654
Revised Code and value-added progress dimension calculations. 73655

Section 265.120. EDUCATOR PREPARATION 73656

(A) Of the foregoing appropriation item 200448, Educator 73657
Preparation, up to \$339,783 in each fiscal year may be used by the 73658
Department of Education to monitor and support Ohio's State System 73659
of Support, as defined by the Every Student Succeeds Act. 73660

(B) Of the foregoing appropriation item 200448, Educator 73661
Preparation, up to \$67,957 in each fiscal year may be used by the 73662
Department to support the Educator Standards Board under section 73663
3319.61 of the Revised Code and reforms under sections 3302.042, 73664
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 73665

Revised Code. 73666

(C) Of the foregoing appropriation item 200448, Educator 73667
Preparation, \$2,000,000 in each fiscal year shall be distributed 73668
to Teach For America to increase recruitment of potential corps 73669
members at select Ohio universities, to train and develop 73670
first-year and second-year teachers in the Teach for America 73671
program in Ohio, and to expand the number of teaching corps 73672
members to not fewer than 350 teaching corps members per year and 73673
the number of school districts served in Ohio by not fewer than 73674
five additional school districts by fiscal year 2021. 73675

(D) Of the foregoing appropriation item 200448, Educator 73676
Preparation, \$1,500,000 in each fiscal year shall be used for the 73677
Bright New Leaders for Ohio Schools Program administered by the 73678
Ohio State University Fisher College of Business and College of 73679
Education and Human Ecology pursuant to section 3319.272 of the 73680
Revised Code to provide an alternative path for individuals to 73681
receive training and development in the administration of primary 73682
and secondary education and leadership, enable those individuals 73683
to earn degrees and obtain licenses in public school 73684
administration, and promote the placement of those individuals in 73685
public schools that have a poverty percentage greater than fifty 73686
per cent. 73687

(E) Of the foregoing appropriation item 200448, Educator 73688
Preparation, \$200,000 in each fiscal year shall be used to support 73689
training for selected school staff through the FASTER Saves Lives 73690
Program for the purpose of stopping active shooters and treating 73691
casualties. 73692

(F) Of the foregoing appropriation item 200448, Educator 73693
Preparation, \$1,000,000 in each fiscal year shall be used by the 73694
Department of Education, in consultation with the Department of 73695
Mental Health and Addiction Services, to award professional 73696
development grants to educational service centers to train 73697

educators and related school personnel in the model and tenants of 73698
prevention of risky behaviors, including substance abuse, suicide, 73699
bullying, and other harmful behaviors. 73700

(G) Of the foregoing appropriation item 200448, Educator 73701
Preparation, up to \$1,500,000 in fiscal year 2020 shall be used by 73702
the Department of Education, in consultation with the Department 73703
of Higher Education, to provide awards to support coursework and 73704
content testing fees for currently licensed teachers to receive 73705
credentialing to teach computer science in accordance with 73706
division (B) of section 3319.236 of the Revised Code. 73707

Awards made by the Department of Education shall be in the 73708
form of reimbursements paid directly to educators for the cost of 73709
the content examination or pedagogy courses required under 73710
division (B) of section 3319.236 of the Revised Code that are 73711
completed by the summer term of 2021. First priority shall be 73712
given to educators who agree to teach at least one remote computer 73713
science course at schools that lack access to computer science 73714
educators. Second priority shall be given to educators assigned to 73715
schools with greater than fifty per cent of students classified as 73716
economically disadvantaged and with limited or no teachers 73717
currently credentialed to teach computer science, both as 73718
determined by the Department. 73719

Upon the request of the Superintendent of Public Instruction 73720
and the approval of the Director of Budget and Management, an 73721
amount equal to the unexpended, unencumbered balance of the amount 73722
set aside in this division at the end of fiscal year 2020 is 73723
hereby reappropriated to the Department for the same purpose for 73724
fiscal year 2021. 73725

(H) Of the foregoing appropriation item 200448, Educator 73726
Preparation, up to \$3,000,000 in fiscal year 2020 shall be used by 73727
the Department of Education, in consultation with the Department 73728
of Higher Education, to provide awards to support graduate 73729

coursework for high school teachers to receive credentialing to 73730
teach College Credit Plus courses in a high school setting. 73731

The Department of Education, in consultation with the 73732
Department of Higher Education, shall develop an application 73733
process and criteria for awards. Priority shall be given to 73734
education consortia that include economically disadvantaged high 73735
schools in which there are limited or no teachers currently 73736
credentialed to teach College Credit Plus courses, as determined 73737
by the Department of Education, and a public or private college or 73738
university in Ohio. 73739

Awards made by the Department of Education may support 73740
graduate coursework for high school teachers at a public or 73741
private college or university in Ohio leading to credentialing to 73742
teach college courses, as well as employment of teachers 73743
credentialed to teach college courses as a bridging strategy until 73744
a sufficient number of teachers at the high school hold the 73745
required credentials. 73746

Upon the request of the Superintendent of Public Instruction 73747
and the approval of the Director of Budget and Management, an 73748
amount equal to the unexpended, unencumbered balance of the amount 73749
set aside in this division at the end of fiscal year 2020 is 73750
hereby reappropriated for the same purpose for fiscal year 2021. 73751

(I) Of the foregoing appropriation item 200448, Educator 73752
Preparation, up to \$250,000 in each fiscal year shall be used to 73753
support the SmartOhio Financial Literacy Program at the University 73754
of Cincinnati. 73755

(J) Notwithstanding any provision of law to the contrary, 73756
awards under this section may be used by recipients for 73757
award-related expenses incurred for a period not to exceed two 73758
years from the date of the award according to guidelines 73759
established by the Department of Education. 73760

(K) The remainder of the foregoing appropriation item 200448, 73761
Educator Preparation, may be used for implementation of teacher 73762
and principal evaluation systems, including incorporation of 73763
student growth as a metric in those systems, and teacher 73764
value-added reports. 73765

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 73766

The foregoing appropriation item 200455, Community Schools 73767
and Choice Programs, may be used by the Department of Education 73768
for operation of the school choice programs. 73769

Of the foregoing appropriation item 200455, Community Schools 73770
and Choice Programs, a portion in each fiscal year may be used by 73771
the Department for developing and conducting training sessions for 73772
community schools and sponsors and prospective sponsors of 73773
community schools as prescribed in division (A)(1) of section 73774
3314.015 of the Revised Code, and other schools participating in 73775
school choice programs. 73776

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 73777

Of the foregoing appropriation item 200465, Education 73778
Technology Resources, up to \$2,500,000 in each fiscal year shall 73779
be used for the Union Catalog and InfoOhio Network and to support 73780
the provision of electronic resources with priority given to 73781
resources that support the teaching of state academic content 73782
standards in all public schools. Consideration shall be given by 73783
the Department of Education to coordinating the allocation of 73784
these moneys with the efforts of Libraries Connect Ohio, whose 73785
members include OhioLINK, the Ohio Public Information Network, and 73786
the State Library of Ohio. 73787

Of the foregoing appropriation item 200465, Education 73788
Technology Resources, up to \$1,778,879 in each fiscal year shall 73789
be used by the Department to provide grants to educational 73790

television stations working with partner education technology 73791
centers to provide Ohio public schools with instructional 73792
resources and services, with priority given to resources and 73793
services aligned with state academic content standards. Such 73794
resources and services shall be based upon the advice and approval 73795
of the Department, based on a formula developed in consultation 73796
with Ohio's educational television stations and educational 73797
technology centers. 73798

Of the foregoing appropriation item 200465, Education 73799
Technology Resources, \$200,000 in each fiscal year shall be 73800
distributed to the Ohio School Digital Literacy Program to support 73801
digital learning tools, digital resources, technical support, and 73802
professional development. The program shall do all of the 73803
following: 73804

(A) Provide a K-8 program of study for students to learn 73805
essential digital literacy skills including computer fundamentals, 73806
computational thinking, keyboarding, digital citizenship and 73807
online safety, web browsing, email and online communication, 73808
visual mapping, word processing, spreadsheets, databases, and 73809
presentations; 73810

(B) Provide teachers with the ability to measure student 73811
digital literacy growth; and 73812

(C) Allow for the integration of digital literacy instruction 73813
aligned to state standards, if applicable, into core content 73814
subjects such as mathematics, English language arts, science, and 73815
social studies. 73816

The remainder of the foregoing appropriation item 200465, 73817
Education Technology Resources, may be used to support training, 73818
technical support, guidance, and assistance with compliance 73819
reporting to school districts and public libraries applying for 73820
federal E-Rate funds; for oversight and guidance of school 73821

district technology plans; for support to district technology 73822
personnel; and for support of the development, maintenance, and 73823
operation of a network of uniform and compatible computer-based 73824
information and instructional systems. 73825

Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 73826
STUDENTS 73827

Of the foregoing appropriation item 200478, 73828
Industry-Recognized Credentials High School Students, up to 73829
\$8,000,000 in each fiscal year may be used by the Department of 73830
Education to support payments to city, local, and exempted village 73831
school districts, community schools, STEM schools, and joint 73832
vocational school districts whose students earn an 73833
industry-recognized credential or receive a journeyman 73834
certification recognized by the United States Department of Labor. 73835
The educating entity shall be required to inform students enrolled 73836
in career-technical education courses that lead to an 73837
industry-recognized credential about the opportunity to earn these 73838
credentials. The Department of Education shall work with the 73839
Department of Higher Education and the Governor's Office of 73840
Workforce Transformation to develop a schedule for reimbursement 73841
based on the Department of Education's list of industry-recognized 73842
credentials, the time it takes to earn the credential, and the 73843
cost to obtain the credential. The educating entity shall pay for 73844
the cost of the credential and may claim and receive 73845
reimbursement. The educating entity may claim reimbursement based 73846
on the Department of Education's reimbursement schedule up to six 73847
months after the student has graduated from high school. If the 73848
amount appropriated is not sufficient, the Department shall 73849
prorate the amounts so that the aggregate amount appropriated is 73850
not exceeded. 73851

Of the foregoing appropriation item 200478, 73852

Industry-Recognized Credentials High School Students, up to 73853
\$12,500,000 in each fiscal year may be used by the Department of 73854
Education and the Governor's Office of Workforce Transformation to 73855
establish and operate the Innovative Workforce Incentive Program. 73856
In establishing the program, the Office of Workforce 73857
Transformation shall maintain a list of credentials that qualify 73858
for the program. The Department of Education shall pay each city, 73859
local, and exempted village school district, community school, 73860
STEM school, and joint vocational school district an amount equal 73861
to \$1,250 for each qualifying credential earned by a student 73862
attending the district or school during each fiscal year. If the 73863
amount appropriated is not sufficient, the Department shall 73864
prorate the amounts so that the aggregate amount appropriated is 73865
not exceeded. 73866

Of the foregoing appropriation item 200478, 73867
Industry-Recognized Credentials High School Students, up to 73868
\$4,500,000 in each fiscal year may be used by the Department of 73869
Education to establish a program to assist city, local, and 73870
exempted village school districts, community schools, STEM 73871
schools, and joint vocational school districts in establishing 73872
credentialing programs that qualify for the Innovative Workforce 73873
Incentive Program. The Department shall prioritize senior-only 73874
credentialing programs in schools that currently do not operate 73875
such programs. 73876

Section 265.150. PUPIL TRANSPORTATION 73877

Of the foregoing appropriation item 200502, Pupil 73878
Transportation, up to \$838,930 in each fiscal year may be used by 73879
the Department of Education for training prospective and 73880
experienced school bus drivers in accordance with training 73881
programs prescribed by the Department. A portion of these funds 73882
may also be used to pay for costs associated with the enrollment 73883

of bus drivers in the retained applicant fingerprint database. 73884

Of the foregoing appropriation item 200502, Pupil 73885
Transportation, up to \$60,469,220 in each fiscal year may be used 73886
by the Department for special education transportation 73887
reimbursements to school districts and county DD boards for 73888
transportation operating costs as provided in divisions (C) and 73889
(F) of section 3317.024 of the Revised Code, in accordance with 73890
the section of this act entitled "OPERATING FUNDING FOR FISCAL 73891
YEARS 2020 and 2021." 73892

The remainder of the foregoing appropriation item 200502, 73893
Pupil Transportation, shall be used to fund the transportation 73894
payments included in the state funding allocation under division 73895
(B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, 73896
AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 73897

PAYMENTS IN LIEU OF TRANSPORTATION 73898

For purposes of division (D) of section 3327.02 of the 73899
Revised Code, if a parent, guardian, or other person in charge of 73900
a pupil accepts an offer from a school district of payment in lieu 73901
of providing transportation for the pupil, the school district 73902
shall pay that parent, guardian, or other person an amount that 73903
shall be not less than \$250 and not more than the amount 73904
determined by the Department as the average cost of pupil 73905
transportation for the previous school year. Payment may be 73906
prorated if the time period involved is only a part of the school 73907
year. 73908

Section 265.160. SCHOOL LUNCH MATCH 73909

The foregoing appropriation item 200505, School Lunch Match, 73910
shall be used to provide matching funds to obtain federal funds 73911
for the school lunch program. 73912

Any remaining appropriation after providing matching funds 73913

for the school lunch program may be used to partially reimburse 73914
school buildings within school districts that are required to have 73915
a school breakfast program under section 3313.813 of the Revised 73916
Code, at a rate decided by the Department. 73917

Section 265.170. AUXILIARY SERVICES 73918

Of the foregoing appropriation item 200511, Auxiliary 73919
Services, up to \$2,600,000 in each fiscal year may be used for 73920
payment of the College Credit Plus Program for nonpublic secondary 73921
school participants. The Department of Education shall distribute 73922
these funds according to rule 3333-1-65.8 of the Administrative 73923
Code, adopted by the Department of Higher Education pursuant to 73924
division (A) of section 3365.071 of the Revised Code. 73925

The remainder of the foregoing appropriation item 200511, 73926
Auxiliary Services, shall be used by the Department for the 73927
purpose of implementing sections 3317.06 and 3317.062 of the 73928
Revised Code. 73929

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 73930

The foregoing appropriation item 200532, Nonpublic 73931
Administrative Cost Reimbursement, shall be used by the Department 73932
of Education for the purpose of implementing section 3317.063 of 73933
the Revised Code. Notwithstanding section 3317.063 of the Revised 73934
Code, payments made by the Department for this purpose shall not 73935
exceed four hundred five dollars per student for each school year. 73936

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 73937

Of the foregoing appropriation item 200540, Special Education 73938
Enhancements, up to \$33,000,000 in each fiscal year shall be used 73939
to fund special education and related services at county boards of 73940
developmental disabilities for eligible students under section 73941
3317.20 of the Revised Code, in accordance with the section of 73942

this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 73943
2021," and at institutions for eligible students under section 73944
3317.201 of the Revised Code. If necessary, the Department of 73945
Education shall proportionately reduce the amount calculated for 73946
each county board of developmental disabilities and institution so 73947
as not to exceed the amount appropriated in each fiscal year. 73948

Of the foregoing appropriation item 200540, Special Education 73949
Enhancements, up to \$1,350,000 in each fiscal year shall be used 73950
for parent mentoring programs. 73951

Of the foregoing appropriation item 200540, Special Education 73952
Enhancements, up to \$3,000,000 in each fiscal year may be used for 73953
school psychology interns. 73954

Of the foregoing appropriation item 200540, Special Education 73955
Enhancements, the Department shall transfer \$3,250,000 in fiscal 73956
year 2020 and \$3,500,000 in fiscal year 2021 to the Opportunities 73957
for Ohioans with Disabilities Agency. The transfer shall be made 73958
via an intrastate transfer voucher. The transferred funds shall be 73959
used by the Opportunities for Ohioans with Disabilities Agency as 73960
state matching funds to draw down available federal funding for 73961
vocational rehabilitation services. Total project funding shall be 73962
used to hire dedicated vocational rehabilitation counselors who 73963
shall work directly with school districts to provide transition 73964
services for students with disabilities. Services shall include 73965
vocational rehabilitation services such as person-centered career 73966
planning, summer work experiences, job placement, and retention 73967
services for mutually eligible students with disabilities. 73968

The Superintendent of Public Instruction and the Executive 73969
Director of the Opportunities for Ohioans with Disabilities Agency 73970
shall enter into an interagency agreement that shall specify the 73971
responsibilities of each agency under the program. Under the 73972
interagency agreement, the Opportunities for Ohioans with 73973
Disabilities Agency shall retain responsibility for all 73974

nondelegable functions, including eligibility and order of 73975
selection determination, individualized plan for employment (IPE) 73976
approval, IPE amendments, case closure, and release of vendor 73977
payments. 73978

Of the foregoing appropriation item 200540, Special Education 73979
Enhancements, up to \$2,000,000 in each fiscal year shall be used 73980
by the Department of Education to build capacity to deliver a 73981
regional system of training, support, coordination, and direct 73982
service for secondary transition services for students with 73983
disabilities beginning at fourteen years of age. These special 73984
education enhancements shall support all students with 73985
disabilities, regardless of partner agency eligibility 73986
requirements, to provide stand-alone direct secondary transition 73987
services by school districts. Secondary transition services shall 73988
include, but not be limited to, job exploration counseling, 73989
work-based learning experiences, counseling on opportunities for 73990
enrollment in comprehensive transition or post-secondary 73991
educational programs at institutions of higher education, 73992
workplace readiness training to develop occupational skills, 73993
social skills and independent living skills, and instruction in 73994
self-advocacy. Regional training shall support the expansion of 73995
transition to work endorsement opportunities for middle school and 73996
secondary level special education intervention specialists in 73997
order to develop the necessary skills and competencies to meet the 73998
secondary transition needs of students with disabilities beginning 73999
at fourteen years of age. 74000

The remainder of appropriation item 200540, Special Education 74001
Enhancements, shall be distributed by the Department of Education 74002
to school districts and institutions, as defined in section 74003
3323.091 of the Revised Code, for preschool special education 74004
funding under section 3317.0213 of the Revised Code, in accordance 74005
with the section of this act entitled "OPERATING FUNDING FOR 74006

FISCAL YEARS 2020 and 2021." 74007

The Department may reimburse school districts and 74008
institutions for services provided by instructional assistants, 74009
related services, as defined in rule 3301-51-11 of the 74010
Administrative Code, physical therapy services provided by a 74011
licensed physical therapist or physical therapist assistant under 74012
the supervision of a licensed physical therapist, as required 74013
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 74014
Administrative Code, and occupational therapy services provided by 74015
a licensed occupational therapist or occupational therapy 74016
assistant under the supervision of a licensed occupational 74017
therapist, as required under Chapter 4755. of the Revised Code and 74018
Chapter 4755-7 of the Administrative Code. Nothing in this section 74019
authorizes occupational therapy assistants or physical therapist 74020
assistants to generate or manage their own caseloads. 74021

The Department shall require school districts, educational 74022
service centers, county DD boards, and institutions serving 74023
preschool children with disabilities to adhere to Ohio's early 74024
learning program standards, participate in the Step Up to Quality 74025
program established pursuant to section 5104.29 of the Revised 74026
Code, and document child progress using research-based indicators 74027
prescribed by the Department and report results annually. The 74028
reporting dates and method shall be determined by the Department. 74029
All programs shall be rated through the Step Up to Quality 74030
program. 74031

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 74032

Of the foregoing appropriation item 200545, Career-Technical 74033
Education Enhancements, up to \$2,563,568 in each fiscal year shall 74034
be used to fund secondary career-technical education at 74035
institutions, the Ohio School for the Deaf, and the Ohio State 74036
School for the Blind using a grant-based methodology, 74037

notwithstanding section 3317.05 of the Revised Code. 74038

Of the foregoing appropriation item 200545, Career-Technical 74039
Education Enhancements, up to \$2,686,474 in each fiscal year shall 74040
be used by the Department of Education to fund competitive grants 74041
to tech prep consortia that expand the number of students enrolled 74042
in tech prep programs. These grant funds shall be used to directly 74043
support expanded tech prep programs provided to students enrolled 74044
in school districts, including joint vocational school districts, 74045
and affiliated higher education institutions. This support may 74046
include the purchase of equipment. 74047

Of the foregoing appropriation item 200545, Career-Technical 74048
Education Enhancements, up to \$3,000,850 in each fiscal year shall 74049
be used by the Department to support existing High Schools That 74050
Work (HSTW) sites, develop and support new sites, fund technical 74051
assistance, and support regional centers and middle school 74052
programs. The purpose of HSTW is to combine challenging academic 74053
courses and modern career-technical studies to raise the academic 74054
achievement of students. HSTW provides intensive technical 74055
assistance, focused staff development, targeted assessment 74056
services, and ongoing communications and networking opportunities. 74057

Of the foregoing appropriation item 200545, Career-Technical 74058
Education Enhancements, up to \$600,000 in each fiscal year shall 74059
be used by the Department to enable students in agricultural 74060
programs to enroll in a fifth quarter of instruction based on the 74061
agricultural education model of delivering work-based learning 74062
through supervised agricultural experience. The Department shall 74063
determine eligibility criteria and the reporting process for the 74064
Agriculture 5th Quarter Project and shall fund as many programs as 74065
possible given the set-aside. The eligibility criteria developed 74066
by the Department shall allow these funds to support supervised 74067
agricultural experience that occurs anytime outside of the regular 74068
school day. 74069

Of the foregoing appropriation item 200545, Career-Technical 74070
Education Enhancements, up to \$550,000 in each fiscal year may be 74071
used to support career planning and reporting through the 74072
OhioMeansJobs web site. 74073

Of the foregoing appropriation item 200545, Career-Technical 74074
Education Enhancements, \$100,000 in each fiscal year shall be used 74075
to support Jobs for Ohio's Graduates. 74076

Of the foregoing appropriation item 200545, Career-Technical 74077
Education Enhancements, \$150,000 in each fiscal year shall be used 74078
to prepare students for careers in culinary arts and restaurant 74079
management under the Ohio ProStart school restaurant program. 74080

Section 265.210. FOUNDATION FUNDING 74081

Of the foregoing appropriation item 200550, Foundation 74082
Funding, up to \$40,000,000 in each fiscal year shall be used to 74083
provide additional state aid to school districts, joint vocational 74084
school districts, community schools, and STEM schools for special 74085
education students under division (C)(3) of section 3314.08, 74086
section 3317.0214 and division (B) of section 3317.16 in 74087
accordance with the section of this act entitled "OPERATING 74088
FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of 74089
the Revised Code, except that the Controlling Board may increase 74090
these amounts if presented with such a request from the Department 74091
of Education at the final meeting of the fiscal year. 74092

Of the foregoing appropriation item 200550, Foundation 74093
Funding, up to \$3,800,000 in each fiscal year shall be used to 74094
fund gifted education at educational service centers. The 74095
Department shall distribute the funding through the unit-based 74096
funding methodology in place under division (L) of section 74097
3317.024, division (E) of section 3317.05, and divisions (A), (B), 74098
and (C) of section 3317.053 of the Revised Code as they existed 74099
prior to fiscal year 2010. 74100

Of the foregoing appropriation item 200550, Foundation 74101
Funding, up to \$40,000,000 in each fiscal year shall be reserved 74102
to fund the state reimbursement of educational service centers 74103
under the section of this act entitled "EDUCATIONAL SERVICE 74104
CENTERS FUNDING." 74105

Of the foregoing appropriation item 200550, Foundation 74106
Funding, up to \$3,500,000 in each fiscal year shall be distributed 74107
to educational service centers for School Improvement Initiatives 74108
and for the provision of technical assistance to schools and 74109
districts. The Department may distribute these funds through a 74110
competitive grant process. 74111

Of the foregoing appropriation item 200550, Foundation 74112
Funding, up to \$7,000,000 in each fiscal year shall be reserved 74113
for payments under section 3317.029 of the Revised Code, in 74114
accordance with the section of this act entitled "OPERATING 74115
FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not 74116
sufficient, the Superintendent of Public Instruction may 74117
reallocate excess funds for other purposes supported by this 74118
appropriation item in order to fully pay the amounts required by 74119
that section, provided that the aggregate amount appropriated in 74120
appropriation item 200550, Foundation Funding, is not exceeded. 74121

Of the foregoing appropriation item 200550, Foundation 74122
Funding, up to \$26,400,000 in each fiscal year shall be used to 74123
support school choice programs. 74124

Of the portion of the funds distributed to the Cleveland 74125
Municipal School District under this section, up to \$17,600,000 in 74126
each fiscal year shall be used to operate the school choice 74127
program in the Cleveland Municipal School District under sections 74128
3313.974 to 3313.979 of the Revised Code. Notwithstanding 74129
divisions (B) and (C) of section 3313.978 and division (C) of 74130
section 3313.979 of the Revised Code, up to \$1,000,000 in each 74131
fiscal year of this amount shall be used by the Cleveland 74132

Municipal School District to provide tutorial assistance as 74133
provided in division (H) of section 3313.974 of the Revised Code. 74134
The Cleveland Municipal School District shall report the use of 74135
these funds in the district's three-year continuous improvement 74136
plan as described in section 3302.04 of the Revised Code in a 74137
manner approved by the Department. 74138

Of the foregoing appropriation item 200550, Foundation 74139
Funding, up to \$1,500,000 in each fiscal year may be used for 74140
payment of the College Credit Plus Program for students instructed 74141
at home pursuant to section 3321.04 of the Revised Code. 74142

Of the foregoing appropriation item 200550, Foundation 74143
Funding, an amount shall be available in each fiscal year to be 74144
paid to joint vocational school districts in accordance with the 74145
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 74146
DISTRICTS." 74147

Of the foregoing appropriation item 200550, Foundation 74148
Funding, up to \$700,000 in each fiscal year shall be used by the 74149
Department for a program to pay for educational services for youth 74150
who have been assigned by a juvenile court or other authorized 74151
agency to any of the facilities described in division (A) of the 74152
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 74153

Of the foregoing appropriation item 200550, Foundation 74154
Funding, a portion may be used to pay college-preparatory boarding 74155
schools the per pupil boarding amount pursuant to section 3328.34 74156
of the Revised Code. 74157

Of the foregoing appropriation item 200550, Foundation 74158
Funding, a portion in each fiscal year shall be used to pay 74159
community schools and STEM schools the amounts calculated for the 74160
graduation and third-grade reading bonuses under sections 3314.085 74161
and 3326.41 of the Revised Code, in accordance with the sections 74162
of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING 74163

FOR STEM SCHOOLS." 74164

Of the foregoing appropriation item 200550, Foundation 74165
Funding, up to \$1,172,000 in fiscal year 2020 and up to \$1,760,000 74166
in fiscal year 2021 may be used by the Department for duties and 74167
activities related to the establishment of academic distress 74168
commissions under section 3302.10 of the Revised Code, to provide 74169
support and assistance to academic distress commissions to further 74170
their duties under Chapter 3302. of the Revised Code, and to 74171
provide technical assistance and tools to support districts 74172
subject to academic distress commissions. 74173

Of the foregoing appropriation item 200550, Foundation 74174
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 74175
Department of Education to conduct return on investment studies 74176
for programming funded through student success and wellness funds 74177
and to provide technical assistance to school districts on 74178
implementing these strategies. 74179

The remainder of the foregoing appropriation item 200550, 74180
Foundation Funding, shall be used to fund the payments included in 74181
the state funding allocation under division (A) of the section of 74182
this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE 74183
SCHOOL DISTRICTS." 74184

Appropriation items 200502, Pupil Transportation, 200540, 74185
Special Education Enhancements, and 200550, Foundation Funding, 74186
other than specific set-asides, are collectively used in each 74187
fiscal year to pay state formula aid obligations for school 74188
districts, community schools, STEM schools, college preparatory 74189
boarding schools, and joint vocational school districts under this 74190
act. The first priority of these appropriation items, with the 74191
exception of specific set-asides, is to fund state formula aid 74192
obligations. It may be necessary to reallocate funds among these 74193
appropriation items or use excess funds from other general revenue 74194
fund appropriation items in the Department of Education's budget 74195

in each fiscal year in order to meet state formula aid 74196
obligations. If it is determined that it is necessary to transfer 74197
funds among these appropriation items or to transfer funds from 74198
other General Revenue Fund appropriations in the Department's 74199
budget to meet state formula aid obligations, the Superintendent 74200
of Public Instruction shall seek approval from the Director of 74201
Budget and Management to transfer funds as needed. 74202

The Superintendent of Public Instruction shall make payments, 74203
transfers, and deductions, as authorized by Title XXXIII of the 74204
Revised Code in amounts substantially equal to those made in the 74205
prior year, or otherwise, at the discretion of the Superintendent, 74206
until at least the effective date of the amendments and enactments 74207
made to Title XXXIII by this act. Any funds paid to districts or 74208
schools under this section shall be credited toward the annual 74209
funds calculated for the district or school after the changes made 74210
to Title XXXIII in this act are effective. Upon the effective date 74211
of changes made to Title XXXIII in this act, funds shall be 74212
calculated as an annual amount. 74213

Section 265.215. OPERATING FUNDING FOR FISCAL YEARS 2020 and 74214
2021 74215

(A) Notwithstanding anything to the contrary in Chapter 3317. 74216
of the Revised Code, the Department of Education shall make no 74217
payments under that chapter for fiscal years 2020 and 2021 except 74218
as prescribed in this section and the sections of this act 74219
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 74220
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 74221

(B) Each school district and educational service center shall 74222
report student enrollment data as prescribed by section 3317.03 of 74223
the Revised Code, which data the Department shall use to make 74224
payments under Chapter 3317. of the Revised Code and the sections 74225
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 74226

VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 74227
74228

(C) The tax commissioner shall report data regarding tax 74229
valuation and receipts for school districts as prescribed by 74230
sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.029, 74231
3317.0210, 3317.0211, and 3317.08, which data the Department shall 74232
use to make payments under Chapter 3317. of the Revised Code and 74233
the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND 74234
EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT 74235
VOCATIONAL SCHOOL DISTRICTS." 74236

(D) Unless otherwise specified by another provision of law, 74237
in addition to the payments prescribed by the sections of this act 74238
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 74239
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," 74240
the Department shall continue to make payments or adjustments for 74241
each of fiscal years 2020 and 2021 under the following provisions 74242
of Chapter 3317. of the Revised Code: 74243

(1) All payments or adjustments under section 3317.023 of the 74244
Revised Code; 74245

(2) All payments or adjustments under section 3317.024 of the 74246
Revised Code; 74247

(3) Payments under section 3317.029 of the Revised Code. 74248
Notwithstanding division (A)(2)(d) of section 3317.029, for 74249
purposes of these payments, a city, local, or exempted village 74250
school district's "state education aid" for fiscal years 2020 and 74251
2021 shall be the payment made to the district under the section 74252
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 74253
VILLAGE SCHOOL DISTRICTS." 74254

(4) Preschool special education payments under section 74255
3317.0213 of the Revised Code; 74256

(5) The catastrophic cost reimbursement under section 74257

3317.0214 of the Revised Code; 74258

(6) Payments under sections 3317.06, 3317.062, 3317.063, and 74259
3317.064 of the Revised Code; 74260

(7) The catastrophic cost reimbursement under division (B) of 74261
section 3317.16 of the Revised Code and excess cost reimbursements 74262
under division (C) of that section. No other payments shall be 74263
made under that section. 74264

(8) Adjustments under section 3317.18 of the Revised Code; 74265

(9) Payments to cooperative education school districts under 74266
section 3317.19 of the Revised Code; 74267

(10) Payments to county boards of developmental disabilities 74268
under section 3317.20 of the Revised Code; 74269

(11) Payments to state institutions for special education 74270
funding under section 3317.201 of the Revised Code. 74271

(E) Notwithstanding anything to the contrary in Chapter 3317. 74272
of the Revised Code, for purposes of computing the payments under 74273
that chapter for fiscal years 2020 and 2021 authorized under this 74274
section for which the "state share index" or "state share 74275
percentage" is a factor, the Department shall use the state share 74276
index or state share percentage, as applicable, computed for each 74277
district for fiscal year 2019. 74278

(F) For fiscal years 2020 and 2021, when calculating payments 74279
under Chapter 3317. of the Revised Code as authorized under this 74280
section, and for purposes of sections 3310.09, 3313.98, 3313.981, 74281
3314.08, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised 74282
Code and any other provision of law with respect to education 74283
financing: 74284

(1) The "formula amount" equals \$6,020 for fiscal years 2020 74285
and 2021. 74286

(2) The special education catastrophic cost threshold for 74287

fiscal years 2020 and 2021 is \$27,375 for students in categories 74288
two through five special education ADM and \$32,850 for students in 74289
category six special education ADM. 74290

(G) This section does not affect the provisions of sections 74291
3317.0219, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035, 74292
3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 74293
3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161, 74294
3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.27, 74295
3317.30, 3317.40, 3317.50, and 3317.51 of the Revised Code. 74296

Section 265.220. FUNDING FOR CITY, LOCAL, AND EXEMPTED 74297
VILLAGE SCHOOL DISTRICTS 74298

For each of fiscal years 2020 and 2021, the Department of 74299
Education shall pay each city, local, and exempted village school 74300
district an amount equal to the sum of the following: 74301

(A) The district's aggregate annualized payments for fiscal 74302
year 2019 under section 3317.022 of the Revised Code and Section 74303
265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly, as of 74304
the second payment in June 2019; 74305

(B) The district's aggregate annualized payments for fiscal 74306
year 2019 under section 3317.0212 and division (D)(2) of section 74307
3314.091 of the Revised Code, as of the second payment in June 74308
2019. 74309

Section 265.225. FUNDING FOR JOINT VOCATIONAL SCHOOL 74310
DISTRICTS 74311

For each of fiscal years 2020 and 2021, the Department of 74312
Education shall pay each joint vocational school district an 74313
amount equal to the district's aggregate annualized payments for 74314
fiscal year 2019 under section 3317.16 of the Revised Code and 74315
Section 265.230 of Am. Sub. H.B. 49 of the 132nd General Assembly, 74316
as of the second payment in June 2019. 74317

Section 265.230. FUNDING FOR COMMUNITY SCHOOLS 74318

(A) For each of fiscal years 2020 and 2021, the Department of 74319
Education shall make the deductions and payments for each student 74320
enrolled in a community school, established under Chapter 3314. of 74321
the Revised Code, in the manner prescribed by division (C) of 74322
section 3314.08 of the Revised Code, except that, for each of 74323
those fiscal years: 74324

(1) The "formula amount" shall equal the amount specified in 74325
division (F)(1) of the section of this act entitled "OPERATING 74326
FUNDING FOR FISCAL YEARS 2020 and 2021." 74327

(2) "State education aid" for a school district from which a 74328
deduction is made shall mean the amount paid to the district for 74329
that fiscal year under the section of this act entitled "FUNDING 74330
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 74331

(3) The per pupil amount deducted from a district and paid to 74332
a community school under divisions (C)(1)(b) and (e) of section 74333
3314.08 of the Revised Code shall be the same respective per pupil 74334
amounts deducted and paid under those divisions for fiscal year 74335
2019. 74336

(B) Notwithstanding section 3314.085 of the Revised Code, for 74337
each of fiscal years 2020 and 2021, the Department shall pay each 74338
community school an amount equal to the school's payment under 74339
section 3314.085 of the Revised Code for fiscal year 2019. 74340

Section 265.235. FUNDING FOR STEM SCHOOLS 74341

(A) For each of fiscal years 2020 and 2021, the Department of 74342
Education shall make the deductions and payments for each student 74343
enrolled in a STEM school, established under Chapter 3326. of the 74344
Revised Code, in the manner prescribed by section 3326.33 of the 74345
Revised Code, except that, for each of those fiscal years: 74346

(1) The "formula amount" shall equal the amount specified in 74347
division (F)(1) of the section of this act entitled "OPERATING 74348
FUNDING FOR FISCAL YEARS 2020 and 2021." 74349

(2) "State education aid" for a school district from which a 74350
deduction is made shall mean the amount paid to the district for 74351
that fiscal year under the section of this act entitled "FUNDING 74352
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 74353

(3) The per pupil amount deducted from a district and paid to 74354
a STEM school under divisions (B) and (E) of section 3326.33 of 74355
the Revised Code shall be the same respective per pupil amount 74356
deducted and paid under those divisions for fiscal year 2019. 74357

(B) Notwithstanding section 3326.41 of the Revised Code, for 74358
each of fiscal years 2020 and 2021, the Department shall pay each 74359
STEM school an amount equal to the school's payment under section 74360
3326.41 of the Revised Code for fiscal year 2019. 74361

Section 265.240. LITERACY IMPROVEMENT 74362

The foregoing appropriation item 200566, Literacy 74363
Improvement, shall be used by the Department of Education to 74364
support early literacy activities to align state, local, and 74365
federal efforts in order to bolster all students' reading success. 74366
Funds shall be distributed to educational service centers to 74367
establish and support regional literacy professional development 74368
teams. A portion of the funds may be used by the Department for 74369
program administration, monitoring, technical assistance, support, 74370
research, and evaluation. 74371

Section 265.250. ADULT EDUCATION PROGRAMS 74372

Of the foregoing appropriation item 200572, Adult Education 74373
Programs, up to \$6,400,000 in each fiscal year shall be used to 74374
make payments under sections 3314.38, 3317.23, 3317.24, and 74375
3345.86 of the Revised Code. 74376

A portion of the foregoing appropriation item 200572, Adult Education Programs, shall be used in each fiscal year to make payments to institutions participating in the Adult Diploma Pilot Program under section 3313.902 of the Revised Code and to pay career-technical planning districts for the amounts reimbursed to students, as prescribed in this section.

Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education for the first time for application fees, examination fees, or both, in excess of \$40, up to a maximum reimbursement per individual of \$80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be reimbursed to the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under sections 3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction.

A portion of the foregoing appropriation item 200572, Adult Education Programs, may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education.

Section 265.260. EDCHOICE EXPANSION

The foregoing appropriation item 200573, EdChoice Expansion, shall be used to provide for the scholarships awarded under the expansion of the educational choice program established under section 3310.032 of the Revised Code. The number of scholarships awarded under the expansion of the educational choice program shall not exceed the number that can be funded with the appropriations made by the General Assembly for this purpose.

HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

ADAPTIVE SPORTS PROGRAM

The foregoing appropriation item 200576, Adaptive Sports Program, shall be used by the Department of Education, in collaboration with the Adaptive Sports Program of Ohio, to fund adaptive sports programs in school districts across the state.

INNOVATIVE SHARED SERVICES AT SCHOOLS

The foregoing appropriation item 200598, Innovative Shared Services at Schools, shall be used to provide competitive grants in accordance with the section of this act entitled "INNOVATIVE SHARED SERVICES AT SCHOOLS PROGRAM."

Section 265.270. INNOVATIVE SHARED SERVICES AT SCHOOLS PROGRAM

(A) There is hereby created the Innovative Shared Services at Schools Program to provide grants to city, local, and exempted village school districts, joint vocational school districts, community schools, STEM schools, education consortia (which may represent a partnership among school districts, community schools, STEM schools, or educational service centers), and private or governmental entities partnering with one or more of the educational entities identified in this division for projects that aim to achieve significant advancement in the use of a shared services delivery model that demonstrates increased efficiency and effectiveness, long-term sustainability, and scalability.

(B)(1) Grants shall be awarded by a five-member governing board consisting of the Superintendent of Public Instruction, or the Superintendent's designee, two members appointed by the Governor, one member appointed by the Speaker of the House of Representatives, and one member appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.

(2) The board shall select grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service.

(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.

(5) With the approval of the board, the Department shall 74470
establish a system for evaluating and scoring the grant 74471
applications received under this section. 74472

(C) Each grant applicant shall submit a proposal that 74473
includes all of the following: 74474

(1) A description of the project for which the applicant is 74475
seeking a grant, including a description of how the project will 74476
have substantial value and lasting impact; 74477

(2) A description of quantifiable results of the project that 74478
can be benchmarked; 74479

(3) A description of administrative efficiencies created by 74480
the project. 74481

If an education consortium described in division (A) of this 74482
section applies for a grant, the lead applicant shall be the 74483
school district, community school, or STEM school that is a member 74484
of the consortium and shall so indicate on the grant application. 74485

(D)(1) The board shall issue a timely decision of "yes," 74486
"no," "hold," or "edit" for each application. A grant awarded 74487
under this section shall not exceed \$100,000 in each fiscal year. 74488
The Superintendent of Public Instruction may make recommendations 74489
to the Controlling Board that these maximum amounts be exceeded. 74490
Upon Controlling Board approval, grants may be awarded in excess 74491
of these amounts. 74492

(2) If the board issues a "hold" or "edit" decision for an 74493
application, it shall, upon returning the application to the 74494
applicant, specify the process for reconsideration of the 74495
application. An applicant may work with the grant advisors and 74496
staff to modify or improve a grant application. 74497

(E) Upon deciding to award a grant to an applicant, the board 74498
shall enter into a grant agreement with the applicant that 74499

includes all of the following: 74500

(1) The content of the applicant's proposal as outlined under 74501
division (C) of this section; 74502

(2) The project's deliverables and a timetable for their 74503
completion; 74504

(3) Conditions for receiving grant funding; 74505

(4) Conditions for receiving funding in future years if the 74506
contract is a multi-year contract; 74507

(5) A provision specifying that funding will be returned to 74508
the board if the applicant fails to implement the agreement; 74509

(6) A provision specifying that the agreement may be amended 74510
by mutual agreement between the board and the applicant. 74511

(F) Each grant awarded under this section shall be subject to 74512
approval by the Controlling Board prior to execution of the grant 74513
agreement. 74514

(G) At the discretion of the board, a portion of 74515
appropriation item 200598, Innovative Shared Services at Schools, 74516
may be used by the Department of Education to administer the 74517
program. 74518

(H) Notwithstanding any provision of law to the contrary, 74519
grants awarded under this section may be used by grant recipients 74520
for grant-related expenses incurred for a period not to exceed two 74521
years from the date of the award according to guidelines 74522
established by the governing board. 74523

Section 265.280. MEDICAID IN SCHOOLS PROGRAM 74524

The foregoing appropriation item, 657401, Medicaid in Schools 74525
Program, shall be used by the Department of Education to support 74526
the Medicaid in Schools Program. 74527

Section 265.300. TEACHER CERTIFICATION AND LICENSURE 74528

The foregoing appropriation item 200681, Teacher 74529
Certification and Licensure, shall be used by the Department of 74530
Education in each year of the biennium to administer and support 74531
teacher certification and licensure activities. Notwithstanding 74532
section 3319.51 of the Revised Code, a portion of the foregoing 74533
appropriation may also be used for implementation of teacher and 74534
principal evaluation systems, including incorporation of student 74535
growth as a metric in those systems, and teacher value-added 74536
reports. 74537

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 74538

(A) The foregoing appropriation item 200687, School District 74539
Solvency Assistance, shall be allocated to the School District 74540
Shared Resource Account and the Catastrophic Expenditures Account 74541
in amounts determined by the Superintendent of Public Instruction. 74542
These funds shall be used to provide assistance and grants to 74543
school districts to enable them to remain solvent under section 74544
3316.20 of the Revised Code. Assistance and grants shall be 74545
subject to approval by the Controlling Board. Except as provided 74546
under division (C) of this section, any required reimbursements 74547
from school districts for solvency assistance shall be made to the 74548
appropriate account in the School District Solvency Assistance 74549
Fund (Fund 5H30). 74550

(B) Notwithstanding any provision of law to the contrary, 74551
upon the request of the Superintendent of Public Instruction, the 74552
Director of Budget and Management may make transfers to the School 74553
District Solvency Assistance Fund (Fund 5H30) from any fund used 74554
by the Department of Education or the General Revenue Fund to 74555
maintain sufficient cash balances in Fund 5H30 in fiscal years 74556
2020 and 2021. Any cash transferred is hereby appropriated. The 74557

transferred cash may be used by the Department to provide 74558
assistance and grants to school districts to enable them to remain 74559
solvent and to pay unforeseeable expenses of a temporary or 74560
emergency nature that the school district is unable to pay from 74561
existing resources. The Director shall notify the members of the 74562
Controlling Board of any such transfers. 74563

(C) If the cash balance of the School District Solvency 74564
Assistance Fund (Fund 5H30) is insufficient to pay solvency 74565
assistance in fiscal years 2020 and 2021, at the request of the 74566
Superintendent of Public Instruction, and with the approval of the 74567
Controlling Board, the Director of Budget and Management may 74568
transfer cash from the Lottery Profits Education Reserve Fund 74569
(Fund 7018) to Fund 5H30 to provide assistance and grants to 74570
school districts to enable them to remain solvent and to pay 74571
unforeseeable expenses of a temporary nature that they are unable 74572
to pay from existing resources under section 3316.20 of the 74573
Revised Code. Such transfers are hereby appropriated to 74574
appropriation item 200670, School District Solvency Assistance - 74575
Lottery. Any required reimbursements from school districts for 74576
solvency assistance granted from appropriation item 200670, School 74577
District Solvency Assistance - Lottery, shall be made to Fund 74578
7018. 74579

Section 265.323. STUDENT WELLNESS AND SUCCESS 74580

The foregoing appropriation item 200604, Student Wellness and 74581
Success, shall be used to distribute the amounts calculated for 74582
student wellness and success funds under sections 3314.088, 74583
3317.0219, 3317.163, and 3326.42 of the Revised Code. 74584

Section 265.325. SCHOOL CLIMATE GRANTS 74585

(A) The foregoing appropriation item 200602, School Climate 74586
Grants, shall be used to provide competitive grants to eligible 74587

applicants to implement positive behavior intervention and 74588
supports frameworks, evidence- or research-based social and 74589
emotional learning initiatives, or both, in eligible school 74590
buildings. 74591

(B) The Superintendent of Public Instruction shall administer 74592
and award the grants. The Superintendent shall prescribe an 74593
application form, establish procedures for the consideration and 74594
approval of grant applications, and determine the amount of the 74595
grant awards. 74596

(C)(1) Subject to division (C)(2) of this section, the 74597
Superintendent shall award the grants in the following order of 74598
priority: 74599

(a) First, to eligible applicants whose grant proposal serves 74600
one or more eligible school buildings whose percentage of students 74601
who are identified as economically disadvantaged is greater than 74602
the statewide average percentage of students who are identified as 74603
economically disadvantaged, as determined by the Superintendent; 74604

(b) Second, to eligible applicants whose grant proposal 74605
serves one or more eligible school buildings with high suspension 74606
rates, as determined by the Superintendent; 74607

(c) Third, to eligible applicants who were not awarded a 74608
grant under either division (C)(1)(a) or (b) of this section in 74609
the order in which the applications were received. 74610

(2) If, for a fiscal year, the amount appropriated for the 74611
grants awarded under this section is insufficient to provide 74612
grants to all eligible applicants within a priority level 74613
specified in division (C)(1) of this section, the Superintendent 74614
shall first award grants within that priority level to eligible 74615
applicants whose grant proposal serves one or more eligible school 74616
buildings that previously have not been served through a grant 74617
disbursed from the foregoing appropriation item 200602, School 74618

Climate Grants. 74619

(D) The Superintendent may enter into a written grant 74620
agreement with each eligible applicant awarded a grant under this 74621
section that includes the terms and conditions governing the use 74622
of the funds. The Superintendent may monitor a recipient's use of 74623
the funds to ensure that the funds are used in accordance with the 74624
grant agreement. 74625

(E) A grant awarded to an eligible applicant under this 74626
section shall not exceed \$5,000 per eligible school building 74627
served in the eligible applicant's grant proposal, up to a maximum 74628
of \$50,000. 74629

(F) Notwithstanding any provision of law to the contrary, 74630
grants awarded under this section may be used by grant recipients 74631
for grant-related expenses for a period not to exceed two years 74632
from the date of the award, according to guidelines established by 74633
the Superintendent. 74634

(G) As used in this section: 74635

(1) "Eligible applicant" means a city, local, or exempted 74636
village school district or a community school established under 74637
Chapter 3314. of the Revised Code. 74638

(2) "Eligible school building" means a building of an 74639
eligible applicant that serves any of grades kindergarten through 74640
three. 74641

Section 265.330. LOTTERY PROFITS EDUCATION FUND 74642

The foregoing appropriation item 200612, Foundation Funding, 74643
shall be used in conjunction with appropriation item 200550, 74644
Foundation Funding, to provide state foundation payments to school 74645
districts. 74646

The Department of Education, with the approval of the 74647
Director of Budget and Management, shall determine the monthly 74648

distribution schedules of appropriation item 200550, Foundation 74649
Funding, and appropriation item 200612, Foundation Funding. If 74650
adjustments to the monthly distribution schedule are necessary, 74651
the Department shall make such adjustments with the approval of 74652
the Director. 74653

Section 265.332. STUDENT WELLNESS AND SUCCESS 74654

The foregoing appropriation item 200625, Student Wellness and 74655
Success, shall be used to make payments calculated for student 74656
wellness and success funds under sections 3314.088, 3317.0219, 74657
3317.163, and 3326.42 of the Revised Code. 74658

Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT 74659

(A) The foregoing appropriation item 200631, Quality 74660
Community Schools Support, shall be used for the Quality Community 74661
School Support Program. Under the program, the Department of 74662
Education shall pay each community school established under 74663
Chapter 3314. of the Revised Code and designated as a Community 74664
School of Quality under this section an amount equal to \$1,750 in 74665
each fiscal year for each pupil identified as economically 74666
disadvantaged and \$1,000 in each fiscal year for each pupil that 74667
is not identified as economically disadvantaged. The payment for 74668
the current fiscal year shall be calculated using the final 74669
adjusted full-time equivalent number of students enrolled in a 74670
community school for the prior fiscal year, except that if a 74671
school is in its first year of operation the payment for the 74672
current fiscal year shall be calculated using the adjusted 74673
full-time equivalent number of students enrolled in the school for 74674
the current fiscal year as of the date the payment is made, as 74675
reported by the school under section 3314.08 of the Revised Code. 74676
The Department shall make the payment to each Community School of 74677
Quality not later than January 31 of each fiscal year. 74678

(B) To be designated as a Community School of Quality, a community school shall satisfy at least one of the following conditions:

(1) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(c) The school received an overall grade of "A" or "B" for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a grade for the value-added progress dimension on the most recent report card.

(d) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department.

(2) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school is in its first year of operation.

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section.

(3) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective"

on the sponsor's most recent evaluation conducted under section 74709
3314.016 of the Revised Code. 74710

(b) The school contracts with an operator that operates 74711
schools in other states and meets at least one of the following 74712
criteria: 74713

(i) Has operated a school that received a grant funded 74714
through the federal Charter School Program established under 20 74715
U.S.C. 7221 or received funding from the Charter School Growth 74716
Fund; 74717

(ii) Meets all of the following criteria: 74718

(I) One of the operator's schools in another state performed 74719
better than the school district in which the school is located, as 74720
determined by the Department. 74721

(II) At least fifty per cent of the total number of students 74722
enrolled in all of the operator's schools are economically 74723
disadvantaged, as determined by the Department. 74724

(III) The operator is in good standing in all states where it 74725
operates schools. 74726

(IV) The Department has determined that the operator does not 74727
have any financial viability issues that would prevent it from 74728
effectively operating a community school in Ohio. 74729

(C) A school that is designated as a Community School of 74730
Quality under division (B) of this section shall maintain that 74731
designation for the two fiscal years following the fiscal year in 74732
which the school was initially designated as a Community School of 74733
Quality. 74734

Section 265.340. COMMUNITY SCHOOL FACILITIES 74735

The foregoing appropriation item 200684, Community School 74736
Facilities, shall be used to pay each community school established 74737

under Chapter 3314. of the Revised Code and each STEM school 74738
established under Chapter 3326. of the Revised Code an amount 74739
equal to \$25 in each fiscal year for each full-time equivalent 74740
pupil in an internet- or computer-based community school and \$200 74741
in each fiscal year for each full-time equivalent pupil in all 74742
other community or STEM schools for assistance with the cost 74743
associated with facilities. If the amount appropriated is not 74744
sufficient, the Department shall prorate the amounts so that the 74745
aggregate amount appropriated is not exceeded. 74746

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND 74747

(A) There is hereby created the Lottery Profits Education 74748
Reserve Fund (Fund 7018) in the State Treasury. Investment 74749
earnings of the Lottery Profits Education Reserve Fund shall be 74750
credited to the fund. 74751

(B) Notwithstanding any other provision of law to the 74752
contrary, the Director of Budget and Management may transfer cash 74753
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 74754
in fiscal year 2020 and fiscal year 2021. 74755

(C) On July 15, 2019, or as soon as possible thereafter, the 74756
Director of the Ohio Lottery Commission shall certify to the 74757
Director of Budget and Management the amount by which lottery 74758
profit transfers received by Fund 7017 exceeded \$1,093,630,000 in 74759
fiscal year 2019. 74760

(D) On July 15, 2020, or as soon as possible thereafter, the 74761
Director of the Ohio Lottery Commission shall certify to the 74762
Director of Budget and Management the amount by which lottery 74763
profit transfers received by Fund 7017 exceeded \$1,126,000,000 in 74764
fiscal year 2020. 74765

(E) Notwithstanding any provision of law to the contrary, in 74766
fiscal year 2020 and fiscal year 2021, the Director of Budget and 74767

Management may transfer cash in excess of the amounts necessary to 74768
support appropriations in Fund 7017 from that fund to Fund 7018. 74769

Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING 74770

As used in this section, "high-performing educational service 74771
center" means an educational service center designated as such 74772
pursuant to rule 3301-105-01 of the Administrative Code. 74773

As used in this section, "student count" means the count 74774
calculated under division (G)(1) of section 3313.843 of the 74775
Revised Code. 74776

In each fiscal year, the Department of Education shall pay 74777
the governing board of each high-performing educational service 74778
center state funds equal to twenty-six dollars times its student 74779
count, and to the governing board of each other center, state 74780
funds equal to twenty-four dollars times its student count. 74781

If the amount earmarked for the state reimbursement of 74782
educational service centers in appropriation item 200550, 74783
Foundation Funding, is not sufficient, the Department shall 74784
prorate the payment amounts so that the appropriation is not 74785
exceeded. 74786

Notwithstanding any provision of law to the contrary, a 74787
school district that has not entered into an agreement for 74788
services with an educational service center as of June 30, 2019, 74789
shall be prohibited from entering into such an agreement during 74790
the period from July 1, 2019, through June 30, 2021. 74791

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 74792
ASSESSMENT OF EDUCATION PROGRESS 74793

The General Assembly intends for the Superintendent of Public 74794
Instruction to provide for school district participation in the 74795
administration of the National Assessment of Education Progress in 74796

accordance with section 3301.27 of the Revised Code. Each school 74797
and school district selected for participation by the 74798
Superintendent shall participate. 74799

Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 74800
STUDENTS 74801

(A) As used in this section: 74802

(1) "IEP" has the same meaning as in section 3323.01 of the 74803
Revised Code. 74804

(2) "SBH student" means a student receiving special education 74805
and related services for severe behavior disabilities pursuant to 74806
an IEP. 74807

(B) This section applies only to a community school 74808
established under Chapter 3314. of the Revised Code that in each 74809
of fiscal years 2020 and 2021 enrolls a number of SBH students 74810
equal to at least fifty per cent of the total number of students 74811
enrolled in the school in the applicable fiscal year. 74812

(C) In addition to any state foundation payments made, in 74813
each of fiscal years 2020 and 2021, the Department of Education 74814
shall pay to a community school to which this section applies a 74815
subsidy equal to the difference between the aggregate amount 74816
calculated and paid in that fiscal year to the community school 74817
for special education and related services additional weighted 74818
costs for the SBH students enrolled in the school and the 74819
aggregate amount that would have been calculated for the school 74820
for special education and related services additional weighted 74821
costs for those same students in fiscal year 2001. If the 74822
difference is a negative number, the amount of the subsidy shall 74823
be zero. 74824

(D) The amount of any subsidy paid to a community school 74825
under this section shall not be deducted from the school district 74826

in which any of the students enrolled in the community school are 74827
entitled to attend school under section 3313.64 or 3313.65 of the 74828
Revised Code. The amount of any subsidy paid to a community school 74829
under this section shall be paid from funds appropriated to the 74830
Department in appropriation item 200550, Foundation Funding. 74831

Section 265.400. EARMARK ACCOUNTABILITY 74832

At the request of the Superintendent of Public Instruction, 74833
any entity that receives a budget earmark under the Department of 74834
Education shall submit annually to the chairpersons of the 74835
committees of the House of Representatives and the Senate 74836
primarily concerned with education and education funding and to 74837
the Department a report that includes a description of the 74838
services supported by the funds, a description of the results 74839
achieved by those services, an analysis of the effectiveness of 74840
the program, and an opinion as to the program's applicability to 74841
other school districts. For an earmarked entity that received 74842
state funds from an earmark in the prior fiscal year, no funds 74843
shall be provided by the Department to an earmarked entity for a 74844
fiscal year until its report for the prior fiscal year has been 74845
submitted. 74846

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 74847

A community school established under Chapter 3314. of the 74848
Revised Code that was open for operation as a community school as 74849
of May 1, 2005, may operate from or in any home, as defined in 74850
section 3313.64 of the Revised Code, located in the state, 74851
regardless of when the community school's operations from or in a 74852
particular home began. 74853

Section 265.420. USE OF VOLUNTEERS 74854

The Department of Education may utilize the services of 74855

volunteers to accomplish any of the purposes of the Department. 74856
The Superintendent of Public Instruction shall approve for what 74857
purposes volunteers may be used and for these purposes may 74858
recruit, train, and oversee the services of volunteers. The 74859
Superintendent may reimburse volunteers for necessary and 74860
appropriate expenses in accordance with state guidelines and may 74861
designate volunteers as state employees for the purpose of motor 74862
vehicle accident liability insurance under section 9.83 of the 74863
Revised Code, for immunity under section 9.86 of the Revised Code, 74864
and for indemnification from liability incurred in the performance 74865
of their duties under section 9.87 of the Revised Code. 74866

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 74867
REIMBURSEMENTS 74868

(A) Except as expressly required under a court judgment not 74869
subject to further appeals, or a settlement agreement with a 74870
school district executed on or before June 1, 2009, in the case of 74871
a school district for which the formula ADM for fiscal year 2005, 74872
as reported for that fiscal year under division (A) of section 74873
3317.03 of the Revised Code, was reduced based on enrollment 74874
reports for community schools, made under section 3314.08 of the 74875
Revised Code, regarding students entitled to attend school in the 74876
district, which reduction of formula ADM resulted in a reduction 74877
of foundation funding or transitional aid funding for fiscal year 74878
2005, 2006, or 2007, no school district, except a district named 74879
in the court's judgment or the settlement agreement, shall have a 74880
legal claim for reimbursement of the amount of such reduction in 74881
foundation funding or transitional aid funding, and the state 74882
shall not have liability for reimbursement of the amount of such 74883
reduction in foundation funding or transitional aid funding. 74884

(B) As used in this section: 74885

(1) "Community school" means a community school established 74886

under Chapter 3314. of the Revised Code. 74887

(2) "Entitled to attend school" means entitled to attend 74888
school in a school district under section 3313.64 or 3313.65 of 74889
the Revised Code. 74890

(3) "Foundation funding" means payments calculated for the 74891
respective fiscal year under Chapter 3317. of the Revised Code. 74892

(4) "Transitional aid funding" means payments calculated for 74893
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 74894
of the 125th General Assembly, as subsequently amended; Section 74895
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 74896
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 74897
of the 127th General Assembly. 74898

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 74899

In collaboration with the County Family and Children First 74900
Council, a city, local, or exempted village school district, 74901
community school, STEM school, joint vocational school district, 74902
educational service center, or county board of developmental 74903
disabilities that receives allocations from the Department of 74904
Education from appropriation item 200550, Foundation Funding, or 74905
appropriation item 200540, Special Education Enhancements, may 74906
transfer portions of those allocations to a flexible funding pool 74907
authorized by the section of this act entitled "FAMILY AND 74908
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 74909
maintenance of effort or for federal or state funding matching 74910
requirements shall not be transferred unless the allocation may 74911
still be used to meet such requirements. 74912

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 74913

(A) As used in this section: 74914

(1) The following are "participating residential treatment 74915

centers": 74916

(a) Private residential treatment facilities that have 74917
entered into a contract with the Department of Youth Services to 74918
provide services to children placed at the facility by the 74919
Department and which, in fiscal year 2020 or fiscal year 2021 or 74920
both, the Department pays through appropriation item 470401, 74921
RECLAIM Ohio; 74922

(b) Abraxas, in Shelby; 74923

(c) Paint Creek, in Bainbridge; 74924

(d) F.I.R.S.T., in Mansfield. 74925

(2) "Education program" means an elementary or secondary 74926
education program or a special education program and related 74927
services. 74928

(3) "Served child" means any child receiving an education 74929
program pursuant to division (B) of this section. 74930

(4) "School district responsible for tuition" means a city, 74931
exempted village, or local school district that, if tuition 74932
payment for a child by a school district is required under law 74933
that existed in fiscal year 1998, is the school district required 74934
to pay that tuition. 74935

(5) "Residential child" means a child who resides in a 74936
participating residential treatment center and who is receiving an 74937
educational program under division (B) of this section. 74938

(B) A youth who is a resident of the state and has been 74939
assigned by a juvenile court or other authorized agency to a 74940
residential treatment facility specified in division (A) of this 74941
section shall be enrolled in an approved educational program 74942
located in or near the facility. Approval of the educational 74943
program shall be contingent upon compliance with the criteria 74944
established for such programs by the Department of Education. The 74945

educational program shall be provided by a school district or 74946
educational service center, or by the residential facility itself. 74947
Maximum flexibility shall be given to the residential treatment 74948
facility to determine the provider. In the event that a voluntary 74949
agreement cannot be reached and the residential facility does not 74950
choose to provide the educational program, the educational service 74951
center in the county in which the facility is located shall 74952
provide the educational program at the treatment center to 74953
children under twenty-two years of age residing in the treatment 74954
center. 74955

(C) Any school district responsible for tuition for a 74956
residential child shall, notwithstanding any conflicting provision 74957
of the Revised Code regarding tuition payment, pay tuition for the 74958
child for fiscal year 2020 and fiscal year 2021 to the education 74959
program provider and in the amount specified in this division. If 74960
there is no school district responsible for tuition for a 74961
residential child and if the participating residential treatment 74962
center to which the child is assigned is located in the city, 74963
exempted village, or local school district that, if the child were 74964
not a resident of that treatment center, would be the school 74965
district where the child is entitled to attend school under 74966
sections 3313.64 and 3313.65 of the Revised Code, that school 74967
district, notwithstanding any conflicting provision of the Revised 74968
Code, shall pay tuition for the child for fiscal year 2020 and 74969
fiscal year 2021 under this division unless that school district 74970
is providing the educational program to the child under division 74971
(B) of this section. 74972

A tuition payment under this division shall be made to the 74973
school district, educational service center, or residential 74974
treatment facility providing the educational program to the child. 74975

The amount of tuition paid shall be: 74976

(1) The amount of tuition determined for the district under 74977

division (A) of section 3317.08 of the Revised Code; 74978

(2) In addition, for any student receiving special education 74979
pursuant to an individualized education program as defined in 74980
section 3323.01 of the Revised Code, a payment for excess costs. 74981
This payment shall equal the actual cost to the school district, 74982
educational service center, or residential treatment facility of 74983
providing special education and related services to the student 74984
pursuant to the student's individualized education program, minus 74985
the tuition paid for the child under division (C)(1) of this 74986
section. 74987

A school district paying tuition under this division shall 74988
not include the child for whom tuition is paid in the district's 74989
average daily membership certified under division (A) of section 74990
3317.03 of the Revised Code. 74991

(D) In each of fiscal years 2020 and 2021, the Department of 74992
Education shall reimburse, from appropriations made for the 74993
purpose, a school district, educational service center, or 74994
residential treatment facility, whichever is providing the 74995
service, that has demonstrated that it is in compliance with the 74996
funding criteria for each served child for whom a school district 74997
must pay tuition under division (C) of this section. The amount of 74998
the reimbursement shall be the amount appropriated for this 74999
purpose divided by the full-time equivalent number of children for 75000
whom reimbursement is to be made. 75001

(E) Funds provided to a school district, educational service 75002
center, or residential treatment facility under this section shall 75003
be used to supplement, not supplant, funds from other public 75004
sources for which the school district, service center, or 75005
residential treatment facility is entitled or eligible. 75006

(F) The Department of Education shall track the utilization 75007
of funds provided to school districts, educational service 75008

centers, and residential treatment facilities under this section 75009
and monitor the effect of the funding on the educational programs 75010
they provide in participating residential treatment facilities. 75011
The Department shall monitor the programs for educational 75012
accountability. 75013

Section 265.460. (A) The Superintendent of Public Instruction 75014
may form partnerships with Ohio's business community, including 75015
the Ohio Business Roundtable, to create and implement initiatives 75016
that connect students with the business community in an effort to 75017
increase student engagement and job readiness through internships, 75018
work study, and site-based learning experiences. 75019

(B) If the Superintendent forms a partnership pursuant to 75020
division (A) of this section, the initiatives created and 75021
implemented through that partnership shall do all of the 75022
following: 75023

(1) Support the career connection learning strategies 75024
described in division (B)(2) of section 3301.079 of the Revised 75025
Code; 75026

(2) Provide an opportunity for students to earn high school 75027
credit toward graduation or to meet curriculum requirements in 75028
accordance with divisions (J)(1) and (2) of section 3313.603 of 75029
the Revised Code; 75030

(3) Inform the development of student success plans pursuant 75031
to division (C) of section 3313.6020 of the Revised Code. 75032

Section 265.470. The Department of Education shall study the 75033
feasibility of new funding models for internet- or computer-based 75034
community schools. In conducting the study, the department shall 75035
do all of the following: 75036

(A) Consider models of funding based on competency and course 75037
completion; 75038

(B) Consider models of funding used in other states, 75039
including Florida and New Hampshire; 75040

(C) Make recommendations on the feasibility of new funding 75041
models for internet- or computer-based community schools. 75042

Upon completion of the study, and not later than December 31, 75043
2019, the department shall submit copies of the study to the 75044
Governor, the President and Minority Leader of the Senate, the 75045
Speaker and Minority Leader of the House of Representatives, and 75046
the chairpersons of the standing committees on education of the 75047
Senate and the House of Representatives. 75048

Section 265.490. Upon receipt of federal funds under Title 75049
IV, Part A, Student Support and Academic Enrichment Grants, and 75050
after payments are made pursuant to education programs included in 75051
this block grant program, the Department shall direct any unused 75052
funds to cover all or part of the cost of Advanced Placement tests 75053
and International Baccalaureate registration and exam fees for 75054
low-income students. 75055

Section 267.10. ELC OHIO ELECTIONS COMMISSION 75056

General Revenue Fund 75057

GRF 051321 Operating Expenses	\$	435,221	\$	435,221	75058
TOTAL GRF General Revenue Fund	\$	435,221	\$	435,221	75059

Dedicated Purpose Fund Group 75060

4P20 051601 Operating Support	\$	199,460	\$	199,460	75061
TOTAL DPF Dedicated Purpose Fund	\$	199,460	\$	199,460	75062

Group

TOTAL ALL BUDGET FUND GROUPS	\$	634,681	\$	634,681	75063
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Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 75065
DIRECTORS 75066

Dedicated Purpose Fund Group 75067

4K90 881609	Operating Expenses	\$	949,667	\$	1,033,281	75068
TOTAL DPF Dedicated Purpose Fund		\$	949,667	\$	1,033,281	75069
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	949,667	\$	1,033,281	75070

Section 271.10. PAY EMPLOYEE BENEFITS FUNDS 75072

Fiduciary Fund Group						75073
1240 995673	Payroll Deductions	\$	832,466,424	\$	824,291,520	75074
8060 995666	Accrued Leave Fund	\$	88,203,046	\$	90,830,634	75075
8070 995667	Disability Fund	\$	24,790,268	\$	25,839,844	75076
8080 995668	State Employee Health	\$	926,211,020	\$	989,360,953	75077
Benefit Fund						
8090 995669	Dependent Care	\$	4,100,000	\$	4,477,000	75078
Spending Account						
8100 995670	Life Insurance	\$	1,757,422	\$	1,810,144	75079
Investment Fund						
8110 995671	Parental Leave	\$	4,867,791	\$	5,308,830	75080
Benefit Fund						
8130 995672	Health Care Spending	\$	15,206,162	\$	16,806,372	75081
Account						
TOTAL FID Fiduciary Fund Group		\$	1,897,602,133	\$	1,958,725,297	75082
TOTAL ALL BUDGET FUND GROUPS		\$	1,897,602,133	\$	1,958,725,297	75083

Section 271.20. PAYROLL DEDUCTION FUND 75085

The foregoing appropriation item 995673, Payroll Deductions, 75086
shall be used to make payments from the Payroll Deduction Fund 75087
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 75088
is determined by the Director of Budget and Management that 75089
additional amounts are necessary, the amounts are hereby 75090
appropriated. 75091

ACCRUED LEAVE LIABILITY FUND 75092

The foregoing appropriation item 995666, Accrued Leave Fund, 75093

shall be used to make payments from the Accrued Leave Liability 75094
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 75095
If it is determined by the Director of Budget and Management that 75096
additional amounts are necessary, the amounts are hereby 75097
appropriated. 75098

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 75099

The foregoing appropriation item 995667, Disability Fund, 75100
shall be used to make payments from the State Employee Disability 75101
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 75102
Revised Code. If it is determined by the Director of Budget and 75103
Management that additional amounts are necessary, the amounts are 75104
hereby appropriated. 75105

STATE EMPLOYEE HEALTH BENEFIT FUND 75106

The foregoing appropriation item 995668, State Employee 75107
Health Benefit Fund, shall be used to make payments from the State 75108
Employee Health Benefit Fund (Fund 8080) pursuant to section 75109
124.87 of the Revised Code. If it is determined by the Director of 75110
Budget and Management that additional amounts are necessary, the 75111
amounts are hereby appropriated. 75112

DEPENDENT CARE SPENDING FUND 75113

The foregoing appropriation item 995669, Dependent Care 75114
Spending Account, shall be used to make payments from the 75115
Dependent Care Spending Fund (Fund 8090) to employees eligible for 75116
dependent care expenses pursuant to section 124.822 of the Revised 75117
Code. If it is determined by the Director of Budget and Management 75118
that additional amounts are necessary, the amounts are hereby 75119
appropriated. 75120

LIFE INSURANCE INVESTMENT FUND 75121

The foregoing appropriation item 995670, Life Insurance 75122
Investment Fund, shall be used to make payments from the Life 75123

Insurance Investment Fund (Fund 8100) for the costs and expenses 75124
of the state's life insurance benefit program pursuant to section 75125
125.212 of the Revised Code. If it is determined by the Director 75126
of Budget and Management that additional amounts are necessary, 75127
the amounts are hereby appropriated. 75128

PARENTAL LEAVE BENEFIT FUND 75129

The foregoing appropriation item 995671, Parental Leave 75130
Benefit Fund, shall be used to make payments from the Parental 75131
Leave Benefit Fund (Fund 8110) to employees eligible for parental 75132
leave benefits pursuant to section 124.137 of the Revised Code. If 75133
it is determined by the Director of Budget and Management that 75134
additional amounts are necessary, the amounts are hereby 75135
appropriated. 75136

HEALTH CARE SPENDING ACCOUNT FUND 75137

The foregoing appropriation item 995672, Health Care Spending 75138
Account, shall be used to make payments from the Health Care 75139
Spending Account Fund (Fund 8130) for payments pursuant to state 75140
employees' participation in a flexible spending account for 75141
non-reimbursed health care expenses and section 124.821 of the 75142
Revised Code. If it is determined by the Director of Budget and 75143
Management that additional amounts are necessary, the amounts are 75144
hereby appropriated. 75145

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 75146

General Revenue Fund 75147

GRF 125321 Operating Expenses	\$	3,998,046	\$	4,136,626	75148
TOTAL GRF General Revenue Fund	\$	3,998,046	\$	4,136,626	75149

Dedicated Purpose Fund Group 75150

5720 125603 Training and Publications	\$	227,193	\$	227,760	75151
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TOTAL DPF Dedicated Purpose Fund	\$	227,193	\$	227,760	75152
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	4,225,239	\$	4,364,386	75153
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Section 275.10.	ENG STATE BOARD OF ENGINEERS AND SURVEYORS	75155
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Dedicated Purpose Fund Group	75156
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4K90 892609 Operating Expenses	\$	1,263,151	\$	1,312,259	75157
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TOTAL DPF Dedicated Purpose Fund	\$	1,263,151	\$	1,312,259	75158
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,263,151	\$	1,312,259	75159
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Section 277.10.	EPA ENVIRONMENTAL PROTECTION AGENCY	75161
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General Revenue Fund	75162
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GRF 715502 Auto Emissions	\$	11,186,610	\$	11,046,610	75163
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E-Check Program

TOTAL GRF General Revenue Fund	\$	11,186,610	\$	11,046,610	75164
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Dedicated Purpose Fund Group	75165
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4D50 715618 Recycled State	\$	50,000	\$	50,000	75166
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Materials

4J00 715638 Underground Injection	\$	429,000	\$	429,000	75167
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Control

4K20 715648 Clean Air - Non Title	\$	5,101,448	\$	5,317,000	75168
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V

4K30 715649 Solid Waste	\$	14,747,770	\$	15,449,000	75169
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4K40 715650 Surface Water	\$	10,114,999	\$	10,742,000	75170
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Protection

4K50 715651 Drinking Water	\$	8,062,598	\$	8,370,000	75171
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Protection

4P50 715654 Cozart Landfill	\$	10,000	\$	10,000	75172
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4R50 715656 Scrap Tire Management	\$	3,276,485	\$	3,251,500	75173
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4R90 715658 Voluntary Action	\$	979,348	\$	1,094,800	75174
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Program

4T30 715659 Clean Air - Title V	\$	9,687,591	\$	9,944,000	75175
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		Permit Program				
5000	715608	Immediate Removal	\$	718,000	\$	722,000 75176
		Special Account				
5030	715621	Hazardous Waste	\$	4,780,000	\$	5,118,000 75177
		Facility Management				
5050	715623	Hazardous Waste	\$	11,540,322	\$	12,087,200 75178
		Cleanup				
5050	715698	Response and	\$	3,186,244	\$	3,264,500 75179
		Investigations				
5320	715646	Recycling and Litter	\$	4,541,440	\$	4,598,000 75180
		Control				
5410	715670	Site Specific Cleanup	\$	779,296	\$	779,400 75181
5420	715671	Risk Management	\$	201,626	\$	210,000 75182
		Reporting				
5860	715637	Scrap Tire Market	\$	1,000,000	\$	1,000,000 75183
		Development				
5BC0	715622	Local Air Pollution	\$	2,000,000	\$	2,000,000 75184
		Control				
5BC0	715624	Surface Water	\$	6,043,557	\$	6,292,000 75185
5BC0	715672	Air Pollution Control	\$	7,959,855	\$	8,236,000 75186
5BC0	715673	Drinking and Ground	\$	3,953,543	\$	3,590,300 75187
		Water				
5BC0	715676	Assistance and	\$	1,824,471	\$	1,875,000 75188
		Prevention				
5BC0	715677	Laboratory	\$	3,256,184	\$	3,329,000 75189
5BC0	715678	Corrective Actions	\$	1,073,590	\$	1,120,000 75190
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000 75191
		Agencies				
5BC0	715692	Administration	\$	14,742,915	\$	15,165,000 75192
5BC0	715694	Environmental	\$	106,642	\$	115,000 75193
		Resource Coordination				
5BT0	715679	C&DD Groundwater	\$	225,000	\$	225,000 75194
		Monitoring				

5H40	715664	Groundwater Support	\$	323,121	\$	332,000	75195
5PZ0	715696	Drinking Water Loan	\$	1,106,285	\$	1,146,250	75196
		Fee					
5VA0	715601	Marsh Restoration	\$	1,000,000	\$	1,000,000	75197
5Y30	715685	Surface Water	\$	500,000	\$	500,000	75198
		Improvement					
6440	715631	Emergency Response	\$	276,500	\$	278,500	75199
		Radiological Safety					
6760	715642	Water Pollution	\$	4,606,024	\$	4,675,000	75200
		Control Loan					
		Administration					
6760	715699	Water Quality	\$	3,837,987	\$	3,975,000	75201
		Administration					
6780	715635	Air Toxic Release	\$	47,984	\$	35,000	75202
6790	715636	Emergency Planning	\$	2,844,024	\$	2,864,000	75203
6960	715643	Air Pollution Control	\$	987,855	\$	1,002,000	75204
		Administration					
6990	715644	Water Pollution	\$	287,060	\$	300,000	75205
		Control					
		Administration					
6A10	715645	Environmental	\$	1,087,749	\$	1,100,000	75206
		Education					
6H20	715695	H2Ohio	\$	8,675,000	\$	0	75207
TOTAL DPF	Dedicated Purpose Fund		\$	146,421,513	\$	142,041,450	75208
	Group						
		Internal Service Activity Fund Group					75209
1990	715602	Laboratory Services	\$	519,950	\$	533,000	75210
2190	715604	Central Support	\$	7,663,284	\$	8,055,000	75211
		Indirect					
4A10	715640	Operating Expenses	\$	1,307,000	\$	1,309,000	75212
TOTAL ISA	Internal Service Activity		\$	9,490,234	\$	9,897,000	75213
	Fund Group						
		Federal Fund Group					75214

3530	715612	Public Water Supply	\$	1,963,760	\$	2,015,000	75215
3570	715619	Air Pollution Control	\$	6,008,988	\$	6,115,000	75216
		- Federal					
3620	715605	Underground Injection	\$	131,262	\$	133,000	75217
		Control - Federal					
3BU0	715684	Water Quality	\$	15,159,951	\$	15,259,000	75218
		Protection					
3CS0	715688	Federal NRD	\$	201,000	\$	201,000	75219
		Settlements					
3F30	715632	Federally Supported	\$	6,771,522	\$	7,143,300	75220
		Cleanup and Response					
3HE0	715697	Volkswagen Clean Air	\$	19,095,000	\$	22,845,000	75221
		Act Settlement					
3T30	715669	Drinking Water State	\$	3,072,853	\$	3,155,000	75222
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000	75223
TOTAL FED		Federal Fund Group	\$	53,104,336	\$	57,566,300	75224
TOTAL ALL BUDGET FUND GROUPS			\$	220,202,693	\$	220,551,360	75225

Section 277.20. DRINKING AND GROUND WATER 75227

Of the foregoing appropriation item, 715673, Drinking and 75228
Ground Water, \$500,000 in FY 2020 shall be used to support a 75229
study, including the acquisition of any necessary equipment, to 75230
determine an estimate of storage capacity and maximum annual yield 75231
of the Michindoh Aquifer. 75232

AREAWIDE PLANNING AGENCIES 75233

The Director of Environmental Protection may award grants 75234
from appropriation item 715687, Areawide Planning Agencies, to 75235
areawide planning agencies engaged in areawide water quality 75236
management and planning activities in accordance with Section 208 75237
of the "Federal Clean Water Act," 33 U.S.C. 1288. 75238

CASH TRANSFERS TO THE MARSH RESTORATION FUND 75239

On July 1, 2019, or as soon as possible thereafter, the 75240
Director of Budget and Management, in consultation with the 75241
Director of Environmental Protection, may transfer up to 75242
\$12,000,000 cash from the Surface Water Improvement Fund (Fund 75243
5Y30) to the Marsh Restoration Fund (Fund 5VA0), which is hereby 75244
created in the state treasury. All moneys credited to Fund 5VA0 75245
are to be used for the remediation and restoration of the Mentor 75246
Marsh site in Mentor, Ohio. 75247

On July 1, 2019, or as soon as possible thereafter, the 75248
Director of Budget and Management, in consultation with the 75249
Director of Environmental Protection, may transfer up to 75250
\$1,000,000 cash from the Site Specific Cleanup Fund (Fund 5410) to 75251
Fund 5VA0. 75252

H2OHIO FUND 75253

The foregoing appropriation item 715695, H2Ohio, shall be 75254
used by the Environmental Protection Agency to support watershed 75255
planning, scientific research, and data collection. In addition, 75256
the foregoing appropriation item 715695, H2Ohio, may be used to 75257
fund waterway improvement and protection of all state waterways in 75258
support of water quality priorities and management in accordance 75259
with section 126.60 of the Revised Code. 75260

On July 1, 2020, or as soon as possible thereafter, the 75261
Director of Environmental Protection may certify to the Director 75262
of Budget and Management an amount up to the unexpended, 75263
unencumbered balance of the foregoing appropriation item, 715695, 75264
H2Ohio, at the end of fiscal year 2020 to be reappropriated in 75265
fiscal year 2021. The amount certified is hereby reappropriated to 75266
the same appropriation item for fiscal year 2021. 75267

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 75268

General Revenue Fund 75269

GRF 172321	Operating Expenses	\$	634,000	\$	651,000	75270
TOTAL GRF	General Revenue Fund	\$	634,000	\$	651,000	75271
TOTAL ALL BUDGET FUND GROUPS		\$	634,000	\$	651,000	75272

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 75274

General Revenue Fund 75275

GRF 935401	Statehouse News	\$	314,797	\$	314,797	75276
	Bureau					

GRF 935402	Ohio Government	\$	1,758,526	\$	1,608,526	75277
	Telecommunications					
	Services					

GRF 935410	Content Development,	\$	3,838,381	\$	3,838,381	75278
	Acquisition, and					
	Distribution					

GRF 935430	Broadcast Education	\$	3,699,224	\$	3,699,224	75279
	Operating					

TOTAL GRF	General Revenue Fund	\$	9,610,928	\$	9,460,928	75280
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Dedicated Purpose Fund Group 75281

5FK0 935608	Media Services	\$	95,000	\$	95,000	75282
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5VB0 935650	Facility Rental	\$	30,000	\$	32,000	75283
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TOTAL DPF	Dedicated Purpose Fund	\$	125,000	\$	127,000	75284
	Group					

Internal Service Activity Fund Group 75285

4F30 935603	Affiliate Services	\$	4,000	\$	4,000	75286
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TOTAL ISA	Internal Service Activity					75287
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Fund Group		\$	4,000	\$	4,000	75288
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TOTAL ALL BUDGET FUND GROUPS		\$	9,739,928	\$	9,591,928	75289
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Section 281.20. STATEHOUSE NEWS BUREAU 75291

The foregoing appropriation item 935401, Statehouse News 75292

Bureau, shall be used solely to support the operations of the Ohio 75293

Statehouse News Bureau. 75294

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 75295

The foregoing appropriation item 935402, Ohio Government 75296
Telecommunications Services, shall be used solely to support the 75297
operations of Ohio Government Telecommunications Services which 75298
include providing multimedia support to the state government and 75299
its affiliated organizations and broadcasting the activities of 75300
the legislative, judicial, and executive branches of state 75301
government, among its other functions. 75302

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 75303

The foregoing appropriation item 935410, Content Development, 75304
Acquisition, and Distribution, shall be used for the development, 75305
acquisition, and distribution of information resources by public 75306
media and radio reading services and for educational use in the 75307
classroom and online. 75308

Of the foregoing appropriation item 935410, Content 75309
Development, Acquisition, and Distribution, up to \$977,856 in each 75310
fiscal year shall be allocated equally among the Ohio educational 75311
television stations. Funds shall be used for the production of 75312
interactive instructional programming series with priority given 75313
to resources aligned with state academic content standards. The 75314
programming shall be targeted to the needs of the one-third lowest 75315
capacity school districts as determined by the district's state 75316
share index calculated by the Department of Education. 75317

Of the foregoing appropriation item 935410, Content 75318
Development, Acquisition, and Distribution, up to \$2,574,472 in 75319
each fiscal year shall be distributed by the Broadcast Educational 75320
Media Commission to Ohio's qualified public educational television 75321
stations and educational radio stations to support their 75322
operations. The funds shall be distributed pursuant to an 75323
allocation formula used by the Ohio Educational Telecommunications 75324
Network Commission unless a substitute formula is developed by the 75325

Broadcast Educational Media Commission in consultation with Ohio's 75326
qualified public educational television stations and educational 75327
radio stations. 75328

Of the foregoing appropriation item 935410, Content 75329
Development, Acquisition, and Distribution, up to \$286,053 in each 75330
fiscal year shall be distributed by the Broadcast Educational 75331
Media Commission to Ohio's qualified radio reading services to 75332
support their operations. The funds shall be distributed pursuant 75333
to an allocation formula used by the Ohio Educational 75334
Telecommunications Network Commission unless a substitute formula 75335
is developed by the Broadcast Educational Media Commission in 75336
consultation with Ohio's qualified radio reading services. 75337

Section 283.10. ETH OHIO ETHICS COMMISSION 75338

General Revenue Fund 75339

GRF 146321	Operating Expenses	\$	1,821,515	\$	2,068,492	75340
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TOTAL GRF	General Revenue Fund	\$	1,821,515	\$	2,068,492	75341
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Dedicated Purpose Fund Group 75342

4M60 146601	Operating Support	\$	652,578	\$	536,516	75343
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TOTAL DPF	Dedicated Purpose Fund	\$	652,578	\$	536,516	75344
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	2,474,093	\$	2,605,008	75345
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Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 75347

General Revenue Fund 75348

GRF 723403	Junior Fair Subsidy	\$	363,750	\$	363,750	75349
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TOTAL GRF	General Revenue Fund	\$	363,750	\$	363,750	75350
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Dedicated Purpose Fund Group 75351

4N20 723602	Ohio State Fair	\$	375,000	\$	375,000	75352
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Harness Racing

5060 723601	Operating Expenses	\$	15,100,897	\$	15,363,166	75353
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Bond Debt Service

TOTAL GRF General Revenue Fund	\$	451,798,783	\$	462,079,134	75378
Dedicated Purpose Fund Group					75379
5VU0 230646 School Bus Purchase	\$	0	\$	20,000,000	75380
TOTAL DPF Dedicated Purpose Fund Group	\$	0	\$	20,000,000	75381
Internal Service Activity Fund Group					75382
1310 230639 State Construction	\$	16,152,778	\$	16,356,157	75383
Management Operations					
TOTAL ISA Internal Service Activity Fund Group	\$	16,152,778	\$	16,356,157	75384
TOTAL ALL BUDGET FUND GROUPS	\$	467,951,561	\$	498,435,291	75385
Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND					75387
PAYMENTS					75388
The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Ohio Facilities Construction Commission pursuant to leases and agreements for cultural and sports facilities made under section 154.23 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.					75389 75390 75391 75392 75393 75394 75395 75396
COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE					75397
The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2019, through June 30, 2021, on obligations issued under sections 151.01 and 151.03 of the Revised Code.					75398 75399 75400 75401 75402
Section 287.30. COMMUNITY PROJECT ADMINISTRATION					75403
The foregoing appropriation item 230458, State Construction Management Services, shall be used by the Ohio Facilities					75404 75405

Construction Commission in administering Cultural and Sports 75406
Facilities Building Fund (Fund 7030) projects pursuant to section 75407
123.201 of the Revised Code. 75408

SCHOOL BUS PURCHASE 75409

The foregoing appropriation item 230646, School Bus Purchase, 75410
shall be used by the Ohio Facilities Construction Commission to 75411
assist school districts in purchasing school buses in accordance 75412
with the program developed under this section. 75413

The Commission, in partnership with the departments of 75414
Administrative Services and Public Safety, shall develop a program 75415
to provide school bus purchase assistance in a manner comparable 75416
to the method in which school facilities assistance is provided 75417
under sections 3318.01 to 3318.20 of the Revised Code. Not later 75418
than January 31, 2020, the Ohio Facilities Construction Commission 75419
and the departments of Administrative Services and Public Safety 75420
shall submit a report to the General Assembly in accordance with 75421
section 101.68 of the Revised Code that describes how the program 75422
will operate. 75423

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 75424

At the request of the Executive Director of the Ohio 75425
Facilities Construction Commission, the Director of Budget and 75426
Management may cancel encumbrances for school district projects 75427
from a previous biennium if the district has not raised its local 75428
share of project costs within thirteen months of receiving 75429
Controlling Board approval under section 3318.05 or 3318.41 of the 75430
Revised Code. The Executive Director of the Ohio Facilities 75431
Construction Commission shall certify the amounts of the canceled 75432
encumbrances to the Director of Budget and Management on a 75433
quarterly basis. The amounts of the canceled encumbrances are 75434
hereby appropriated. 75435

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 75436
APPROPRIATIONS 75437

On July 1, 2019, or as soon as possible thereafter, the 75438
Executive Director of the Ohio Facilities Construction Commission 75439
shall certify to the Director of Budget and Management the amount 75440
of cash receipts and related investment income, irrevocable 75441
letters of credit from a bank, or certification of the 75442
availability of funds that have been received from a county or a 75443
municipal corporation for deposit into the Capital Donations Fund 75444
(Fund 5A10) and that are related to an anticipated project. These 75445
amounts are hereby appropriated to appropriation item C37146, 75446
Capital Donations. Prior to certifying these amounts to the 75447
Director, the Executive Director shall make a written agreement 75448
with the participating entity on the necessary cash flows required 75449
for the anticipated construction or equipment acquisition project. 75450

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 75451
MAINTENANCE LEVY 75452

The Ohio Facilities Construction Commission shall amend the 75453
project agreement between the Commission and a school district 75454
that is participating in the Accelerated Urban School Building 75455
Assistance Program on the effective date of this section, if the 75456
Commission determines that it is necessary to do so in order to 75457
comply with division (B)(3)(c) of section 3318.38 of the Revised 75458
Code. 75459

Section 287.60. Notwithstanding any other provision of law to 75460
the contrary, the Ohio Facilities Construction Commission may 75461
determine the amount of funding available for disbursement in a 75462
given fiscal year for any project approved under sections 3318.01 75463
to 3318.20 of the Revised Code in order to keep aggregate state 75464
capital spending within approved limits and may take actions 75465

including, but not limited to, determining the schedule for design 75466
or bidding of approved projects, to ensure appropriate and 75467
supportable cash flow. 75468

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 75469
DISTRICT 75470

Notwithstanding division (B) of section 3318.40 of the 75471
Revised Code, the Ohio Facilities Construction Commission shall 75472
provide assistance to at least one joint vocational school 75473
district each fiscal year for the acquisition or improvement of 75474
classroom facilities in accordance with sections 3318.40 to 75475
3318.45 of the Revised Code. 75476

Section 287.80. RETURNED OR RECOVERED FUNDS 75477

Notwithstanding any provision of law to the contrary, any 75478
moneys a school district transfers to the Ohio Facilities 75479
Construction Commission under division (C)(2) or (3) of section 75480
3318.12 of the Revised Code as well as any moneys recovered from 75481
settlements with or judgments against parties relating to their 75482
involvement in a classroom facilities project shall be deposited 75483
into the fund from which the capital appropriation for the project 75484
was made. In fiscal year 2020, the Executive Director of the Ohio 75485
Facilities Construction Commission may request the Director of 75486
Budget and Management to authorize expenditures from those funds 75487
and specified appropriation items in excess of the amounts 75488
appropriated in an amount equal to the amount of the funds 75489
deposited under this section. The additional amounts, if 75490
authorized, shall be used in accordance with the purposes of 75491
Chapter 3318. of the Revised Code for projects pursuant to 75492
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 75493
Revised Code. Upon approval of the Director of Budget and 75494
Management, the additional amounts are hereby appropriated. 75495

Section 289.10. GOV OFFICE OF THE GOVERNOR				75496
General Revenue Fund				75497
GRF 040321	Operating Expenses	\$ 2,914,740	\$ 2,973,034	75498
TOTAL GRF General Revenue Fund		\$ 2,914,740	\$ 2,973,034	75499
Internal Service Activity Fund Group				75500
5AK0 040607	Government Relations	\$ 613,870	\$ 619,988	75501
TOTAL ISA Internal Service Activity				75502
Fund Group		\$ 613,870	\$ 619,988	75503
TOTAL ALL BUDGET FUND GROUPS		\$ 3,528,610	\$ 3,593,022	75504
GOVERNMENT RELATIONS				75505
The Office of the Governor may issue an intrastate transfer				75506
voucher to charge any state agency of the executive branch such				75507
amounts necessary to represent the interests of Ohio to federal,				75508
state, and local government units and to cover the costs or				75509
membership dues related to Ohio's participation in national and				75510
regional associations. Amounts collected shall be deposited in the				75511
Government Relations Fund (Fund 5AK0).				75512
Section 291.10. DOH DEPARTMENT OF HEALTH				75513
General Revenue Fund				75514
GRF 440416	Mothers and Children	\$ 4,303,612	\$ 4,303,612	75515
Safety Net Services				
GRF 440431	Free Clinic Safety Net	\$ 1,500,000	\$ 1,500,000	75516
Services				
GRF 440438	Breast and Cervical	\$ 671,131	\$ 671,131	75517
Cancer Screening				
GRF 440444	AIDS Prevention and	\$ 3,493,468	\$ 3,493,468	75518
Treatment				
GRF 440451	Public Health	\$ 3,672,005	\$ 3,672,005	75519
Laboratory				
GRF 440452	Child and Family	\$ 589,482	\$ 589,482	75520

	Health Services Match				
GRF 440453	Health Care Quality Assurance	\$	5,083,225	\$	5,084,936 75521
GRF 440454	Environmental Health/Radiation Protection	\$	2,783,438	\$	2,779,841 75522
GRF 440459	Help Me Grow	\$	40,289,149	\$	49,292,281 75523
GRF 440472	Alcohol Testing	\$	1,232,732	\$	1,210,805 75524
GRF 440474	Infant Vitality	\$	7,087,292	\$	7,087,292 75525
GRF 440477	Emergency Preparedness and Response	\$	1,431,677	\$	1,431,954 75526
GRF 440481	Lupus Awareness	\$	93,120	\$	93,120 75527
GRF 440482	Chronic Disease, Injury Prevention and Drug Overdose	\$	7,670,089	\$	7,898,480 75528
GRF 440483	Infectious Disease Prevention and Control	\$	4,522,054	\$	4,522,054 75529
GRF 440484	Public Health Technology Innovation	\$	543,369	\$	313,760 75530
GRF 440505	Medically Handicapped Children	\$	11,262,451	\$	11,262,451 75531
GRF 440507	Targeted Health Care Services-Over 21	\$	2,000,000	\$	2,000,000 75532
GRF 654453	Medicaid - Health Care Quality Assurance	\$	4,227,961	\$	4,246,250 75533
TOTAL GRF General Revenue Fund		\$	102,456,255	\$	111,452,922 75534
Highway Safety Fund Group					75535
4T40 440603	Child Highway Safety	\$	200,000	\$	200,000 75536
TOTAL HSF Highway Safety Fund Group		\$	200,000	\$	200,000 75537
Dedicated Purpose Fund Group					75538
4700 440647	Fee Supported Programs	\$	29,178,120	\$	29,178,120 75539

4710	440619	Certificate of Need	\$	878,433	\$	878,433	75540
4730	440622	Lab Operating Expenses	\$	8,826,132	\$	8,900,000	75541
4770	440627	Medically Handicapped Children Audit	\$	4,472,562	\$	4,500,000	75542
4D60	440608	Genetics Services	\$	3,311,039	\$	3,311,039	75543
4F90	440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	75544
4G00	440636	Heirloom Birth Certificate	\$	15,000	\$	15,000	75545
4G00	440637	Birth Certificate Surcharge	\$	15,000	\$	15,000	75546
4L30	440609	HIV Care and Miscellaneous Expenses	\$	26,935,756	\$	27,000,000	75547
4P40	440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	75548
4V60	440641	Save Our Sight	\$	3,482,615	\$	3,500,000	75549
5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	75550
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	11,955,358	\$	12,000,000	75551
5CN0	440645	Choose Life	\$	80,000	\$	80,000	75552
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	75553
5ED0	440651	Smoke Free Indoor Air	\$	300,000	\$	300,000	75554
5G40	440639	Adoption Services	\$	150,000	\$	150,000	75555
5HB0	440470	Breast and Cervical Cancer Screening	\$	25,096	\$	0	75556
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000	75557
5QJ0	440662	Dental Hygienist Loan	\$	100,000	\$	100,000	75558

		Repayments				
5SH0	440520	Children's Wish Grant	\$	275,000	\$	275,000 75559
		Program				
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000 75560
5Z70	440624	Ohio Dentist Loan	\$	200,000	\$	200,000 75561
		Repayment				
6100	440626	Radiation Emergency	\$	1,269,262	\$	1,300,000 75562
		Response				
6660	440607	Medically Handicapped	\$	23,948,173	\$	24,000,000 75563
		Children - County				
		Assessments				
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000 75564
L087	440669	Public Health	\$	2,000,000	\$	0 75565
		Priorities				
TOTAL DPF		Dedicated Purpose Fund	\$	122,236,564	\$	120,521,610 75566
Group						
Internal Service Activity Fund Group						75567
1420	440646	Agency Health	\$	4,984,080	\$	5,000,000 75568
		Services				
2110	440613	Central Support	\$	28,897,875	\$	29,500,000 75569
		Indirect Costs				
TOTAL ISA		Internal Service Activity	\$	33,881,955	\$	34,500,000 75570
Fund Group						
Holding Account Fund Group						75571
R014	440631	Vital Statistics	\$	44,986	\$	44,986 75572
R048	440625	Refunds, Grants	\$	20,000	\$	20,000 75573
		Reconciliation, and				
		Audit Settlements				
TOTAL HLD		Holding Account Fund	\$	64,986	\$	64,986 75574
Group						
Federal Fund Group						75575
3200	440601	Maternal Child Health	\$	24,673,419	\$	25,000,000 75576

		Block Grant				
3870	440602	Preventive Health	\$	9,681,749	\$	9,750,000 75577
		Block Grant				
3890	440604	Women, Infants, and	\$	219,839,807	\$	220,000,000 75578
		Children				
3910	440606	Medicare Survey and	\$	17,049,993	\$	17,500,000 75579
		Certification				
3920	440618	Federal Public Health	\$	94,344,493	\$	95,000,000 75580
		Programs				
3GD0	654601	Medicaid Program	\$	28,161,187	\$	28,540,949 75581
		Support				
3GN0	440660	Public Health	\$	26,347,943	\$	26,500,000 75582
		Emergency				
		Preparedness				
TOTAL FED	Federal Fund Group		\$	420,098,591	\$	422,290,949 75583
TOTAL ALL BUDGET FUND GROUPS			\$	678,938,351	\$	689,030,467 75584

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 75586

Of the foregoing appropriation item 440416, Mothers and 75587
 Children Safety Net Services, up to \$200,000 in each fiscal year 75588
 may be used to assist families with hearing impaired children 75589
 under twenty-one years of age in purchasing hearing aids and 75590
 hearing assistive technology. The Director of Health shall adopt 75591
 rules governing the distribution of these funds, including rules 75592
 that do both of the following: (1) establish eligibility criteria 75593
 to include families with incomes at or below four hundred per cent 75594
 of the federal poverty guidelines as defined in section 5101.46 of 75595
 the Revised Code, and (2) develop a sliding scale of disbursements 75596
 under this section based on family income. The Director may adopt 75597
 other rules as necessary to implement this section. Rules adopted 75598
 under this section shall be adopted in accordance with Chapter 75599
 119. of the Revised Code. 75600

FREE CLINIC SAFETY NET SERVICES 75601

The foregoing appropriation item 440431, Free Clinic Safety Net Services, shall be provided to the Ohio Association of Free Clinics. Funds may be used to reimburse free clinics for health care services provided, as well as for administrative services, information technology costs, infrastructure repair, or other clinic necessities.

AIDS PREVENTION AND TREATMENT

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to administer educational and other prevention initiatives.

INFANT VITALITY

Of the foregoing appropriation item 440474, Infant Vitality, \$125,000 in each fiscal year shall be provided to Produce Perks Midwest, Inc., for the Prescription Produce Intervention for Maternal Health Program to improve maternal health, nutrition, and infant mortality rates in Ohio.

The remainder of appropriation item 440474, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, Centering Pregnancy, newborn screening, safe birth spacing, gestational diabetes, smoking cessation, breastfeeding, care coordination, and progesterone.

EMERGENCY PREPAREDNESS AND RESPONSE

The foregoing appropriation item 440477, Emergency Preparedness and Response, shall be used to support public health

emergency preparedness and response efforts at the state level or 75633
at a regional sub-level within the state, and may also be used to 75634
support data infrastructure projects. 75635

LUPUS AWARENESS 75636

The foregoing appropriation item 440481, Lupus Awareness, 75637
shall be distributed to the Lupus Foundation of America, Greater 75638
Ohio Chapter, Inc., to operate a lupus education and awareness 75639
program. 75640

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 75641

Of the foregoing appropriation item 440482, Chronic Disease, 75642
Injury Prevention and Drug Overdose, \$250,000 in each fiscal year 75643
shall be provided to People Working Cooperatively for the Whole 75644
Home Innovation Center. The funds shall be used to administer 75645
programming, conduct research and training, and convene 75646
multi-disciplinary experts to assess and adopt strategies to help 75647
Ohioans remain in their homes. 75648

TARGETED HEALTH CARE SERVICES-OVER 21 75649

The foregoing appropriation item 440507, Targeted Health Care 75650
Services-Over 21, shall be used to administer the Cystic Fibrosis 75651
Program and to implement the Hemophilia Insurance Premium Payment 75652
Program. The Department of Health shall expend \$100,000 in each 75653
fiscal year to implement the Hemophilia Insurance Premium Payment 75654
Program. 75655

The foregoing appropriation item 440507, Targeted Health Care 75656
Services-Over 21, shall also be used to provide essential 75657
medications and to pay the copayments for drugs approved by the 75658
Department of Health and covered by Medicare Part D that are 75659
dispensed to Bureau for Children with Medical Handicaps (BCMH) 75660
participants for the Cystic Fibrosis Program. 75661

The Department shall expend all of these funds. 75662

PUBLIC HEALTH PRIORITIES 75663

The foregoing appropriation item 440669, Public Health 75664
Priorities, shall be used to conduct public health awareness and 75665
education campaigns, initiate innovative programming and 75666
prevention strategies, and other work related to advancing 75667
positive changes in population health in Ohio. The Department of 75668
Health may distribute grants, contracts, or subsidy for these 75669
purposes, including, but not limited to, supporting public-private 75670
partnerships to address pressing public health issues. 75671

FEE SUPPORTED PROGRAMS 75672

Of the foregoing appropriation item 440647, Fee Supported 75673
Programs, \$2,160,000 in each fiscal year shall be used to 75674
distribute subsidies to local health departments on a per capita 75675
basis. 75676

Of the foregoing appropriation item 440647, Fee Supported 75677
Programs, \$1,500,000 in each fiscal year shall be used to 75678
distribute subsidies to local health departments accredited 75679
through the Public Health Accreditation Board on a per capita 75680
basis. 75681

MEDICALLY HANDICAPPED CHILDREN AUDIT 75682

The Medically Handicapped Children Audit Fund (Fund 4770) 75683
shall receive revenue from audits of hospitals and recoveries from 75684
third-party payers. Moneys may be expended for payment of audit 75685
settlements and for costs directly related to obtaining recoveries 75686
from third-party payers and for encouraging Medically Handicapped 75687
Children's Program recipients to apply for third-party benefits. 75688
Moneys also may be expended for payments for diagnostic and 75689
treatment services on behalf of medically handicapped children, as 75690
defined in division (A) of section 3701.022 of the Revised Code, 75691
and Ohio residents who are twenty-one or more years of age and who 75692
are suffering from cystic fibrosis or hemophilia. Moneys may also 75693

be expended for administrative expenses incurred in operating the 75694
Medically Handicapped Children's Program. 75695

GENETICS SERVICES 75696

The foregoing appropriation item 440608, Genetics Services, 75697
shall be used by the Department of Health to administer programs 75698
authorized by sections 3701.501 and 3701.502 of the Revised Code. 75699
None of these funds shall be used to counsel or refer for 75700
abortion, except in the case of a medical emergency. 75701

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 75702

Of the foregoing appropriation item 440656, Tobacco Use 75703
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 75704
year shall be used to award grants in accordance with the section 75705
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 75706

Of the foregoing appropriation item 440656, Tobacco Use 75707
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 75708
year shall be distributed to boards of health for the Baby and Me 75709
Tobacco Free Program. The Director of Health shall determine how 75710
the funds are to be distributed, but shall prioritize awards to 75711
boards that serve women who reside in communities that have the 75712
highest infant mortality rates in this state, as identified under 75713
section 3701.142 of the Revised Code. 75714

The remainder of appropriation item 440656, Tobacco Use 75715
Prevention, Cessation, and Enforcement, shall be used to 75716
administer tobacco use prevention and cessation activities and 75717
programs, to administer compliance checks, retailer education, and 75718
programs related to legal age restrictions, and to enforce the 75719
Ohio Smoke-Free Workplace Act. 75720

TOXICOLOGY SCREENINGS 75721

The foregoing appropriation item 440621, Toxicology 75722
Screenings, shall be used to reimburse county coroners in counties 75723

in which the coroner has performed toxicology screenings on 75724
victims of a drug overdose. The Director of Health shall transfer 75725
the funds to the counties in proportion to the numbers of 75726
toxicology screenings performed per county. 75727

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 75728

The foregoing appropriation item 440607, Medically 75729
Handicapped Children - County Assessments, shall be used to make 75730
payments under division (E) of section 3701.023 of the Revised 75731
Code. 75732

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND 75733

If the Director of Health determines that there are 75734
insufficient funds in appropriation item 440477, Emergency 75735
Preparedness and Response, for public health emergency 75736
preparedness and response activities, the Director may certify to 75737
the Director of Budget and Management an amount necessary to 75738
address these activities. Upon certification, the Director of 75739
Budget and Management shall transfer up to \$500,000 cash in each 75740
fiscal year from the Controlling Board Emergency 75741
Purposes/Contingencies Fund (Fund 5KM0) to the Emergency 75742
Preparedness and Response Fund (Fund 5UA0). The amount transferred 75743
is hereby appropriated. 75744

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 75745

(A) The Department of Health shall create the Moms Quit for 75746
Two Grant Program. Recognizing the significant health risks posed 75747
to women and their children by tobacco use during and after 75748
pregnancy, the Department shall award grants to private, nonprofit 75749
entities or government entities that demonstrate the ability to 75750
deliver evidence-based tobacco cessation interventions to women 75751
who reside in communities that have the highest incidence of 75752
infant mortality, as determined by the Director of Health, and who 75753

are pregnant or live with children. Funds awarded under this 75754
section shall not be used to provide tobacco cessation 75755
interventions to women who are eligible for Medicaid. The 75756
Department may adopt any rules it considers necessary to 75757
administer the Program. 75758

(B) The Department shall create a grant application and 75759
develop a process for receiving and evaluating completed grant 75760
applications on a competitive basis. The Department shall give 75761
first preference to the entities described in division (A) of this 75762
section that are able to target the interventions to pregnant 75763
women and second preference to such entities that are able to 75764
target the interventions to women living with children. The 75765
Department's decision regarding a submitted grant application is 75766
final. 75767

(C) The Department shall establish performance objectives to 75768
be met by grant recipients. The Department shall monitor the 75769
performance of each grant recipient in meeting the objectives. 75770

Section 291.40. WIC VENDOR CONTRACTS 75771

(A) As used in this section, "WIC" means the Special 75772
Supplemental Nutrition Program for Women, Infants, and Children 75773
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 75774
42 U.S.C. 1786, as amended. 75775

(B) During fiscal year 2020 and fiscal year 2021, the 75776
Department of Health shall process and review a WIC vendor 75777
contract application pursuant to Chapter 3701-42 of the 75778
Administrative Code not later than forty-five days after receipt 75779
of the application if the applicant is a WIC-contracted vendor at 75780
the time of application and meets all of the following 75781
requirements: 75782

(1) Submits a complete WIC vendor application with all 75783

required documents and information; 75784

(2) Passes the required unannounced preauthorization visit 75785
within forty-five days of submitting a complete application; 75786

(3) Completes the required in-person training within 75787
forty-five days of submitting the complete application. 75788

(C) If an applicant fails to meet any of the requirements 75789
described in division (B) of this section, the Department shall 75790
deny the application for the contract. After an application has 75791
been denied, the applicant may reapply for a contract to act as a 75792
WIC vendor during the contracting cycle that is applicable to the 75793
applicant's WIC region. 75794

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 75795

Dedicated Purpose Fund Group 75796

4610 372601 Operating Expenses	\$	12,500	\$	12,500	75797
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TOTAL DPF Dedicated Purpose Fund	\$	12,500	\$	12,500	75798
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	12,500	\$	12,500	75799
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Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 75801

General Revenue Fund 75802

GRF 148321 Operating Expenses	\$	464,888	\$	464,047	75803
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TOTAL GRF General Revenue Fund	\$	464,888	\$	464,047	75804
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Dedicated Purpose Fund Group 75805

6010 148602 Special Initiatives	\$	24,558	\$	24,558	75806
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TOTAL DPF Dedicated Purpose					75807
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Fund Group	\$	24,558	\$	24,558	75808
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TOTAL ALL BUDGET FUND GROUPS	\$	489,446	\$	488,605	75809
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Section 297.10. OHS OHIO HISTORY CONNECTION 75811

General Revenue Fund 75812

GRF	360501	Education and Collections	\$	5,180,712	\$	5,151,712	75813
GRF	360502	Site and Museum Operations	\$	6,707,853	\$	6,772,853	75814
GRF	360504	Ohio Preservation Office	\$	281,300	\$	281,300	75815
GRF	360505	National Afro-American Museum	\$	485,000	\$	485,000	75816
GRF	360506	Hayes Presidential Center	\$	485,000	\$	485,000	75817
GRF	360508	State Historical Grants	\$	338,500	\$	338,500	75818
GRF	360509	Outreach and Partnership	\$	155,583	\$	155,583	75819
TOTAL GRF	General Revenue Fund		\$	13,633,948	\$	13,669,948	75820
Dedicated Purpose Fund Group							75821
5KL0	360602	Ohio History Tax Check-off	\$	150,000	\$	150,000	75822
5PD0	360603	Ohio History License Plate	\$	10,000	\$	10,000	75823
TOTAL DPF	Dedicated Purpose Fund Group		\$	160,000	\$	160,000	75824
TOTAL ALL BUDGET FUND GROUPS							75825
SUBSIDY APPROPRIATION							75826
Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio History Connection in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the Ohio History Connection for fiscal year 2020 and fiscal year 2021 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and							75827 75828 75829 75830 75831 75832 75833 75834

Management.					75835
The foregoing appropriations shall be considered to be the					75836
contractual consideration provided by the state to support the					75837
state's offer to contract with the Ohio History Connection under					75838
section 149.30 of the Revised Code.					75839
STATE HISTORICAL GRANTS					75840
Of the foregoing appropriation item 360508, State Historical					75841
Grants, \$125,000 in each fiscal year shall be used for the Western					75842
Reserve Historical Society and \$125,000 in each fiscal year shall					75843
be used for the Cincinnati Museum Center.					75844
Of the foregoing appropriation item 360508, State Historical					75845
Grants, \$38,500 in each fiscal year shall be allocated to support					75846
the American Jewish Archives of the Hebrew Union College-Jewish					75847
Institute of Religion.					75848
Of the foregoing appropriation item 360508, State Historical					75849
Grants, \$25,000 in each fiscal year shall be allocated to support					75850
the Cleveland Museum of Natural History.					75851
Of the foregoing appropriation item 360508, State Historical					75852
Grants, \$25,000 in each fiscal year shall be allocated to support					75853
the Cleveland Institute of Art.					75854
Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES					75855
General Revenue Fund					75856
GRF 025321 Operating Expenses	\$	25,917,274	\$	25,917,274	75857
TOTAL GRF General Revenue Fund	\$	25,917,274	\$	25,917,274	75858
Internal Service Activity Fund Group					75859
1030 025601 House of	\$	1,433,664	\$	1,433,664	75860
Representatives					
Reimbursement					
4A40 025602 Miscellaneous Sales	\$	50,000	\$	50,000	75861

TOTAL ISA Internal Service Activity				75862	
Fund Group	\$	1,483,664	\$	1,483,664	75863
TOTAL ALL BUDGET FUND GROUPS	\$	27,400,938	\$	27,400,938	75864

OPERATING EXPENSES 75865

On July 1, 2019, or as soon as possible thereafter, the Chief 75866
Administrative Officer of the House of Representatives may certify 75867
to the Director of Budget and Management an amount up to the 75868
unexpended, unencumbered balance of the foregoing appropriation 75869
item 025321, Operating Expenses, at the end of fiscal year 2019 to 75870
be reappropriated to fiscal year 2020. The amount certified is 75871
hereby reappropriated to the same appropriation item for fiscal 75872
year 2020. 75873

On July 1, 2020, or as soon as possible thereafter, the Chief 75874
Administrative Officer of the House of Representatives may certify 75875
to the Director of Budget and Management an amount up to the 75876
unexpended, unencumbered balance of the foregoing appropriation 75877
item 025321, Operating Expenses, at the end of fiscal year 2020 to 75878
be reappropriated to fiscal year 2021. The amount certified is 75879
hereby reappropriated to the same appropriation item for fiscal 75880
year 2021. 75881

HOUSE REIMBURSEMENT 75882

If it is determined by the Chief Administrative Officer of 75883
the House of Representatives that additional appropriations are 75884
necessary for the foregoing appropriation item 025601, House 75885
Reimbursement, the amounts are hereby appropriated. 75886

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 75887

Dedicated Purpose Fund Group				75888	
5AZ0 997601 Housing Finance Agency	\$	12,267,196	\$	12,819,657	75889
Personal Services					
TOTAL DPF Dedicated Purpose Fund	\$	12,267,196	\$	12,819,657	75890

Group

TOTAL ALL BUDGET FUND GROUPS	\$	12,267,196	\$	12,819,657	75891
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Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL	75893
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General Revenue Fund	75894
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GRF 965321 Operating Expenses	\$	1,512,881	\$	1,509,581	75895
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TOTAL GRF General Revenue Fund	\$	1,512,881	\$	1,509,581	75896
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Internal Service Activity Fund Group	75897
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5FA0 965603 Deputy Inspector	\$	400,000	\$	400,000	75898
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General for ODOT

5FT0 965604 Deputy Inspector	\$	425,000	\$	425,000	75899
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General for BWC/OIC

TOTAL ISA Internal Service Activity	75900
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Fund Group	\$	825,000	\$	825,000	75901
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TOTAL ALL BUDGET FUND GROUPS	\$	2,337,881	\$	2,334,581	75902
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Section 305.10. INS DEPARTMENT OF INSURANCE	75904
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Dedicated Purpose Fund Group	75905
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5540 820601 Operating Expenses -	\$	180,000	\$	180,000	75906
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OSHIIP

5540 820606 Operating Expenses	\$	29,580,629	\$	30,661,244	75907
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5550 820605 Examination	\$	8,938,161	\$	9,179,766	75908
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5PT0 820613 Captive Insurance	\$	650,000	\$	650,000	75909
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Regulation and

Supervision

TOTAL DPF Dedicated Purpose	75910
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Fund Group	\$	39,348,790	\$	40,671,010	75911
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Federal Fund Group	75912
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3U50 820602 OSHIIP Operating	\$	2,793,150	\$	2,793,150	75913
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Grant

TOTAL FED Federal Fund Group	\$	2,793,150	\$	2,793,150	75914
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TOTAL ALL BUDGET FUND GROUPS	\$	42,141,940	\$	43,464,160	75915
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MARKET CONDUCT EXAMINATION 75916

When conducting a market conduct examination of any insurer 75917
doing business in this state, the Superintendent of Insurance may 75918
assess the costs of the examination against the insurer. The 75919
Superintendent may enter into consent agreements to impose 75920
administrative assessments or fines for conduct discovered that 75921
may be violations of statutes or rules administered by the 75922
Superintendent. All costs, assessments, or fines collected shall 75923
be deposited to the credit of the Department of Insurance 75924
Operating Fund (Fund 5540). 75925

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 75926

The Director of Budget and Management, at the request of the 75927
Superintendent of Insurance, may transfer cash from the Department 75928
of Insurance Operating Fund (Fund 5540), established by section 75929
3901.021 of the Revised Code, to the Superintendent's Examination 75930
Fund (Fund 5550), established by section 3901.071 of the Revised 75931
Code, only for expenses incurred in examining domestic fraternal 75932
benefit societies as required by section 3921.28 of the Revised 75933
Code. 75934

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION 75935
AND SUPERVISION 75936

When funds from captive insurance company application fees, 75937
reimbursements from captive insurance companies for examinations, 75938
and other sources have accrued to the Captive Insurance Regulation 75939
and Supervision Fund (Fund 5PT0) in such amounts as are deemed 75940
sufficient to sustain operations, the Director of Budget and 75941
Management, in consultation with the Superintendent of Insurance, 75942
shall establish a schedule for repaying the amounts previously 75943
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 75944
Fund 5540. 75945

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES				75946
General Revenue Fund				75947
GRF 600410	TANF State Maintenance of Effort	\$ 144,267,326	\$ 144,267,326	75948
GRF 600413	Child Care State/Maintenance of Effort	\$ 83,461,739	\$ 83,461,739	75949
GRF 600450	Program Operations	\$ 148,394,043	\$ 148,439,778	75950
GRF 600502	Child Support - Local	\$ 23,456,891	\$ 23,456,891	75951
GRF 600521	Family Assistance - Local	\$ 44,748,768	\$ 44,748,768	75952
GRF 600523	Family and Children Services	\$ 181,107,628	\$ 181,107,628	75953
GRF 600528	Adoption Services	\$ 28,922,517	\$ 28,922,517	75954
GRF 600533	Child, Family, and Community Protection Services	\$ 13,500,000	\$ 13,500,000	75955
GRF 600534	Adult Protective Services	\$ 4,230,000	\$ 4,230,000	75956
GRF 600535	Early Care and Education	\$ 141,285,241	\$ 141,285,241	75957
GRF 600541	Kinship Permanency Incentive Program	\$ 1,000,000	\$ 1,000,000	75958
GRF 600546	Healthy Food Financing Initiative	\$ 150,000	\$ 150,000	75959
GRF 600551	Job and Family Services Program Support	\$ 105,000	\$ 105,000	75960
GRF 600552	Gracehaven Pilot Program	\$ 259,685	\$ 259,685	75961
GRF 655425	Medicaid Program Support	\$ 13,971,461	\$ 14,084,154	75962
GRF 655522	Medicaid Program	\$ 37,119,931	\$ 37,119,931	75963

		Support - Local				
GRF 655523		Medicaid Program	\$	38,750,000	\$	38,750,000 75964
		Support - Local				
		Transportation				
TOTAL GRF	General Revenue Fund		\$	904,730,230	\$	904,888,658 75965
	Dedicated Purpose Fund Group					75966
1980 600647	Children's Trust Fund		\$	7,992,060	\$	6,000,000 75967
4A80 600658	Public Assistance		\$	32,000,000	\$	32,000,000 75968
	Activities					
4A90 600607	Unemployment		\$	13,900,000	\$	12,900,000 75969
	Compensation					
	Administration Fund					
4E70 600604	Family and Children		\$	650,000	\$	650,000 75970
	Services Collections					
4F10 600609	Family and Children		\$	708,000	\$	708,000 75971
	Activities					
5DM0 600633	Audit Settlements and		\$	1,000,000	\$	1,000,000 75972
	Contingency					
5ES0 600630	Food Bank Assistance		\$	500,000	\$	500,000 75973
5HC0 600695	Unemployment		\$	1,000,000	\$	1,000,000 75974
	Compensation Interest					
5KT0 600696	Early Childhood		\$	20,000,000	\$	20,000,000 75975
	Education					
5NG0 600660	Victims of Human		\$	100,000	\$	100,000 75976
	Trafficking					
5RX0 600699	Workforce Development		\$	300,000	\$	300,000 75977
	Projects					
5RY0 600698	Human Services		\$	14,887,449	\$	15,000,000 75978
	Project					
5TZ0 600674	Children's Crisis		\$	150,000	\$	150,000 75979
	Care					
5U60 600663	Family and Children		\$	5,000,000	\$	5,000,000 75980
	Support					

5VJ0 600600	Books from Birth	\$	5,000,000	\$	0	75981
TOTAL DPF Dedicated Purpose Fund Group		\$	103,187,509	\$	95,308,000	75982
Internal Service Activity Fund Group 75983						
5HL0 600602	State and County	\$	1,500,000	\$	1,500,000	75984
Shared Services						
TOTAL ISA Internal Service Activity Fund Group		\$	1,500,000	\$	1,500,000	75985
Fiduciary Fund Group 75986						
1920 600646	Child Support	\$	100,000,000	\$	100,000,000	75987
Intercept - Federal						
5830 600642	Child Support	\$	13,000,000	\$	13,000,000	75988
Intercept - State						
5B60 600601	Food Assistance	\$	4,000,000	\$	4,000,000	75989
Intercept						
TOTAL FID Fiduciary Fund Group		\$	117,000,000	\$	117,000,000	75990
Holding Account Fund Group 75991						
R012 600643	Refunds and Audit	\$	500,000	\$	500,000	75992
Settlements						
TOTAL HLD Holding Account Fund Group		\$	500,000	\$	500,000	75993
Federal Fund Group 75994						
3270 600606	Child Welfare	\$	28,950,337	\$	29,000,000	75995
3310 600615	Veterans Programs	\$	7,000,000	\$	7,000,000	75996
3310 600624	Employment Services	\$	26,000,000	\$	26,000,000	75997
3310 600686	Workforce Programs	\$	3,912,923	\$	4,000,000	75998
3840 600610	Food Assistance	\$	165,544,356	\$	165,544,356	75999
Programs						
3850 600614	Refugee Services	\$	12,000,000	\$	12,000,000	76000
3950 600616	Federal Discretionary	\$	1,500,000	\$	1,500,000	76001
Grants						
3960 600620	Social Services Block	\$	42,000,000	\$	42,000,000	76002

	Grant				
3970 600626	Child Support -	\$ 197,479,829	\$ 198,000,000	76003	
	Federal				
3980 600627	Adoption Program -	\$ 175,000,000	\$ 175,000,000	76004	
	Federal				
3A20 600641	Emergency Food	\$ 7,000,000	\$ 7,000,000	76005	
	Distribution				
3D30 600648	Children's Trust Fund	\$ 2,000,000	\$ 2,000,000	76006	
	Federal				
3F01 655624	Medicaid Program	\$ 179,231,495	\$ 179,500,000	76007	
	Support - Federal				
3H70 600617	Child Care Federal	\$ 331,249,291	\$ 331,980,000	76008	
3N00 600628	Foster Care Program -	\$ 280,732,702	\$ 281,000,000	76009	
	Federal				
3S50 600622	Child Support Projects	\$ 534,050	\$ 534,050	76010	
3V00 600688	Workforce Innovation	\$ 142,092,211	\$ 142,450,000	76011	
	and Opportunity Act				
	Programs				
3V40 600632	Trade Programs	\$ 19,755,884	\$ 20,000,000	76012	
3V40 600678	Federal Unemployment	\$ 73,436,024	\$ 73,436,024	76013	
	Programs				
3V40 600679	Unemployment	\$ 4,800,000	\$ 4,800,000	76014	
	Compensation Review				
	Commission - Federal				
3V60 600689	TANF Block Grant	\$ 873,602,794	\$ 935,000,000	76015	
TOTAL FED Federal Fund Group		\$ 2,573,821,896	\$ 2,637,744,430	76016	
TOTAL ALL BUDGET FUND GROUPS		\$ 3,700,739,635	\$ 3,756,941,088	76017	

Section 307.17. STAR HOUSE DROP-IN CENTER 76019

Of the foregoing appropriation item 600410, TANF State 76020
Maintenance of Effort, \$750,000 in each fiscal year shall be used 76021
to support the Star House Drop-In Center to provide services for 76022
homeless youth. 76023

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 76024

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 76025
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(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 76029
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(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 76033
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(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 76038
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(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local. 76040
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(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 76043
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Section 307.30. NAME OF FOOD STAMP PROGRAM 76050

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of 76051
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the program to the Supplemental Nutrition Assistance Program. The 76053
Director may refer to the program as the Food Stamp Program, the 76054
Supplemental Nutrition Assistance Program, or the Food Assistance 76055
Program in rules and documents of the Department of Job and Family 76056
Services. 76057

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 76058

Of the foregoing appropriation items 600410, TANF State 76059
Maintenance of Effort, 600658, Public Assistance Activities, and 76060
600689, TANF Block Grant, a total of \$17,050,000 in each fiscal 76061
year shall be used to provide funds to the Ohio Association of 76062
Food Banks to purchase and distribute food products. 76063

Notwithstanding section 5101.46 of the Revised Code and any 76064
other provision in this bill, including funds designated for the 76065
Ohio Association of Food Banks in this section, in fiscal year 76066
2020 and fiscal year 2021, the Director of Job and Family Services 76067
shall provide assistance from eligible funds to the Ohio 76068
Association of Food Banks in an amount not less than \$19,550,000 76069
in each fiscal year. 76070

Eligible nonfederal expenditures made by member food banks of 76071
the Association shall be counted by the Department of Job and 76072
Family Services toward the TANF maintenance of effort requirements 76073
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 76074
shall enter into an agreement with the Ohio Association of Food 76075
Banks, in accordance with sections 5101.80 and 5101.801 of the 76076
Revised Code, to carry out the requirements under this section. 76077

Section 307.45. FOOD STAMPS TRANSFER 76078

On July 1, 2019, or as soon as possible thereafter, and upon 76079
request of the Director of Job and Family Services, the Director 76080
of Budget and Management may transfer up to \$1,000,000 cash from 76081
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 76082

the Food Assistance Fund (Fund 5ES0). 76083

Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 76084

The foregoing appropriation item 600658, Public Assistance 76085
Activities, shall be used by the Department of Job and Family 76086
Services to meet the TANF maintenance of effort requirements of 42 76087
U.S.C. 609(a)(7). When the state is assured that it will meet the 76088
maintenance of effort requirement, the Department of Job and 76089
Family Services may use funds from appropriation item 600658, 76090
Public Assistance Activities, to support public assistance 76091
activities. 76092

Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND 76093
COMMUNITY INITIATIVES 76094

Of the foregoing appropriation item 600689, TANF Block Grant, 76095
up to \$13,035,000 in each fiscal year shall be used, in accordance 76096
with sections 5101.80 and 5101.801 of the Revised Code, to provide 76097
support to programs or organizations that provide services that 76098
align with the mission and goals of the Governor's Office of 76099
Faith-Based and Community Initiatives, as outlined in section 76100
107.12 of the Revised Code, and that further at least one of the 76101
four purposes of the TANF program, as specified in 42 U.S.C. 601. 76102

Section 307.80. INDEPENDENT LIVING INITIATIVE 76103

Of the foregoing appropriation item 600689, TANF Block Grant, 76104
up to \$2,000,000 in each fiscal year shall be used, in accordance 76105
with sections 5101.80 and 5101.801 of the Revised Code, to support 76106
the Independent Living Initiative, including life skills training 76107
and work supports for older children in foster care and those who 76108
have recently aged out of foster care. 76109

Section 307.90. OHIO COMMISSION ON FATHERHOOD 76110

Of the foregoing appropriation item 600689, TANF Block Grant, 76111
\$2,200,000 in each fiscal year shall be provided to the Ohio 76112
Commission on Fatherhood. 76113

Section 307.95. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 76114

Of the foregoing appropriation item 600689, TANF Block Grant, 76115
\$1,000,000 in each fiscal year shall be provided, in accordance 76116
with sections 5101.80 and 5101.801 of the Revised Code, to the 76117
Ohio Alliance of Boys and Girls Clubs to provide after-school and 76118
summer programs that protect at-risk children and enable youth to 76119
become responsible adults. Not less than \$75,000 in each fiscal 76120
year shall be provided to the Boys and Girls Club of Massillon. 76121

Section 307.100. KINSHIP CAREGIVER PROGRAM 76122

Of the foregoing appropriation item 600689, TANF Block Grant, 76123
\$15,000,000 in each fiscal year shall be used to support kinship 76124
care. The Director of Job and Family Services shall allocate funds 76125
to county departments of job and family services by providing 76126
twelve per cent divided equally among all counties, forty-eight 76127
per cent in the ratio that the number of residents of the county 76128
under the age of eighteen bears to the total number of such 76129
persons residing in this state, and forty per cent in the ratio 76130
that the number of residents of the county with incomes under one 76131
hundred per cent of the federal poverty guideline bears to the 76132
total number of such persons in this state. Each public children 76133
services agency shall use these funds to provide reasonable and 76134
necessary relief of child caring functions so that kinship 76135
caregivers, as defined in section 5101.85 of the Revised Code, can 76136
provide and maintain a home for a child in place of a child's 76137
parents. When the public children services agency is designated 76138
under division (A) of section 5153.02 of the Revised Code, the 76139
county department of job and family services shall enter into a 76140

memorandum of understanding with the public children services 76141
agency authorizing the public children services agency to expend 76142
funds for this purpose up to the amount of the allocation. 76143

Each county department of job and family services shall 76144
incorporate the kinship caregiver support program into its 76145
prevention, retention, and contingency plan. For the purpose of 76146
this service, each child living with a kinship caregiver shall 76147
constitute a prevention, retention, and contingency assistance 76148
group of one. To qualify, the child must be eighteen years of age 76149
or younger. 76150

The Department of Job and Family Services may adopt rules in 76151
accordance with Chapter 119. of the Revised Code as necessary to 76152
carry out the purposes of this section. 76153

If funding is no longer available, the kinship caregiver 76154
support program in this section shall end and any county 76155
department of job and family services or public children services 76156
agency shall not be held responsible for payment of services. 76157

Section 307.105. BIG BROTHERS BIG SISTERS 76158

Of the foregoing appropriation item 600689, TANF Block Grant, 76159
\$500,000 in each fiscal year shall be provided, in accordance with 76160
sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers 76161
Big Sisters of Central Ohio to provide mentoring services to 76162
children throughout the state who have experienced trauma in their 76163
lives, including parental incarceration. 76164

Section 307.107. OPEN DOORS ACADEMY 76165

Of the foregoing appropriation item 600689, TANF Block Grant, 76166
\$2,200,000 in each fiscal year shall be used, in accordance with 76167
sections 5101.80 and 5101.801 of the Revised Code, to support the 76168
Seven Year Promise Program, operated by the Open Doors Academy. 76169
Funding shall be used for a program in Northeast Ohio and four 76170

additional sites in the state. 76171

Section 307.110. FAMILY AND CHILDREN SERVICES 76172

Of the foregoing appropriation item 600523, Family and 76173
Children Services, up to \$3,200,000 shall be used to match 76174
eligible federal Title IV-B ESSA funds and federal Title IV-E 76175
Chafee funds allocated to public children services agencies. 76176

Of the foregoing appropriation item 600523, Family and 76177
Children Services, up to \$25,000,000 in each fiscal year shall be 76178
provided to assist with the expense of providing services to youth 76179
requiring support from multiple systems. These funds may be used 76180
for youth currently in the custody of a public children services 76181
agency or to prevent children from entering into the custody of a 76182
public children services agency by custody relinquishment or 76183
another mechanism. The Director of Job and Family Services shall 76184
adopt rules in accordance with section 111.15 of the Revised Code 76185
to administer the funding. 76186

Of the foregoing appropriation item, 600523, Family and 76187
Children Services, not less than \$95,040,010 in each fiscal year 76188
shall be provided to public children services agencies. Of that 76189
amount, \$8,800,000 in each fiscal year shall be used to provide an 76190
initial allocation of \$100,000 to each county; up to \$5,000,000 in 76191
each fiscal year shall be provided using the formula in section 76192
5101.14 of the Revised Code for staffing for foster parent 76193
recruitment, engagement, and support; up to \$10,000,000 in each 76194
fiscal year shall be provided using the formula in section 5101.14 76195
of the Revised Code to strengthen best practices identified in 76196
partnership with the Department of Job and Family Services; and 76197
the remainder shall be provided using the formula in section 76198
5101.14 of the Revised Code. 76199

Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 76200

In collaboration with the county family and children first 76201
council, a county department of job and family services or public 76202
children services agency that receives an allocation from the 76203
Department of Job and Family Services from the foregoing 76204
appropriation item 600523, Family and Children Services, or 76205
600533, Child, Family, and Community Protection Services, may 76206
transfer a portion of either or both allocations to a flexible 76207
funding pool as authorized by the section of this act titled 76208
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 76209

Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION 76210
SERVICES 76211

(A) The foregoing appropriation item 600533, Child, Family, 76212
and Community Protection Services, shall be distributed to county 76213
departments of job and family services. County departments shall 76214
use the funds distributed to them under this section as follows, 76215
in accordance with the written plan of cooperation entered into 76216
under section 307.983 of the Revised Code: 76217

(1) To assist individuals in achieving or maintaining 76218
self-sufficiency, including by reducing or preventing dependency 76219
among individuals with family income not exceeding two hundred per 76220
cent of the federal poverty guidelines; 76221

(2) Subject to division (B) of this section, to respond to 76222
reports of abuse, neglect, or exploitation of children and adults, 76223
including through the differential response approach program; 76224

(3) To provide outreach and referral services regarding home 76225
and community-based services to individuals at risk of placement 76226
in a group home or institution, regardless of the individuals' 76227
family income and without need for a written application; 76228

(4) To provide outreach, referral, application assistance, 76229
and other services to assist individuals receive assistance, 76230

benefits, or services under Medicaid; Title IV-A programs, as 76231
defined in section 5101.80 of the Revised Code; the Supplemental 76232
Nutrition Assistance Program; and other public assistance 76233
programs. 76234

(B) Protective services may be provided to a child or adult 76235
as part of a response, under division (A)(2) of this section, to a 76236
report of abuse, neglect, or exploitation without regard to a 76237
child or adult's family income and without need for a written 76238
application. The protective services may be provided if the case 76239
record documents circumstances of actual or potential abuse, 76240
neglect, or exploitation. 76241

Section 307.133. ADULT PROTECTIVE SERVICES 76242

The foregoing appropriation item 600534, Adult Protective 76243
Services, shall be divided equally among the counties. 76244

Section 307.135. HEALTHY FOOD FINANCING INITIATIVE 76245

The foregoing appropriation item 600546, Healthy Food 76246
Financing Initiative, shall be used by the Director of Job and 76247
Family Services to support healthy food access in underserved 76248
communities in urban and rural Low and Moderate Income Areas, as 76249
defined by either the United States Department of Agriculture 76250
(USDA), as identified in the USDA's Food Access Research Atlas, or 76251
through a methodology that has been adopted for use by another 76252
governmental or philanthropic healthy food initiative, or an 76253
alternative methodology approved by the Director of Job and Family 76254
Services. 76255

The Director of Job and Family Services, in cooperation with 76256
the Director of Health, shall contract with the Finance Fund 76257
Capital Corporation to administer a Healthy Food Financing 76258
Initiative. The Finance Fund Capital Corporation shall demonstrate 76259
a capacity to administer grant and loan programs in accordance 76260

with state and federal rules and accounting principles, and shall 76261
partner with one or more entities with demonstrable experience in 76262
healthy food access-related policy matters. 76263

The Finance Fund Capital Corporation shall report to the Ohio 76264
Department of Job and Family Services the amount of funds granted 76265
or loaned, the number of new or retained jobs associated with 76266
related projects, the health impact of the initiative, and the 76267
number and location of healthy food access projects established or 76268
in development. 76269

Section 307.138. JOB AND FAMILY SERVICES PROGRAM SUPPORT 76270

Of the foregoing appropriation item 600551, Job and Family 76271
Services Program Support, \$75,000 in each fiscal year shall be 76272
provided to the Mayerson Jewish Community Center to support summer 76273
camps, senior citizen socialization for Alzheimer's patients, and 76274
security services. 76275

Of the foregoing appropriation item 600551, Job and Family 76276
Services Program Support, \$30,000 in each fiscal year shall be 76277
used to support Jewish Family Services, which shall use the funds 76278
to provide aging and caregiver services, post-adoption counseling, 76279
domestic abuse counseling, and assistance with food pantry 76280
expansion. 76281

Section 307.139. GRACEHAVEN PILOT PROGRAM 76282

The foregoing appropriation item 600552, Gracehaven Pilot 76283
Program, shall be used to finance the creation of Gracehaven 76284
centers to provide community-based services to women under 76285
eighteen years of age that have been victims of human trafficking. 76286

Section 307.140. FAMILY AND CHILDREN ACTIVITIES 76287

The foregoing appropriation item 600609, Family and Children 76288
Activities, shall be used to expend miscellaneous foundation funds 76289

and grants to support family and children services activities. 76290

Section 307.145. BOOKS FROM BIRTH 76291

The foregoing appropriation item 600600, Books from Birth, 76292
shall be used to support childhood literacy efforts in the state. 76293
The Director of Job and Family Services may work with nonprofit 76294
entities or foundations established to support childhood literacy 76295
efforts in this state. 76296

On July 1, 2020, or as soon as possible thereafter, the 76297
Director of Job and Family Services may certify to the Director of 76298
Budget and Management an amount up to the unexpended, unencumbered 76299
balance of the foregoing appropriation item 600600, Books from 76300
Birth, at the end of fiscal year 2020 to be reappropriated in 76301
fiscal year 2021. The amount certified is hereby reappropriated to 76302
the same appropriation item for fiscal year 2021. 76303

Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 76304

Notwithstanding section 5101.073 of the Revised Code, the 76305
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 76306
consist of earned federal revenue the final disposition of which 76307
is unknown. 76308

On July 1 of each fiscal year, or as soon as possible 76309
thereafter, and upon request of the Director of Job and Family 76310
Services, the Director of Budget and Management may transfer up to 76311
\$16,000,000 cash from the ODJFS Audit Settlements and Contingency 76312
Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0). 76313

Section 307.160. ADOPTION ASSISTANCE LOAN 76314

The Department of Job and Family Services may use the State 76315
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 76316
of adoption assistance loans pursuant to section 3107.018 of the 76317
Revised Code. The amounts of any adoption assistance loans are 76318

hereby appropriated. 76319

Section 307.170. EARLY CHILDHOOD EDUCATION 76320

Of the foregoing appropriation item 600696, Early Childhood 76321
Education, up to \$20,000,000 in each fiscal year shall be used to 76322
achieve the goals described in division (C) of section 5104.29 of 76323
the Revised Code. The funds shall be used to support early 76324
learning and development programs operating in smaller 76325
communities, early learning and development programs that are 76326
rated in the Step Up to Quality program at the third highest tier 76327
or higher, or both. 76328

Section 307.190. VICTIMS OF HUMAN TRAFFICKING 76329

The foregoing appropriation item 600660, Victims of Human 76330
Trafficking, shall be used to provide treatment, care, 76331
rehabilitation, education, housing, and assistance for victims of 76332
trafficking in persons as specified in section 5101.87 of the 76333
Revised Code. 76334

If receipts credited to the Victims of Human Trafficking Fund 76335
(Fund 5NG0) exceed the amounts appropriated to the fund, the 76336
Director of Job and Family Services may request the Director of 76337
Budget and Management to authorize expenditures from the fund in 76338
excess of the amounts appropriated. Upon the approval of the 76339
Director of Budget and Management, the additional amounts are 76340
hereby appropriated. 76341

Section 307.195. CHILDREN'S CRISIS FACILITIES 76342

The foregoing appropriation item 600674, Children's Crisis 76343
Care Facilities, shall be allocated by the Department of Job and 76344
Family Services in each fiscal year to children's crisis care 76345
facilities as defined in section 5103.13 of the Revised Code. A 76346
children's crisis care facility may decline to receive funds 76347

provided under this section. A children's crisis care facility 76348
that accepts funds provided under this section shall use the funds 76349
in accordance with section 5103.13 of the Revised Code and the 76350
rules as defined in rule 5101:2-9-36 of the Administrative Code. 76351

Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 76352

The Fiduciary Fund Group and Holding Account Fund Group shall 76353
be used to hold revenues until the appropriate fund is determined 76354
or until the revenues are directed to the appropriate governmental 76355
agency other than the Department of Job and Family Services. Any 76356
Department of Job and Family Services refunds or reconciliations 76357
received or held by the Department of Medicaid shall be 76358
transferred or credited to the Refunds and Audit Settlement Fund 76359
(Fund R012). If receipts credited to the Support Intercept - 76360
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 76361
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 76362
Audit Settlements Fund (Fund R012), or the Forgery Collections 76363
Fund (Fund R013) exceed the amounts appropriated from the fund, 76364
the Director of Job and Family Services may request the Director 76365
of Budget and Management to authorize expenditures from the fund 76366
in excess of the amounts appropriated. Upon the approval of the 76367
Director of Budget and Management, the additional amounts are 76368
hereby appropriated. 76369

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 76370

General Revenue Fund 76371

GRF 029321 Operating Expenses	\$	570,000	\$	570,000	76372
TOTAL GRF General Revenue Fund	\$	570,000	\$	570,000	76373
TOTAL ALL BUDGET FUND GROUPS	\$	570,000	\$	570,000	76374

OPERATING GUIDANCE 76375

The Legislative Service Commission shall act as fiscal agent 76376
for the Joint Committee on Agency Rule Review. Members of the 76377

Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2019, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020.

On July 1, 2020, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

Section 311.10. JEO JOINT EDUCATION OVERSIGHT COMMITTEE

General Revenue Fund

GRF 047321 Operating Expenses	\$	376,663	\$	378,668
TOTAL GRF General Revenue Fund	\$	376,663	\$	378,668
TOTAL ALL BUDGET FUND GROUPS	\$	376,663	\$	378,668

OPERATING EXPENSES

The foregoing appropriation item 047321, Operating Expenses, shall be used to support expenses related to the Joint Education Oversight Committee under section 103.45 to 103.50 of the Revised Code.

On July 1, 2019, or as soon as possible thereafter, the Joint

Education Oversight Committee may certify to the Director of 76408
Budget and Management an amount up to the unexpended, unencumbered 76409
balance of the foregoing appropriation item 047321, Operating 76410
Expenses, at the end of fiscal year 2019 to be reappropriated to 76411
fiscal year 2020. The amount certified is hereby reappropriated to 76412
the same appropriation item for fiscal year 2020. 76413

On July 1, 2020, or as soon as possible thereafter, the Joint 76414
Education Oversight Committee may certify to the Director of 76415
Budget and Management an amount up to the unexpended, unencumbered 76416
balance of the foregoing appropriation item 047321, Operating 76417
Expenses, at the end of fiscal year 2020 to be reappropriated to 76418
fiscal year 2021. The amount certified is hereby reappropriated to 76419
the same appropriation item for fiscal year 2021. 76420

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 76421

General Revenue Fund 76422

GRF	048321	Operating Expenses	\$	361,365	\$	528,681	76423
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TOTAL GRF	General Revenue Fund	\$	361,365	\$	528,681	76424
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TOTAL ALL BUDGET FUND GROUPS	\$	361,365	\$	528,681	76425
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OPERATING EXPENSES 76426

The foregoing appropriation item 048321, Operating Expenses, 76427
shall be used to support expenses related to the Joint Medicaid 76428
Oversight Committee created by section 103.41 of the Revised Code. 76429

On July 1, 2019, or as soon as possible thereafter, the 76430
Executive Director of the Joint Medicaid Oversight Committee may 76431
certify to the Director of Budget and Management an amount up to 76432
the unexpended, unencumbered balance of the foregoing 76433
appropriation item 048321, Operating Expenses, at the end of 76434
fiscal year 2019 to be reappropriated to fiscal year 2020. The 76435
amount certified is hereby reappropriated to the same 76436
appropriation item for fiscal year 2020. 76437

On July 1, 2020, or as soon as possible thereafter, the
Executive Director of the Joint Medicaid Oversight Committee may
certify to the Director of Budget and Management an amount up to
the unexpended, unencumbered balance of the foregoing
appropriation item 048321, Operating Expenses, at the end of
fiscal year 2020 to be reappropriated to fiscal year 2021. The
amount certified is hereby reappropriated to the same
appropriation item for fiscal year 2021.

The Legislative Service Commission shall act as fiscal agent
for the Joint Medicaid Oversight Committee.

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund

GRF 018321 Operating Expenses	\$	963,500	\$	911,305
TOTAL GRF General Revenue Fund	\$	963,500	\$	911,305

Dedicated Purpose Fund Group

4030 018601 Ohio Jury	\$	480,850	\$	480,000
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Instructions

TOTAL DPF Dedicated Purpose Fund	\$	480,850	\$	480,000
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,444,350	\$	1,391,305
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STATE COUNCIL OF UNIFORM STATE LAWS

Notwithstanding section 105.26 of the Revised Code, of the
foregoing appropriation item 018321, Operating Expenses, up to
\$93,500 in fiscal year 2020 and up to \$96,305 in fiscal year 2021
shall be used to pay the expenses of the State Council of Uniform
State Laws, including membership dues to the National Conference
of Commissioners on Uniform State Laws.

OHIO JURY INSTRUCTIONS FUND

The Ohio Jury Instructions Fund (Fund 4030) shall consist of
grants, royalties, dues, conference fees, bequests, devises, and

other gifts received for the purpose of supporting costs incurred 76466
by the Judicial Conference of Ohio in its activities as a part of 76467
the judicial system of the state as determined by the Judicial 76468
Conference Executive Committee. Fund 4030 shall be used by the 76469
Judicial Conference of Ohio to pay expenses incurred in its 76470
activities as a part of the judicial system of the state as 76471
determined by the Judicial Conference Executive Committee. All 76472
moneys accruing to Fund 4030 in excess of the amount appropriated 76473
for the current fiscal year are hereby appropriated for the 76474
purposes authorized. No money in Fund 4030 shall be transferred to 76475
any other fund by the Director of Budget and Management or the 76476
Controlling Board. 76477

Section 317.10. JSC THE JUDICIARY/SUPREME COURT 76478

General Revenue Fund 76479

GRF 005321 Operating Expenses - \$ 181,708,720 \$ 185,018,785 76480
Judiciary/Supreme
Court

GRF 005401 State Criminal \$ 599,970 \$ 614,970 76481
Sentencing Council

GRF 005406 Law-Related Education \$ 200,000 \$ 200,000 76482

GRF 005409 Ohio Courts \$ 5,391,025 \$ 5,435,625 76483
Technology Initiative

TOTAL GRF General Revenue Fund \$ 187,899,715 \$ 191,269,380 76484

Dedicated Purpose Fund Group 76485

4C80 005605 Attorney Services \$ 10,805,858 \$ 10,553,340 76486

5HT0 005617 Court Interpreter \$ 12,459 \$ 14,327 76487
Certification

5SP0 005626 Civil Justice Grant \$ 350,000 \$ 350,000 76488
Program

5T80 005609 Grants and Awards \$ 8,224 \$ 8,224 76489

6720 005601 Judiciary/Supreme \$ 151,000 \$ 151,000 76490

Court Education			
TOTAL DPF Dedicated Purpose Fund Group	\$	11,327,541	\$ 11,076,891 76491
Fiduciary Fund Group			76492
5JY0 005620 County Law Library	\$	303,500	\$ 313,500 76493
Resources Boards			
TOTAL FID Fiduciary Fund Group	\$	303,500	\$ 313,500 76494
Federal Fund Group			76495
3J00 005603 Federal Grants	\$	1,118,471	\$ 1,073,190 76496
TOTAL FED Federal Fund Group	\$	1,118,471	\$ 1,073,190 76497
TOTAL ALL BUDGET FUND GROUPS	\$	200,649,227	\$ 203,732,961 76498

Section 317.20. STATE CRIMINAL SENTENCING COUNCIL 76500

The foregoing appropriation item 005401, State Criminal Sentencing Council, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 76501
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LAW-RELATED EDUCATION 76505

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 76506
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OHIO COURTS TECHNOLOGY INITIATIVE 76513

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, 76514
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the delivery of technology services to courts throughout the 76519
state, including the provision of hardware, software, and the 76520
development and implementation of educational and training 76521
programs for judges and court personnel, and operation of the 76522
Commission on Technology and the Courts by the Supreme Court for 76523
the promulgation of statewide rules, policies, and uniform 76524
standards, and to aid in the orderly adoption and comprehensive 76525
use of technology in Ohio courts. 76526

ATTORNEY SERVICES 76527

The Attorney Registration Fund (Fund 4C80) shall consist of 76528
money received by the Supreme Court (The Judiciary) pursuant to 76529
the Rules for the Government of the Bar of Ohio. In addition to 76530
funding other activities considered appropriate by the Supreme 76531
Court, the foregoing appropriation item 005605, Attorney Services, 76532
may be used to compensate employees and to fund appropriate 76533
activities of the following offices established by the Supreme 76534
Court: the Office of Disciplinary Counsel, the Board of 76535
Commissioners on Grievances and Discipline, the Clients' Security 76536
Fund, and the Attorney Services Division which include the Office 76537
of Bar Admissions. If it is determined by the Administrative 76538
Director of the Supreme Court that changes to the appropriation 76539
are necessary, the amounts are hereby appropriated. 76540

No money in Fund 4C80 shall be transferred to any other fund 76541
by the Director of Budget and Management or the Controlling Board. 76542
Interest earned on money in Fund 4C80 shall be credited to the 76543
fund. 76544

COURT INTERPRETER CERTIFICATION 76545

The Court Interpreter Certification Fund (Fund 5HT0) shall 76546
consist of money received by the Supreme Court (The Judiciary) 76547
pursuant to Rules 80 through 87 of the Rules of Superintendence 76548
for the Courts of Ohio. The foregoing appropriation item 005617, 76549

Court Interpreter Certification, shall be used to provide 76550
training, to provide the written examination, and to pay language 76551
experts to rate, or grade, the oral examinations of those applying 76552
to become certified court interpreters. If it is determined by the 76553
Administrative Director of the Supreme Court that changes to the 76554
appropriation are necessary, the amounts are hereby appropriated. 76555

No money in Fund 5HT0 shall be transferred to any other fund 76556
by the Director of Budget and Management or the Controlling Board. 76557
Interest earned on money in Fund 5HT0 shall be credited to the 76558
fund. 76559

CIVIL JUSTICE GRANT PROGRAM 76560

The Civil Justice Program Fund (Fund 5SP0) shall consist of 76561
(1) \$50 voluntary donations made as part of the biennium attorney 76562
registration process and (2) \$150 increase in the *pro hac vice* 76563
fees for out-of-state attorneys pursuant to Government of the Bar 76564
Rule amendments. The foregoing appropriation item 005626, Civil 76565
Justice Grant Program, shall be used by the Supreme Court of Ohio 76566
for grants to not-for-profit organizations and agencies dedicated 76567
to providing civil legal aid to underserved populations, to fund 76568
innovative programs directed at this purpose, and to increase 76569
access to judicial service to that population. 76570

No money in Fund 5SP0 shall be transferred to any other fund 76571
by the Director of Budget and Management or the Controlling Board. 76572
Interest earned on money in Fund 5SP0 shall be credited to the 76573
fund. 76574

GRANTS AND AWARDS 76575

The Grants and Awards Fund (Fund 5T80) shall consist of 76576
grants and other money awarded to the Supreme Court (The 76577
Judiciary) by the State Justice Institute, the Division of 76578
Criminal Justice Services, or other entities. The foregoing 76579
appropriation item 005609, Grants and Awards, shall be used in a 76580

manner consistent with the purpose of the grant or award. If it is 76581
determined by the Administrative Director of the Supreme Court 76582
that changes to the appropriation are necessary, the amounts are 76583
hereby appropriated. 76584

No money in Fund 5T80 shall be transferred to any other fund 76585
by the Director of Budget and Management or the Controlling Board. 76586
Interest earned on money in Fund 5T80 shall be credited or 76587
transferred to the General Revenue Fund. 76588

JUDICIARY/SUPREME COURT EDUCATION 76589

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 76590
consist of fees paid for attending judicial and public education 76591
on the law, reimbursement of costs for judicial and public 76592
education on the law, and other gifts and grants received for the 76593
purpose of judicial and public education on the law. The foregoing 76594
appropriation item 005601, Judiciary/Supreme Court Education, 76595
shall be used to pay expenses for judicial education courses for 76596
judges, court personnel, and those who serve the courts, and for 76597
public education on the law. If it is determined by the 76598
Administrative Director of the Supreme Court that changes to the 76599
appropriation are necessary, the amounts are hereby appropriated. 76600

No money in Fund 6720 shall be transferred to any other fund 76601
by the Director of Budget and Management or the Controlling Board. 76602
Interest earned on money in Fund 6720 shall be credited to the 76603
fund. 76604

COUNTY LAW LIBRARY RESOURCES BOARDS 76605

The Statewide Consortium of County Law Library Resources 76606
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 76607
to section 307.515 of the Revised Code into a county's law library 76608
resources fund and forwarded by that county's treasurer for 76609
deposit in the state treasury pursuant to division (E)(1) of 76610
section 3375.481 of the Revised Code. The foregoing appropriation 76611

item 005620, County Law Library Resources Boards, shall be used 76612
for the operation of the Statewide Consortium of County Law 76613
Library Resources Boards. If it is determined by the 76614
Administrative Director of the Supreme Court that changes to the 76615
appropriation are necessary, the amounts are hereby appropriated. 76616

No money in Fund 5JY0 shall be transferred to any other fund 76617
by the Director of Budget and Management or the Controlling Board. 76618
Interest earned on money in Fund 5JY0 shall be credited to the 76619
fund. 76620

FEDERAL GRANTS 76621

The Federal Grants Fund (Fund 3J00) shall consist of grants 76622
and other moneys awarded to the Supreme Court (The Judiciary) by 76623
the United States Government or other entities that receive the 76624
moneys directly from the United States Government and distribute 76625
those moneys to the Supreme Court (The Judiciary). The foregoing 76626
appropriation item 005603, Federal Grants, shall be used in a 76627
manner consistent with the purpose of the grant or award. If it is 76628
determined by the Administrative Director of the Supreme Court 76629
that changes to the appropriation are necessary, the amounts are 76630
hereby appropriated. 76631

No money in Fund 3J00 shall be transferred to any other fund 76632
by the Director of Budget and Management or the Controlling Board. 76633
However, interest earned on money in Fund 3J00 shall be credited 76634
or transferred to the General Revenue Fund. 76635

Section 319.10. LEC LAKE ERIE COMMISSION 76636

Dedicated Purpose Fund Group 76637
4C00 780601 Lake Erie Protection \$ 694,000 \$ 699,000 76638
TOTAL DPF Dedicated Purpose 76639
Fund Group \$ 694,000 \$ 699,000 76640
Federal Fund Group 76641

3EP0 780603 LEC Federal Grants	\$	50,000	\$	50,000	76642
TOTAL FED Federal Fund Group	\$	50,000	\$	50,000	76643
TOTAL ALL BUDGET FUND GROUPS	\$	744,000	\$	749,000	76644

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 76645

On July 1 of each fiscal year, or as soon as possible 76646
thereafter, the Director of Budget and Management, with the 76647
approval of the Controlling Board, may transfer cash from the 76648
funds specified below, up to the amounts specified below, to the 76649
Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 76650
contributions and transfers made to the fund. 76651

Fund	Fund Name	User	FY 2020	FY 2021	
5BC0	Environmental	Environmental	\$25,000	\$25,000	76653
	Protection	Protection Agency			
6690	Pesticide,	Department of	\$25,000	\$25,000	76654
	Fertilizer and Lime	Agriculture			
4700	General Operations	Department of	\$25,000	\$25,000	76655
		Health			
1570	Central Support	Department of	\$25,000	\$25,000	76656
	Indirect	Natural Resources			

On July 1, 2019, or as soon as possible thereafter, the 76657
Director of Budget and Management, with the approval of the 76658
Controlling Board, may transfer \$25,000 cash from a fund used by 76659
the Development Services Agency, as specified by the Director of 76660
Development Services, to Fund 4C00. 76661

On July 1, 2020, or as soon as possible thereafter, the 76662
Director of Budget and Management, with the approval of the 76663
Controlling Board, may transfer \$25,000 cash from a fund used by 76664
the Development Services Agency, as specified by the Director of 76665
Development Services, to Fund 4C00. 76666

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 76667

General Revenue Fund 76668

GRF 028321	Legislative Ethics Committee	\$	550,000	\$	550,000	76669
TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	76670
	Dedicated Purpose Fund Group					76671
4G70 028601	Joint Legislative Ethics Committee	\$	150,000	\$	150,000	76672
5HN0 028602	Investigations and Financial Disclosure	\$	10,000	\$	10,000	76673
TOTAL DPF	Dedicated Purpose Fund Group	\$	160,000	\$	160,000	76674
TOTAL ALL BUDGET FUND GROUPS		\$	710,000	\$	710,000	76675

LEGISLATIVE ETHICS COMMITTEE 76676

On July 1, 2019, or as soon as possible thereafter, the 76677
Legislative Inspector General of the Joint Legislative Ethics 76678
Committee may certify to the Director of Budget and Management an 76679
amount up to the unexpended, unencumbered balance of the foregoing 76680
appropriation item 028321, Legislative Ethics Committee, at the 76681
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 76682
The amount certified is hereby reappropriated to the same 76683
appropriation item for fiscal year 2020. 76684

On July 1, 2020, or as soon as possible thereafter, the 76685
Legislative Inspector General of the Joint Legislative Ethics 76686
Committee may certify to the Director of Budget and Management an 76687
amount up to the unexpended, unencumbered balance of the foregoing 76688
appropriation item 028321, Legislative Ethics Committee, at the 76689
end of fiscal year 2020 to be reappropriated to fiscal year 2021. 76690
The amount certified is hereby reappropriated to the same 76691
appropriation item for fiscal year 2021. 76692

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 76693

General Revenue Fund 76694

GRF	035321	Operating Expenses	\$	18,600,000	\$	19,158,000	76695
GRF	035402	Legislative Fellows	\$	1,080,000	\$	1,080,000	76696
GRF	035405	Correctional	\$	447,020	\$	447,020	76697
		Institution Inspection					
		Committee					
GRF	035407	Legislative Task Force	\$	1,000,000	\$	1,000,000	76698
		on Redistricting					
GRF	035409	National Associations	\$	600,000	\$	600,000	76699
GRF	035410	Legislative	\$	9,000,000	\$	9,270,000	76700
		Information Systems					
GRF	035501	Litigation	\$	1,500,000	\$	1,500,000	76701
TOTAL GRF	General Revenue Fund		\$	32,227,020	\$	33,055,020	76702
Dedicated Purpose Fund Group							76703
4100	035601	Sale of Publications	\$	10,000	\$	10,000	76704
TOTAL DPF	Dedicated Purpose Fund		\$	10,000	\$	10,000	76705
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	32,237,020	\$	33,065,020	76706

Section 323.20. OPERATING EXPENSES

On July 1, 2019, or as soon as possible thereafter, the
 Director of the Legislative Service Commission may certify to the
 Director of Budget and Management an amount up to the unexpended,
 unencumbered balance of the foregoing appropriation item 035321,
 Operating Expenses, at the end of fiscal year 2019 to be
 reappropriated to fiscal year 2020. The amount certified is hereby
 reappropriated to the same appropriation item for fiscal year
 2020.

On July 1, 2020, or as soon as possible thereafter, the
 Director of the Legislative Service Commission may certify to the
 Director of Budget and Management an amount up to the unexpended,
 unencumbered balance of the foregoing appropriation item 035321,
 Operating Expenses, at the end of fiscal year 2020 to be

reappropriated to fiscal year 2021. The amount certified is hereby 76722
reappropriated to the same appropriation item for fiscal year 76723
2021. 76724

LEGISLATIVE TASK FORCE ON REDISTRICTING 76725

An amount equal to the unexpended, unencumbered balance of 76726
the foregoing appropriation item 035407, Legislative Task Force on 76727
Redistricting, at the end of fiscal year 2019 is hereby 76728
reappropriated to the Legislative Service Commission for the same 76729
purpose for fiscal year 2020. 76730

An amount equal to the unexpended, unencumbered balance of 76731
the foregoing appropriation item 035407, Legislative Task Force on 76732
Redistricting, at the end of fiscal year 2020 is hereby 76733
reappropriated to the Legislative Service Commission for the same 76734
purpose for fiscal year 2021. 76735

LEGISLATIVE INFORMATION SYSTEMS 76736

On July 1, 2019, or as soon as possible thereafter, the 76737
Director of the Legislative Service Commission may certify to the 76738
Director of Budget and Management an amount up to the unexpended, 76739
unencumbered balance of the foregoing appropriation item 035410, 76740
Legislative Information Systems, at the end of fiscal year 2019 to 76741
be reappropriated to fiscal year 2020. The amount certified is 76742
hereby reappropriated to the same appropriation item for fiscal 76743
year 2020. 76744

On July 1, 2020, or as soon as possible thereafter, the 76745
Director of the Legislative Service Commission may certify to the 76746
Director of Budget and Management an amount up to the unexpended, 76747
unencumbered balance of the foregoing appropriation item 035410, 76748
Legislative Information Systems, at the end of fiscal year 2020 to 76749
be reappropriated to fiscal year 2021. The amount certified is 76750
hereby reappropriated to the same appropriation item for fiscal 76751
year 2021. 76752

LITIGATION 76753

The foregoing appropriation item 035501, Litigation, shall be 76754
used for any lawsuit in which the General Assembly is a party 76755
because a legal or constitutional challenge is made against the 76756
Ohio Constitution or an act of the General Assembly. The 76757
chairperson and vice-chairperson of the Legislative Service 76758
Commission shall both approve the use of the appropriated moneys. 76759

An amount equal to the unexpended, unencumbered balance of 76760
the appropriation item 035501, Litigation, at the end of fiscal 76761
year 2019 is hereby reappropriated to the Legislative Service 76762
Commission for the same purpose for fiscal year 2020. 76763

An amount equal to the unexpended, unencumbered balance of 76764
the appropriation item 035501, Litigation, at the end of fiscal 76765
year 2020 is hereby reappropriated to the Legislative Service 76766
Commission for the same purpose for fiscal year 2021. 76767

Section 325.10. LIB STATE LIBRARY BOARD 76768

General Revenue Fund 76769

GRF 350321 Operating Expenses \$ 4,543,122 \$ 4,543,122 76770

GRF 350401 Ohioana Library \$ 300,114 \$ 300,114 76771
Association

GRF 350502 Regional Library \$ 500,000 \$ 500,000 76772

Systems

TOTAL GRF General Revenue Fund \$ 5,343,236 \$ 5,343,236 76773

Dedicated Purpose Fund Group 76774

4590 350603 Services for \$ 4,202,887 \$ 4,202,887 76775

Libraries

4S40 350604 Ohio Public Library \$ 5,696,898 \$ 5,696,898 76776

Information Network

5GB0 350605 Library for the Blind \$ 1,274,194 \$ 1,274,194 76777

TOTAL DPF Dedicated Purpose 76778

Fund Group	\$	11,173,979	\$	11,173,979	76779
Internal Service Activity Fund					76780
1390 350602 Services for State	\$	8,000	\$	8,000	76781
Agencies					
TOTAL ISA Internal Service Activity					76782
Fund Group	\$	8,000	\$	8,000	76783
Federal Fund Group					76784
3130 350601 LSTA Federal	\$	5,366,565	\$	5,366,565	76785
TOTAL FED Federal Fund Group	\$	5,366,565	\$	5,366,565	76786
TOTAL ALL BUDGET FUND GROUPS	\$	21,891,780	\$	21,891,780	76787

Section 325.20. OHIOANA LIBRARY ASSOCIATION 76789

The foregoing appropriation item 350401, Ohioana Library 76790
Association, shall be used to support the operating expenses of 76791
the Martha Kinney Cooper Ohioana Library Association under section 76792
3375.61 of the Revised Code. 76793

REGIONAL LIBRARY SYSTEMS 76794

The foregoing appropriation item 350502, Regional Library 76795
Systems, shall be used to support regional library systems 76796
eligible for funding under sections 3375.83 and 3375.90 of the 76797
Revised Code. 76798

OHIO PUBLIC LIBRARY INFORMATION NETWORK 76799

(A) The foregoing appropriation item 350604, Ohio Public 76800
Library Information Network, shall be used for an information 76801
telecommunications network linking public libraries in the state 76802
and such others as may participate in the Ohio Public Library 76803
Information Network (OPLIN). 76804

The Ohio Public Library Information Network Board of Trustees 76805
created under section 3375.65 of the Revised Code may make 76806
decisions regarding use of the foregoing appropriation item 76807
350604, Ohio Public Library Information Network. 76808

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).

TRANSFER TO LIBRARY FOR THE BLIND FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and

Management, the Director of Budget and Management shall transfer 76840
\$1,274,194 cash in each fiscal year from the Public Library Fund 76841
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 76842

Section 327.10. LCO LIQUOR CONTROL COMMISSION 76843

Dedicated Purpose Fund Group 76844

5LP0 970601 Commission Operating \$ 873,607 \$ 905,916 76845
Expenses

TOTAL DPF Dedicated Purpose Fund \$ 873,607 \$ 905,916 76846
Group

TOTAL ALL BUDGET FUND GROUPS \$ 873,607 \$ 905,916 76847

Section 329.10. LOT STATE LOTTERY COMMISSION 76849

State Lottery Fund Group 76850

7044 950321 Operating Expenses \$ 59,850,383 \$ 60,544,470 76851

7044 950402 Advertising Contracts \$ 26,750,000 \$ 26,750,000 76852

7044 950403 Gaming Contracts \$ 70,019,071 \$ 71,239,582 76853

7044 950601 Direct Prize Payments \$ 154,333,000 \$ 157,440,000 76854

7044 950605 Problem Gambling \$ 3,400,000 \$ 3,400,000 76855

8710 950602 Annuity Prizes \$ 59,873,000 \$ 60,279,000 76856

TOTAL SLF State Lottery Fund 76857

Group \$ 374,225,454 \$ 379,653,052 76858

TOTAL ALL BUDGET FUND GROUPS \$ 374,225,454 \$ 379,653,052 76859

OPERATING EXPENSES 76860

Notwithstanding sections 127.14 and 131.35 of the Revised 76861
Code, the Controlling Board may, at the request of the State 76862
Lottery Commission, authorize expenditures from the State Lottery 76863
Fund in excess of the amounts appropriated, up to a maximum of 10 76864
per cent of anticipated total revenue accruing from the sale of 76865
lottery products. Upon the approval of the Controlling Board, the 76866
additional amounts are hereby appropriated. 76867

DIRECT PRIZE PAYMENTS 76868

Any amounts, in addition to the amounts appropriated in 76869
appropriation item 950601, Direct Prize Payments, that the 76870
Director of the State Lottery Commission determines to be 76871
necessary to fund prizes are hereby appropriated. 76872

ANNUITY PRIZES 76873

Upon request of the State Lottery Commission, the Director of 76874
Budget and Management may transfer cash from the State Lottery 76875
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 76876
an amount sufficient to fund deferred prizes. The Treasurer of 76877
State, from time to time, shall credit the Deferred Prizes Trust 76878
Fund (Fund 8710) the pro rata share of interest earned by the 76879
Treasurer of State on invested balances. 76880

Any amounts, in addition to the amounts appropriated in 76881
appropriation item 950602, Annuity Prizes, that the Director of 76882
the State Lottery Commission determines to be necessary to fund 76883
deferred prizes and interest are hereby appropriated. 76884

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 76885

Estimated transfers from the State Lottery Fund (Fund 7044) 76886
to the Lottery Profits Education Fund (Fund 7017) are to be 76887
\$1,126,000,000 in fiscal year 2020 and \$1,177,000,000 in fiscal 76888
year 2021. Transfers by the Director of Budget and Management to 76889
the Lottery Profits Education Fund shall be administered as the 76890
statutes direct. 76891

Section 333.10. MCD DEPARTMENT OF MEDICAID 76892

General Revenue Fund 76893

GRF 651425 Medicaid Program \$ 184,688,131 \$ 190,406,760 76894
Support - State

GRF 651525 Medicaid Health Care 76895
Services

State \$ 4,076,259,989 \$ 4,627,369,304 76896

		Federal	\$ 9,705,936,048	\$ 10,493,958,715	76897
		Medicaid Health Care	\$ 13,782,196,037	\$ 15,121,328,019	76898
		Services Total			
GRF	651526	Medicare Part D	\$ 500,325,646	\$ 554,214,667	76899
GRF	651529	Brigid's Path Pilot	\$ 500,000	\$ 500,000	76900
TOTAL GRF		General Revenue Fund			76901
		State	\$ 4,761,773,766	\$ 5,372,490,731	76902
		Federal	\$ 9,705,936,048	\$ 10,493,958,715	76903
		GRF Total	\$ 14,467,709,814	\$ 15,866,449,446	76904
		Dedicated Purpose Fund Group			76905
4E30	651605	Resident Protection	\$ 3,910,338	\$ 4,013,000	76906
		Fund			
5AN0	651686	Care Innovation and	\$ 53,435,797	\$ 53,406,291	76907
		Community Improvement			
		Program			
5DL0	651639	Medicaid Services -	\$ 741,454,299	\$ 724,170,233	76908
		Recoveries			
5DL0	651685	Medicaid Recoveries -	\$ 40,351,245	\$ 44,375,000	76909
		Program Support			
5DL0	651690	Multi-system Youth	\$ 10,000,000	\$ 10,000,000	76910
		Innovation and			
		Support			
5FX0	651638	Medicaid Services -	\$ 12,000,000	\$ 12,000,000	76911
		Payment Withholding			
5GF0	651656	Medicaid Services -	\$ 822,016,219	\$ 887,150,856	76912
		Hospital Upper			
		Payment Limit			
5R20	651608	Medicaid Services -	\$ 415,666,000	\$ 418,845,000	76913
		Long Term			
5SC0	651683	Medicaid Services -	\$ 7,520,000	\$ 7,645,000	76914
		Physician UPL			
5TN0	651684	Medicaid Services -	\$ 820,564,060	\$ 791,187,400	76915
		HIC Fee			

6510 651649	Medicaid Services - Hospital Care Assurance Program	\$ 249,167,065	\$ 168,310,123	76916
TOTAL DPF Dedicated Purpose Fund Group		\$ 3,176,085,023	\$ 3,121,102,903	76917
Holding Account Fund Group				76918
R055 651644	Refunds and Reconciliation	\$ 1,000,000	\$ 1,000,000	76919
TOTAL HLD Holding Account Fund Group		\$ 1,000,000	\$ 1,000,000	76920
Federal Fund Group				76921
3ER0 651603	Medicaid and Health Transformation Technology	\$ 48,031,056	\$ 48,340,000	76922
3F00 651623	Medicaid Services - Federal	\$ 6,459,332,595	\$ 6,272,222,392	76923
3F00 651624	Medicaid Program Support - Federal	\$ 516,667,497	\$ 527,369,363	76924
3FA0 651680	Health Care Grants - Federal	\$ 11,988,670	\$ 12,000,000	76925
3G50 651655	Medicaid Interagency Pass Through	\$ 225,701,597	\$ 225,701,597	76926
TOTAL FED Federal Fund Group		\$ 7,261,721,415	\$ 7,085,633,352	76927
TOTAL ALL BUDGET FUND GROUPS		\$24,906,516,252	\$26,074,185,701	76928

Section 333.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 76930

(A) Until July 1, 2021, the Medicaid Director has the 76931
authority to establish, change, and abolish positions for the 76932
Department of Medicaid, and to assign, reassign, classify, 76933
reclassify, transfer, reduce, promote, or demote all employees of 76934
the Department of Medicaid who are not subject to Chapter 4117. of 76935
the Revised Code. 76936

(B) The authority granted under division (A) of this section 76937
includes assigning or reassigning an exempt employee, as defined 76938
in section 124.152 of the Revised Code, to a bargaining unit 76939
classification if the Medicaid Director determines that the 76940
bargaining unit classification is the proper classification for 76941
that employee. The actions of the Medicaid Director shall be 76942
consistent with the requirements of 5 C.F.R. 900.603 for those 76943
employees subject to such requirements. If an employee in the E-1 76944
pay range is to be assigned, reassigned, classified, reclassified, 76945
transferred, reduced, or demoted to a position in a lower 76946
classification under this section, the Medicaid Director, or in 76947
the case of a transfer outside the Department of Medicaid, the 76948
Director of Administrative Services, shall assign the employee to 76949
the appropriate classification and place the employee in Step X. 76950
The employee shall not receive any increase in compensation until 76951
the maximum rate of pay for that classification exceeds the 76952
employee's compensation. 76953

(C) Actions taken by the Medicaid Director and Director of 76954
Administrative Services pursuant to this section are not subject 76955
to appeal to the State Personnel Board of Review. 76956

(D) A portion of the foregoing appropriation items 651425, 76957
Medicaid Program Support - State, 651603, Medicaid and Health 76958
Transformation Technology, 651624, Medicaid Program Support - 76959
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 76960
Interagency Pass-Through, 651605, Resident Protection Fund, and 76961
651682, Health Care Grants - State, may be used to pay for costs 76962
associated with the administration of the Medicaid program, 76963
including the assignment, reassignment, classification, 76964
reclassification, transfer, reduction, promotion, or demotion of 76965
employees authorized by this section. 76966

Section 333.40. MEDICAID HEALTH CARE SERVICES

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The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.

Section 333.50. LEAD ABATEMENT AND RELATED ACTIVITIES

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations from General Revenue Fund appropriation item 651525, Medicaid Health Care Services, to appropriation items in other state agencies for the purpose of lead abatement and related activities. If such a transfer occurs, the Director of Budget and Management may adjust, using the federal reimbursement rate, the federal share of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, accordingly. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions.

Section 333.60. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED

CARE

(A) As used in this section:

(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Integrated Care Delivery System" and "ICDS" have the same meaning as section 5164.01 of the Revised Code.

(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(B) For fiscal year 2020 and fiscal year 2021, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Integrated Care Delivery System.

(C) If ICDS participants receive care through Medicaid

managed care organizations under ICDS, the Department shall, in 76997
consultation with the United States Centers for Medicare and 76998
Medicaid Services, do both of the following: 76999

(1) Develop quality measures designed specifically to 77000
determine the effectiveness of the health care and other services 77001
provided to ICDS participants by Medicaid managed care 77002
organizations; 77003

(2) Determine an amount to be withheld from the Medicaid 77004
premium payments paid to Medicaid managed care organizations for 77005
ICDS participants. 77006

(D)(1) For the purposes of division (C)(2) of this section, 77007
the Department shall establish an amount that is to be withheld 77008
each time a premium payment is made to a Medicaid managed care 77009
organization for an ICDS participant. The amount shall be 77010
established as a percentage of each premium payment. The 77011
percentage shall be the same for all Medicaid managed care 77012
organizations providing care to ICDS participants. 77013

(2) Each Medicaid managed care organization shall agree to 77014
the withholding as a condition of receiving or maintaining its 77015
Medicaid provider agreement with the Department. 77016

(3) When the amount is established and each time the amount 77017
is modified thereafter, the Department shall certify the amount to 77018
the Director of Budget and Management and begin withholding the 77019
amount from each premium the Department pays to a Medicaid managed 77020
care organization for an ICDS participant. 77021

(E) A Medicaid managed care organization subject to this 77022
section is not subject to section 5167.30 of the Revised Code for 77023
premium payments attributed to ICDS participants during fiscal 77024
year 2020 and fiscal year 2021. 77025

Section 333.65. FINANCIAL HEALTH OF MEDICAID MANAGED CARE 77026

ORGANIZATIONS	77027
Not later than January 1, 2020, the Department of Medicaid	77028
shall do all of the following:	77029
(A) Evaluate the financial health, including solvency, of	77030
Medicaid managed care organizations;	77031
(B) Benchmark the financial health, including solvency, of	77032
Medicaid managed care organizations against other managed care	77033
organizations providing services under the Medicaid programs of	77034
other states in the Midwest;	77035
(C) Publish the findings of the evaluation and benchmarking	77036
of Medicaid managed care organizations on the Department's	77037
internet web site;	77038
(D) Adopt rules under section 5167.02 of the Revised Code	77039
addressing the financial health of Medicaid managed care	77040
organizations, as evaluated under division (A) of this section.	77041
Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM	77042
The Director of Budget and Management may authorize	77043
additional expenditures from appropriation item 651623, Medicaid	77044
Services - Federal, appropriation item 651525, Medicaid Health	77045
Care Services, and appropriation item 651656, Medicaid Services -	77046
Hospital Upper Payment Limit, in order to implement the programs	77047
authorized by sections 5168.20 through 5168.28 of the Revised	77048
Code. Any amounts authorized are hereby appropriated.	77049
Section 333.80. MEDICARE PART D	77050
The foregoing appropriation item 651526, Medicare Part D, may	77051
be used by the Department of Medicaid for the implementation and	77052
operation of the Medicare Part D requirements contained in the	77053
"Medicare Prescription Drug, Improvement, and Modernization Act of	77054

2003," Pub. L. No. 108-173, as amended. Upon the request of the 77055
Department of Medicaid, the Director of Budget and Management may 77056
transfer the state share of appropriations between appropriation 77057
item 651525, Medicaid Health Care Services, and appropriation item 77058
651526, Medicare Part D. If the state share of appropriation item 77059
651525, Medicaid Health Care Services, is adjusted, the Director 77060
of Budget and Management shall adjust the federal share 77061
accordingly. The Department of Medicaid shall provide notification 77062
to the Controlling Board of any transfers at the next scheduled 77063
Controlling Board meeting. 77064

Section 333.82. BRIGID'S PATH PROGRAM 77065

The foregoing appropriation item 651529, Brigid's Path 77066
Program, shall be distributed to the Brigid's Path Program in 77067
Montgomery County. 77068

Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES 77069
FUND 77070

Of the amount received by the Department of Medicaid during 77071
fiscal year 2020 and fiscal year 2021 from the first installment 77072
of assessments paid under section 5168.06 of the Revised Code and 77073
intergovernmental transfers made under section 5168.07 of the 77074
Revised Code, the Medicaid Director shall deposit \$350,000 in each 77075
fiscal year into the state treasury to the credit of the Health 77076
Care Services Support and Recoveries Fund (Fund 5DL0). 77077

Section 333.95. MULTI-SYSTEM YOUTH INNOVATION AND SUPPORT 77078

The foregoing appropriation item 651690, Multi-System Youth 77079
Innovation and Support, may be used by the Department of Medicaid 77080
for the purposes specified in divisions (B)(3) and (4) of section 77081
5162.52 of the Revised Code. 77082

Section 333.100. HOSPITAL CARE ASSURANCE MATCH 77083

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 77084
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The foregoing appropriation item 651649, Medicaid Services - Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 77091
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Section 333.110. REFUNDS AND RECONCILIATION FUND 77103

If receipts credited to the Refunds and Reconciliation Fund exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 77104
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Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH 77110

The Medicaid Director may request the Director of Budget and 77111

Management to increase appropriation item 651655, Medicaid 77112
Interagency Pass-Through. Upon the approval of the Director of 77113
Budget and Management, the additional amounts are hereby 77114
appropriated. 77115

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION 77116

In order to ensure access to a non-emergency medical 77117
transportation brokerage program established pursuant to section 77118
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 77119
upon the request of the Medicaid Director, the Director of Budget 77120
and Management may transfer the state share appropriations between 77121
General Revenue Fund appropriation item 651525, Medicaid Health 77122
Care Services, within the Department of Medicaid and 655523, 77123
Medicaid Program Support - Local Transportation, within the 77124
Department of Job and Family Services. If such a transfer occurs, 77125
the Director of Budget and Management shall adjust, using the 77126
federal reimbursement rate, the federal share appropriations of 77127
General Revenue Fund appropriation item 651525, Medicaid Health 77128
Care Services, within the Department of Medicaid, and the Medicaid 77129
Program Support Fund (Fund 3F01) appropriation item 655624, 77130
Medicaid Program Support - Federal, within the Department of Job 77131
and Family Services. The Director of Medicaid shall transmit to 77132
the Medicaid Program Support Fund (Fund 3F01) the federal funds 77133
which the Department of Medicaid, as the state's sole point of 77134
contact with the federal government for Medicaid reimbursements, 77135
has drawn for this transaction. 77136

Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 77137

Upon the request of the Medicaid Director, the Director of 77138
Budget and Management may transfer up to \$5,000,000 of state share 77139
appropriations in each fiscal year between General Revenue Fund 77140
appropriation item 651525, Medicaid Health Care Services, within 77141

the Department of Medicaid, and 655522, Medicaid Program Support - 77142
Local, within the Department of Job and Family Services. If such a 77143
transfer occurs, the Director of Budget and Management shall 77144
adjust, using the federal reimbursement rate, the federal share 77145
appropriations of General Revenue Fund appropriation item 651525, 77146
Medicaid Health Care Services, within the Department of Medicaid, 77147
and the Medicaid Program Support Fund (Fund 3F01) appropriation 77148
item 655624, Medicaid Program Support - Federal, within the 77149
Department of Job and Family Services. The Director of Medicaid 77150
shall transmit to the Medicaid Program Support Fund (Fund 3F01) 77151
the federal funds which the Department of Medicaid, as the state's 77152
sole point of contact with the federal government for Medicaid 77153
reimbursements, has drawn for this transaction. 77154

These funds shall not be used for existing and ongoing 77155
operating expenses. The Medicaid Director shall establish criteria 77156
for distributing these funds and for county departments of job and 77157
family services to submit allowable expenses. 77158

County departments of job and family services shall comply 77159
with new roles, processes, and responsibilities related to the new 77160
eligibility determination system. County departments of job and 77161
family services shall report to the Ohio Department of Job and 77162
Family Services and the Ohio Department of Medicaid, on a schedule 77163
determined by the Medicaid Director, how the funds were used. 77164

Section 333.160. ICDS AND OHIO HOME CARE WAIVERS PAYMENT 77165
RATES FOR HOME-DELIVERED MEALS 77166

(A) As used in this section: 77167

(1) "ICDS waiver" means the home and community-based services 77168
Medicaid waiver component for the Integrated Care Delivery System 77169
authorized by section 5166.16 of the Revised Code. 77170

(2) "Ohio Home Care waiver" means the home and 77171

community-based services Medicaid waiver component that is known 77172
as Ohio Home Care and was created pursuant to section 5166.11 of 77173
the Revised Code. 77174

(B) The payment rates for home-delivered meals provided under 77175
the ICDS waiver and the Ohio Home Care waiver during the period 77176
beginning July 1, 2019, and ending July 1, 2021, shall be the 77177
following: 77178

(1) For each meal delivered daily on a per-meal delivery 77179
basis by a volunteer or employee of the provider, \$7.19; 77180

(2) For each meal delivered in a chilled or frozen format on 77181
a weekly basis by a volunteer or employee of the provider, \$6.99; 77182

(3) For each meal delivered in a chilled or frozen format on 77183
a weekly basis by a common carrier used by the provider, \$6.50. 77184

Section 333.180. MEDICAID PAYMENT RATES FOR COMMUNITY 77185
BEHAVIORAL HEALTH SERVICES 77186

(A) As used in this section: 77187

(1) "Community behavioral health services" has the same 77188
meaning as in section 5164.01 of the Revised Code. 77189

(2) "Hospital" has the same meaning as in section 3727.01 of 77190
the Revised Code. 77191

(3) "Intermediate care facility for individuals with 77192
intellectual disabilities" has the same meaning as in section 77193
5124.01 of the Revised Code. 77194

(4) "Nursing facility" has the same meaning as in section 77195
5165.01 of the Revised Code. 77196

(B) Subject to division (C) of this section, the Department 77197
of Medicaid may establish Medicaid payment rates for community 77198
behavioral health services provided during fiscal year 2020 and 77199
fiscal year 2021 that exceed the authorized rates paid for the 77200

services under the Medicare program. 77201

(C) This section does not apply to community behavioral 77202
health services provided by any of the following: 77203

(1) Hospitals on an inpatient basis; 77204

(2) Nursing facilities; 77205

(3) Intermediate care facilities for individuals with 77206
intellectual disabilities. 77207

Section 333.185. MEDICAID PAYMENT RATE FOR VAGUS NERVE 77208
STIMULATION 77209

(A) The Medicaid payment rate for the Vagus Nerve Stimulation 77210
service provided under the outpatient hospital services benefit 77211
during the period beginning July 1, 2019, and ending July 1, 2021, 77212
shall equal seventy-five per cent of the Medicare payment rate for 77213
the service in effect on the date the service is provided. 77214

(B) The Medicaid payment rates for other services provided 77215
during the period beginning July 1, 2019, and ending July 1, 2021, 77216
and selected by the Medicaid Director shall be less than the 77217
amount of the rates in effect on June 30, 2019, so that the cost 77218
of the rate set pursuant to division (A) of the section does not 77219
increase Medicaid expenditures. The Director may not select any 77220
Medicaid service for which the Medicaid payment rate is determined 77221
in accordance with state statutes. 77222

Section 333.190. AREA AGENCIES ON AGING AND MEDICAID MANAGED 77223
CARE 77224

(A) As used in this section: 77225

(1) "Care management system" means the system established 77226
under section 5167.03 of the Revised Code. 77227

(2) "Dual eligible individuals" has the same meaning as in 77228

section 5160.01 of the Revised Code. 77229

(3) "Medicaid managed care organization" has the same meaning 77230
as in section 5167.01 of the Revised Code. 77231

(4) "Medicaid waiver component" has the same meaning as in 77232
section 5166.01 of the Revised Code. 77233

(B) If the Department of Medicaid expands the inclusion of 77234
the aged, blind, and disabled Medicaid eligibility group or dual 77235
eligible individuals in the care management system during the 77236
2020-2021 fiscal biennium, the Department shall do both of the 77237
following for the remainder of the fiscal biennium: 77238

(1) Require area agencies on aging to be the coordinators of 77239
home and community-based services available under Medicaid waiver 77240
components that those individuals and that eligibility group 77241
receive and permit Medicaid managed care organizations to delegate 77242
to the agencies full-care coordination functions for those 77243
services and other health-care services those individuals and that 77244
eligibility group receive; 77245

(2) In selecting managed care organizations with which to 77246
contract under section 5167.10 of the Revised Code, give 77247
preference to those organizations that will enter into 77248
subcapitation arrangements with area agencies on aging under which 77249
the agencies are to perform, in addition to other functions, 77250
network management and payment functions for home and 77251
community-based services available under Medicaid waiver 77252
components that those individuals and that eligibility group 77253
receive. 77254

Section 333.195. SHARED SAVINGS BONUS AND QUALITY INCENTIVE 77255
PROGRAMS 77256

Each contract that the Department of Medicaid enters into 77257
with a managed care organization under section 5167.10 of the 77258

Revised Code during the periods that the Shared Savings Bonus 77259
Program and Quality Incentive Program are operated under sections 77260
5167.35 and 5167.36 of the Revised Code shall include terms about 77261
the programs that are consistent with those sections. 77262

Section 333.200. WORK REQUIREMENT - OHIOMEANSJOBS COSTS 77263

Upon the request of the Medicaid Director, the Director of 77264
Budget and Management may transfer up to \$500,000 of state share 77265
appropriations in each fiscal year between appropriation item 77266
651685, Medicaid Recoveries - Program Support, within the 77267
Department of Medicaid, and 655425, Medicaid Program Support, 77268
within the Department of Job and Family Services. If such a 77269
transfer occurs, the Director of Budget and Management shall 77270
adjust, using the federal reimbursement rate, the federal share 77271
appropriations of appropriation item 651624, Medicaid Program 77272
Support - Federal, within the Department of Medicaid, and 77273
appropriation item 655624, Medicaid Program Support - Federal, 77274
within the Department of Job and Family Services. Any transfer of 77275
funds shall be provided to the Department of Jobs and Family 77276
Services and shall only be used for costs related to transitioning 77277
to a new work requirement for the Medicaid program as prescribed 77278
by the Medicaid Director. 77279

Section 333.210. WORK REQUIREMENT - COUNTY COSTS 77280

Upon the request of the Medicaid Director, the Director of 77281
Budget and Management may transfer up to \$10,000,000 of state 77282
share appropriations in each fiscal year between appropriation 77283
item 651525, Medicaid Health Care Services, within the Department 77284
of Medicaid, and 655522, Medicaid Program Support - Local, within 77285
the Department of Job and Family Services. If such a transfer 77286
occurs, the Director of Budget and Management shall adjust, using 77287
the federal reimbursement rate, the federal share appropriations 77288

of appropriation item 651525, Medicaid Health Care Services, 77289
within the Department of Medicaid, and appropriation item 655624, 77290
Medicaid Program Support - Federal, within the Department of Job 77291
and Family Services. Any increase in funding shall be provided to 77292
county departments of job and family services and shall only be 77293
used for costs related to transitioning to a new work requirement 77294
under the Medicaid program as prescribed by the Medicaid Director. 77295
These funds shall not be used for existing and ongoing operating 77296
expenses. The Medicaid Director shall establish criteria for 77297
distributing these funds and for county departments of job and 77298
family services to submit allowable expenses. 77299

Section 333.220. CARE INNOVATION AND COMMUNITY IMPROVEMENT 77300
PROGRAM 77301

(A) As used in this section: 77302

(1) "Nonprofit hospital agency" means a nonprofit hospital 77303
agency, as defined in section 140.01 of the Revised Code, that is 77304
affiliated with a state university as defined in section 3345.011 77305
of the Revised Code. 77306

(2) "Participating agency" means a nonprofit hospital agency 77307
or public hospital agency participating in the Care Innovation and 77308
Community Improvement Program. 77309

(3) "Public hospital agency" has the same meaning as in 77310
section 140.01 of the Revised Code. 77311

(B) The Medicaid Director shall continue the Care Innovation 77312
and Community Improvement Program for the 2020-2021 fiscal 77313
biennium. Any nonprofit hospital agency or public hospital agency 77314
may volunteer to participate in the program if the agency operates 77315
a hospital that has a Medicaid provider agreement. 77316

(C) Participating agencies are responsible for the state 77317
share of the program's costs and shall make or request the 77318

appropriate government entity to make intergovernmental transfers 77319
to pay for those costs. The Medicaid Director shall establish a 77320
schedule for making the intergovernmental transfers. 77321

(D)(1) Each participating agency shall do at least one of the 77322
following tasks in accordance with strategies, and for the purpose 77323
of meeting goals, that the Medicaid Director shall establish for 77324
the Care Innovation and Community Improvement Program: 77325

(a) Sustain and expand community-based patient centered 77326
medical home models; 77327

(b) Expand access to community-based dental services; 77328

(c) Improve the quality of community care by creating and 77329
sharing best practice models for emergency department diversions, 77330
care coordination at discharge and during transitions of care, and 77331
other matters related to community care; 77332

(d) Align community health improvement strategies and goals 77333
with the State Health Improvement Plan and local health 77334
improvement plans; 77335

(e) Subject to division (D)(2) of this section, expand access 77336
to ambulatory drug detoxification and withdrawal management 77337
services; 77338

(f) Train medical professionals on evidence-based protocols 77339
for opioid prescribing and drug addiction risk assessments; 77340

(g) Subject to division (D)(2) of this section and in 77341
collaboration with all other participating agencies that are also 77342
doing this task, create and implement a plan to assist rural areas 77343
of the state do both of the following: 77344

(i) Expand access to cost-effective detoxification, 77345
withdrawal management, and prevention services for opioid 77346
addiction; 77347

(ii) Disseminate evidence-based protocols for opioid 77348

prescribing and drug addiction risk assessment. 77349

(2) In expanding access to ambulatory drug detoxification and 77350
withdrawal management services under division (D)(1)(e) of this 77351
section and creating and implementing the plan specified in 77352
division (D)(1)(g) of this section, each participating agency 77353
shall give priority to the areas of the community served by the 77354
agency with the greatest concentration of opioid overdoses and 77355
deaths. 77356

(3) Each participating agency shall submit annual reports to 77357
the Joint Medicaid Oversight Committee summarizing the agency's 77358
work under division (D)(1) of this section and progress in meeting 77359
the goals of the Care Innovation and Community Improvement 77360
Program. 77361

(4) The goals that the Medicaid Director establishes for the 77362
Care Innovation and Community Improvement Program shall be 77363
designed to benefit Medicaid recipients. 77364

(E) Each participating agency shall receive supplemental 77365
payments under the Medicaid program for physician and other 77366
professional services that are covered by the Medicaid program and 77367
provided to Medicaid recipients. The amount of the supplemental 77368
payments shall equal the difference between the Medicaid payment 77369
rates for the services and the average commercial payment rates 77370
for the services. The Director may terminate, or adjust the amount 77371
of, the supplemental payments if the amount of the funds available 77372
for the Care Innovation and Community Improvement Program is 77373
inadequate. 77374

(F) Not later than January 1, 2020, the Medicaid Director 77375
shall establish a process to evaluate the work done by 77376
participating agencies under division (D)(1) of this section and 77377
the agencies' progress in meeting the goals of the Care Innovation 77378
and Community Improvement Program. The Director may terminate an 77379

agency's participation in the program if the Director determines 77380
that the agency is not doing at least one of the tasks specified 77381
in division (D)(1) of this section or making progress in meeting 77382
the program's goals. 77383

(G) All intergovernmental transfers made under division (C) 77384
of this section shall be deposited into the Care Innovation and 77385
Community Improvement Program Fund created by Section 333.320 of 77386
Am. Sub. H.B. 49 of the 132nd General Assembly. Money in the fund 77387
and the corresponding federal financial participation in the 77388
Health Care - Federal Fund created under section 5162.50 of the 77389
Revised Code shall be used to make supplemental payments under 77390
division (E) of this section. 77391

(H) If the amount of the foregoing appropriation item 651686, 77392
Care Innovation and Community Improvement Program, and the 77393
corresponding federal financial participation in appropriation 77394
item 651623, Medicaid Services - Federal, are inadequate to make 77395
the supplemental payments required by division (E) of this 77396
section, the Medicaid Director may request that the Director of 77397
Budget and Management authorize additional expenditures from the 77398
Care Innovation and Community Improvement Program Fund and the 77399
Health Care - Federal Fund as needed to make the supplemental 77400
payments. If the Director of Budget and Management authorizes the 77401
additional expenditures, the additional amounts are hereby 77402
appropriated. 77403

Section 333.230. RE-PROCUREMENT OF MEDICAID MCO CONTRACTS 77404

(A) As used in this section, "care management system" and 77405
"Medicaid managed care organization" have the same meanings as in 77406
section 5167.01 of the Revised Code. 77407

(B) Not later than July 1, 2020, the Medicaid Director shall 77408
complete a procurement process for Medicaid managed care 77409
organizations under the care management system. During the 77410

procurement process, the Director shall accept applications from 77411
entities seeking to contract as Medicaid managed care 77412
organizations and shall enter into new Medicaid managed care 77413
organization contracts with the selected entities. 77414

(C) As part of the procurement process, the Director shall 77415
establish eligibility criteria an entity must meet in order to 77416
become a Medicaid managed care organization. Any entity that meets 77417
the eligibility criteria may enter into a contract with the 77418
Department to become a Medicaid managed care organization. 77419

(D) There is no limit on the number of Medicaid managed care 77420
organizations the Department may contract with through the 77421
procurement process. 77422

Section 333.240. REVIEW OF PRESCRIBED DRUG REFORM SAVINGS 77423

Not later than January 1, 2021, the Department of Medicaid 77424
shall conduct a review of all of the savings to the state from 77425
prescribed drug reforms included in this act. The Department shall 77426
complete a report detailing its findings not later than sixty days 77427
after its review. The report shall be submitted to the Governor 77428
and to the General Assembly in accordance with section 101.68 of 77429
the Revised Code. The Department shall testify about its findings 77430
before the Joint Medicaid Oversight Committee. Upon request, the 77431
Department also shall testify about its findings before the 77432
General Assembly as requested by the Speaker of the House of 77433
Representatives, the President of the Senate, or both. 77434

Section 335.10. MED STATE MEDICAL BOARD 77435

Dedicated Purpose Fund Group 77436
5C60 883609 Operating Expenses \$ 10,862,471 \$ 11,302,171 77437
TOTAL DPF Dedicated Purpose Fund \$ 10,862,471 \$ 11,302,171 77438
Group
TOTAL ALL BUDGET FUND GROUPS \$ 10,862,471 \$ 11,302,171 77439

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION					77441
SERVICES					77442
General Revenue Fund					77443
GRF	336321	Central	\$	16,606,612	\$ 16,932,239 77444
Administration					
GRF	336402	Resident Trainees	\$	450,000	\$ 450,000 77445
GRF	336405	Family and Children	\$	1,386,000	\$ 1,386,000 77446
First					
GRF	336406	Prevention and	\$	2,620,996	\$ 2,620,996 77447
Wellness					
GRF	336412	Hospital Services	\$	231,002,089	\$ 240,172,285 77448
GRF	336415	Mental Health	\$	19,695,400	\$ 20,369,000 77449
Facilities Lease					
Rental Bond Payments					
GRF	336421	Continuum of Care	\$	82,839,846	\$ 82,839,846 77450
Services					
GRF	336422	Criminal Justice	\$	17,113,780	\$ 17,117,915 77451
Services					
GRF	336423	Addiction Services	\$	26,528,872	\$ 28,989,946 77452
Partnership with					
Corrections					
GRF	336424	Recovery Housing	\$	2,500,000	\$ 2,500,000 77453
GRF	336425	Specialized Docket	\$	7,500,000	\$ 10,000,000 77454
Support					
GRF	336504	Community Innovations	\$	13,950,000	\$ 13,350,000 77455
GRF	336506	Court Costs	\$	1,000,000	\$ 1,000,000 77456
GRF	336510	Residential State	\$	16,000,000	\$ 16,000,000 77457
Supplement					
GRF	336511	Early Childhood	\$	2,500,000	\$ 2,500,000 77458
Mental Health					
Counselors and					
Consultation					

GRF	652321	Medicaid Support	\$	1,213,792	\$	1,251,713	77459
TOTAL GRF	General Revenue Fund		\$	442,907,387	\$	457,479,940	77460
Dedicated Purpose Fund Group							77461
2320	336621	Family and Children First	\$	600,000	\$	600,000	77462
4750	336623	Statewide Treatment and Prevention	\$	51,550,000	\$	20,550,000	77463
4850	336632	Mental Health Operating	\$	7,760,000	\$	8,000,000	77464
5AU0	336615	Behavioral Health Care	\$	7,850,000	\$	7,850,000	77465
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,085,000	\$	6,085,000	77466
5T90	336641	Problem Gambling Services	\$	1,870,000	\$	1,820,000	77467
5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000	77468
5TZ0	336643	ADAMHS Boards	\$	21,000,000	\$	11,000,000	77469
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	77470
6890	336640	Education and Conferences	\$	150,000	\$	150,000	77471
TOTAL DPF	Dedicated Purpose Fund Group		\$	103,215,000	\$	62,405,000	77472
Internal Service Activity Fund Group							77473
1490	336609	Hospital Operating Expenses	\$	20,000,000	\$	20,000,000	77474
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	77475
1510	336601	Ohio Pharmacy Services	\$	80,170,822	\$	80,170,822	77476
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	77477

TOTAL ISA Internal Service Activity	\$	105,920,822	\$	105,920,822	77478
Fund Group					
Federal Fund Group					77479
3240 336605 Medicaid/Medicare	\$	20,000,000	\$	20,000,000	77480
3A60 336608 Federal Miscellaneous	\$	1,010,000	\$	1,010,000	77481
3A70 336612 Social Services Block	\$	8,450,000	\$	8,450,000	77482
Grant					
3A80 336613 Federal Grants	\$	5,500,000	\$	5,500,000	77483
3A90 336614 Mental Health Block	\$	22,020,790	\$	22,058,470	77484
Grant					
3B10 652636 Community Medicaid	\$	10,878,084	\$	11,000,000	77485
Legacy Support					
3G40 336618 Substance Abuse Block	\$	65,865,756	\$	65,865,756	77486
Grant					
3H80 336606 Demonstration Grants	\$	15,000,000	\$	15,000,000	77487
3HB0 336503 Cures Opioid State	\$	33,084,837	\$	32,634,837	77488
Targeted Response					
3HB1 336644 State Opioid Response	\$	59,400,213	\$	16,800,000	77489
3N80 336639 Administrative	\$	1,000,000	\$	1,000,000	77490
Reimbursement					
TOTAL FED Federal Fund Group	\$	242,209,680	\$	199,319,063	77491
TOTAL ALL BUDGET FUND GROUPS	\$	894,252,889	\$	825,124,825	77492

Section 337.30. PREVENTION AND WELLNESS 77494

The foregoing appropriation item 336406, Prevention and 77495
Wellness, shall be used as follows: 77496

(A) Up to \$1,250,000 in each fiscal year shall be distributed 77497
to boards of alcohol, drug addiction, and mental health services 77498
to purchase the provision of evidence-based prevention services 77499
from providers certified by the Department of Mental Health and 77500
Addiction Services. 77501

(B) Up to \$500,000 in each fiscal year shall be used to: 77502

(1) Conduct a study in coordination with the Department of 77503
Veterans Services on the rates of suicide in this state for the 77504
previous ten calendar years. The study shall examine suicide rates 77505
for the general population as a whole and suicide rates for 77506
veterans of the United States armed forces as a subgroup. Not 77507
later than one year after the effective date of this section, the 77508
Departments shall complete a report on the study. The report shall 77509
include the Departments' conclusions regarding the causes of 77510
suicides and recommendations for reducing the rates of suicide in 77511
this state. The Departments shall submit the report to the General 77512
Assembly in accordance with section 101.68 of the Revised Code and 77513
make it available to the public on their web sites. 77514

(2) Support suicide prevention efforts. 77515

(C) \$120,000 in each fiscal year shall be allocated to 77516
Northeast Ohio Medical University's statewide campus safety and 77517
mental health programs, including suicide prevention. 77518

Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 77519
PAYMENTS 77520

The foregoing appropriation item 336415, Mental Health 77521
Facilities Lease Rental Bond Payments, shall be used to meet all 77522
payments during the period from July 1, 2019, through June 30, 77523
2021, by the Department of Mental Health and Addiction Services 77524
pursuant to leases and agreements made under section 154.20 of the 77525
Revised Code. These appropriations are the source of funds pledged 77526
for bond service charges on obligations issued pursuant to Chapter 77527
154. of the Revised Code. 77528

Section 337.50. CONTINUUM OF CARE SERVICES 77529

The foregoing appropriation item 336421, Continuum of Care 77530
Services, shall be used as follows: 77531

(A) A portion of this appropriation shall be allocated to 77532

boards of alcohol, drug addiction, and mental health services in 77533
accordance with a distribution methodology determined by the 77534
Director of Mental Health and Addiction Services for the boards to 77535
purchase mental health and addiction services permitted under 77536
Chapter 340. of the Revised Code. Boards may use a portion of the 77537
funds allocated: 77538

(1) To provide subsidized support for psychotropic medication 77539
needs of indigent citizens in the community to reduce unnecessary 77540
hospitalization due to lack of medication; and 77541

(2) To provide subsidized support for medication-assisted 77542
treatment costs. 77543

(B) A portion of this appropriation may be distributed to 77544
boards of alcohol, drug addiction, and mental health services, 77545
community addiction and/or mental health services providers, 77546
courts, or other governmental entities to provide specific grants 77547
in support of initiatives concerning mental health and addiction 77548
services. 77549

(C) Of the foregoing appropriation item 336421, Continuum of 77550
Care Services, \$1,500,000 in each fiscal year shall be allocated 77551
by the Department of Mental Health and Addiction Services to 77552
boards of alcohol, drug addiction, and mental health services. The 77553
boards shall use their allocations to establish and administer, in 77554
collaboration with the other boards that serve the same state 77555
psychiatric hospital region, six mental health crisis 77556
stabilization centers. There shall be one center located in each 77557
state psychiatric hospital region. 77558

Boards of alcohol, drug addiction, and mental health services 77559
shall ensure that each mental health crisis stabilization center 77560
established and administered under division (C) of this section 77561
complies with all of the following: 77562

(1) It admits individuals before and after the individuals 77563

receive treatment and care at hospital emergency departments or 77564
freestanding emergency departments. 77565

(2) It admits individuals before and after the individuals 77566
are confined in state or local correctional facilities. 77567

(3) It has a Medicaid provider agreement. 77568

(4) It is located in a building constructed for another 77569
purpose before the effective date of this section. 77570

(5) It admits individuals who have been identified as needing 77571
the stabilization services provided by the center. 77572

(6) It connects individuals when they are discharged from the 77573
center with community-based continuum of care services and 77574
supports as described in section 340.032 of the Revised Code. 77575

(D) As used in division (C) of this section: 77576

(1) "State or local correctional facility" means any of the 77577
following: 77578

(a) A "state correctional institution," as defined in section 77579
2967.01 of the Revised Code; 77580

(b) A "local correctional facility," as defined in section 77581
2903.13 of the Revised Code; 77582

(c) A correctional facility that is privately operated and 77583
managed pursuant to section 9.06 of the Revised Code. 77584

(2) "State psychiatric hospital regions" means the six 77585
districts into which the Department of Mental Health and Addiction 77586
Services has divided the state pursuant to division (B)(2) of 77587
section 5119.14 of the Revised Code. 77588

(E) Of the foregoing appropriation item 336421, Continuum of 77589
Care Services, \$375,000 in each fiscal year shall be allocated to 77590
the Bellefaire Jewish Children's Home to be used for start-up 77591
costs associated with the operations of its pediatric psychiatric 77592

hospital and affiliated medical and dental clinic. These start-up 77593
costs may include recruiting, onboarding, and training staff, as 77594
well as costs associated with the gradual ramp-up to full client 77595
capacity and the development of a reimbursement structure. 77596

(F) Of the foregoing appropriation item 336421, Continuum of 77597
Care Services, \$125,000 in each fiscal year shall be allocated to 77598
the Chardon School District to be used for program-related 77599
activities. 77600

(G) Of the foregoing appropriation item 336421, Continuum of 77601
Care Services, \$100,000 in each fiscal year shall be distributed 77602
to the Applewood Centers Inc. to be used for the continuation and 77603
expansion of existing programs to support the health clinic and 77604
community-based health care operations and to help meet the needs 77605
of youth served in addressing the opioid crisis. 77606

Section 337.60. CRIMINAL JUSTICE SERVICES 77607

Except as otherwise provided in this act, the foregoing 77608
appropriation item 336422, Criminal Justice Services, shall be 77609
used to provide forensic psychiatric evaluations to courts of 77610
common pleas and to conduct evaluations of patients of forensic 77611
status in facilities operated or designated by the Department of 77612
Mental Health and Addiction Services prior to conditional release 77613
to the community. A portion of this appropriation may be allocated 77614
through boards of alcohol, drug addiction, and mental health 77615
services to community addiction and/or mental health services 77616
providers in accordance with a distribution methodology as 77617
determined by the Director of Mental Health and Addiction 77618
Services. 77619

The foregoing appropriation item 336422, Criminal Justice 77620
Services, may also be used to: 77621

(A) Provide forensic monitoring and tracking of individuals 77622

on conditional release;	77623
(B) Provide forensic training;	77624
(C) Support projects that assist courts and law enforcement	77625
to identify and develop appropriate alternative services to	77626
incarceration for nonviolent mentally ill offenders;	77627
(D) Provide specialized re-entry services to offenders	77628
leaving prisons and jails;	77629
(E) Provide specific grants in support of addiction services	77630
alternatives to incarceration;	77631
(F) Support therapeutic communities; and	77632
(G) Support specialty dockets and expand or create new	77633
certified court programs.	77634
Section 337.70. SUBSTANCE USE DISORDER TREATMENT IN	77635
SPECIALIZED DOCKET PROGRAMS	77636
(A) As used in this section:	77637
(1) "Community addiction services provider" has the same	77638
meaning as in section 5119.01 of the Revised Code.	77639
(2) "Community control sanction" has the same meaning as in	77640
section 2929.01 of the Revised Code.	77641
(3) "Medication-assisted treatment drug court program" and	77642
"MAT drug court program" mean a session of any of the following	77643
that holds initial or final certification from the Supreme Court	77644
of Ohio as a specialized docket program for drugs and that uses	77645
medication-assisted treatment as part of its specialized docket	77646
program: a common pleas court, municipal court, or county court,	77647
or a division of any of those courts.	77648
(4) "Prescriber" has the same meaning as in section 4729.01	77649
of the Revised Code.	77650

(5) "Recovery supports" has the same meaning as in section 77651
5119.01 of the Revised Code. 77652

(6) "Substance use disorder treatment" has the same meaning 77653
as "alcohol and drug addiction services" as defined in section 77654
5119.01 of the Revised Code. 77655

(B)(1) The Department of Mental Health and Addiction Services 77656
shall conduct a program to provide substance use disorder 77657
treatment, which may include medication-assisted treatment and 77658
recovery supports, to persons who are eligible to participate in a 77659
medication-assisted treatment drug court program and are selected 77660
under this section to be participants in a MAT drug court program 77661
because of a substance use disorder. 77662

(2) The Department shall conduct its program in collaboration 77663
with any counties in Ohio that are conducting MAT drug court 77664
programs. 77665

(3) In addition to conducting its program in accordance with 77666
division (B)(2) of this section, the Department may conduct its 77667
program in collaboration with any other court that is conducting a 77668
MAT drug court program. 77669

(C) In conducting its program, the Department shall 77670
collaborate with the Supreme Court, the Department of 77671
Rehabilitation and Correction, and any agency of the state that 77672
the Department of Mental Health and Addiction Services determines 77673
may be of assistance in accomplishing the objectives of the 77674
Department's program. The Department may collaborate with the 77675
boards of alcohol, drug addiction, and mental health services and 77676
with local law enforcement agencies that serve the counties in 77677
which a court participating in the Department's program is 77678
located. 77679

(D)(1) A MAT drug court program participating in the 77680
Department's program shall select the persons who are to be its 77681

participants for purposes of the Department's program. To be 77682
selected, a person must be a criminal offender, including an 77683
offender under a community control sanction, or be involved in a 77684
family drug or dependency court. A person shall not be selected to 77685
be a participant unless the person meets the legal and clinical 77686
eligibility criteria for the MAT drug court program and is an 77687
active participant in the MAT drug court program. 77688

(2) The total number of persons participating in the 77689
Department's program at any time shall not exceed one thousand 77690
five hundred, subject to available funding, except that the 77691
Department may authorize the maximum number to be exceeded in 77692
circumstances that the Department considers to be appropriate. 77693

(3) After a MAT drug court program enrolls a person as a 77694
participant for purposes of the Department's program, the 77695
participant shall comply with all requirements of the MAT drug 77696
court program. 77697

(E) The substance use disorder treatment and recovery 77698
supports provided under the Department's program in collaboration 77699
with a MAT drug court program shall be provided by a community 77700
addiction services provider. The provider shall do all of the 77701
following: 77702

(1) Provide treatment based on an integrated service delivery 77703
model that consists of the coordination of care between a 77704
prescriber and the community addiction services provider; 77705

(2) Conduct professional, comprehensive substance abuse and 77706
mental health diagnostic assessments of a person under 77707
consideration for selection as a program participant to determine 77708
whether the person would benefit from substance use disorder 77709
treatment and monitoring; 77710

(3) Determine, based on the assessment described in division 77711
(E)(2) of this section, the treatment needs of the program 77712

participants served by the community addiction services provider; 77713

(4) Develop, for program participants served by the community 77714
addiction services provider, individualized goals and objectives; 77715

(5) Provide access to the long-acting antagonist therapies, 77716
partial agonist therapies, or full agonist therapies, that are 77717
included in the program's medication-assisted treatment; 77718

(6) Provide other types of therapies, including psychosocial 77719
therapies, for both substance use disorder and any disorders that 77720
are considered by the community addiction services provider to be 77721
co-occurring disorders; 77722

(7) Monitor program compliance through the use of regular 77723
drug testing, including urinalysis, of the program participants 77724
served by the community addiction services provider; 77725

(8) Provide access to time-limited recovery supports that 77726
help eliminate barriers to treatment and are specific to the 77727
participant's needs, including assistance with housing, 77728
transportation, child care, job training, obtaining a driver's 77729
license or state identification card, and any other matter 77730
considered relevant by the provider. 77731

(F) In the case of medication-assisted treatment provided 77732
under the Department's program, all of the following conditions 77733
apply: 77734

(1) A drug may be used only if the drug has been approved by 77735
the United States Food and Drug Administration for use in treating 77736
dependence on opioids, alcohol, or both, or for preventing relapse 77737
into the use of opioids, alcohol, or both. 77738

(2) One or more drugs may be used, but each drug that is used 77739
must constitute long-acting antagonist therapy, partial agonist 77740
therapy, or full agonist therapy. 77741

(3) If a drug constituting partial or full agonist therapy is 77742

used, the program shall provide safeguards to minimize abuse and 77743
diversion of the drug, including such safeguards as routine drug 77744
testing of program participants. 77745

(G) It is anticipated and expected that MAT drug court 77746
programs will expand their ability to serve more drug court 77747
participants as a result of increased access to commercial or 77748
publicly funded health insurance. In order to ensure that funds 77749
appropriated to support the Department's program are used in the 77750
most efficient manner with a goal of enrolling the maximum number 77751
of participants, the Medicaid Director, in collaboration with 77752
major Ohio health care plans, shall develop plans consistent with 77753
this division. There shall be no prior authorizations or step 77754
therapy for medication-assisted treatment for program 77755
participants. The plans developed under this division shall ensure 77756
all of the following: 77757

(1) The development of an efficient and timely process for 77758
review of eligibility for health benefits for all persons selected 77759
to participate in the program; 77760

(2) A rapid conversion to reimbursement for all health care 77761
services by the participant's health care plan following approval 77762
for coverage of health care benefits; 77763

(3) The development of a consistent benefit package that 77764
provides ready access to and reimbursement for essential health 77765
care services including, but not limited to, primary health care 77766
services, alcohol and opioid detoxification services, appropriate 77767
psychosocial services, and medication for long-acting injectable 77768
antagonist therapies, partial agonist therapies, and full agonist 77769
therapies; 77770

(4) The development of guidelines that require the provision 77771
of all treatment services, including medication, with minimal 77772
administrative barriers and within a time frame that meets the 77773

requirements of individual patient care plans. 77774

(H) Of the foregoing appropriation item 336422, Criminal 77775
Justice Services, up to \$6,000,000 in each fiscal year shall be 77776
used to support substance use disorder treatment, including 77777
medication-assisted treatment and recovery supports for drug court 77778
specialized docket programs and to support the administrative 77779
expenses of courts and community addiction services providers 77780
participating in the program. 77781

Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 77782
CORRECTIONS 77783

Any business commenced but not completed by July 1, 2015, by 77784
the Department of Rehabilitation and Correction regarding recovery 77785
services shall be completed by the Department of Mental Health and 77786
Addiction Services. No validation, cure, right, privilege, remedy, 77787
obligation, or liability is lost or impaired by reason of the 77788
transfer required by this section and shall be administered by the 77789
Department of Mental Health and Addiction Services. Any rules, 77790
orders, and determinations pertaining to the Bureau of Recovery 77791
Services continue in effect as rules, orders, and determinations 77792
of the Department of Mental Health and Addiction Services until 77793
modified or rescinded by the Department of Mental Health and 77794
Addiction Services. If necessary to ensure the integrity of the 77795
numbering of the Administrative Code, the Director of the 77796
Legislative Service Commission shall renumber the numbers to 77797
reflect their transfer to the Department of Mental Health and 77798
Addiction Services. 77799

Subject to the lay-off provisions of sections 124.321 to 77800
124.382 of the Revised Code, all employees of the Bureau of 77801
Recovery Services are hereby transferred to the Department of 77802
Mental Health and Addiction Services and retain their positions 77803
and all of their benefits. 77804

Wherever the Bureau of Recovery Services is referred to in 77805
any law, contract, or other document, the reference shall be 77806
deemed to refer to the Department of Mental Health and Addiction 77807
Services or its director, as appropriate. 77808

Any business commenced but not completed under appropriation 77809
item 505321, Institution Medical Services, pertaining to the 77810
Bureau of Recovery Services, shall be completed under 77811
appropriation item 336423, Addiction Services Partnership with 77812
Corrections, in the same manner, and with the same effect, as if 77813
completed with regard to appropriation item 505321, Institution 77814
Medical Services. 77815

Section 337.90. RECOVERY HOUSING 77816

The foregoing appropriation item 336424, Recovery Housing, 77817
shall be used to expand and support access to recovery housing as 77818
defined in section 340.01 of the Revised Code and in accordance 77819
with section 340.034 of the Revised Code. For expenditures that 77820
are capital in nature, the Department of Mental Health and 77821
Addiction Services shall develop procedures to administer these 77822
funds in a manner that is consistent with current community 77823
capital assistance guidelines. 77824

Section 337.100. SPECIALIZED DOCKET SUPPORT 77825

(A) The foregoing appropriation item 336425, Specialized 77826
Docket Support, shall be used to defray a portion of the annual 77827
payroll costs associated with the specialized docket of a common 77828
pleas court, municipal court, county court, juvenile court, or 77829
family court that meets all of the eligibility requirements in 77830
division (B) of this section, including a family dependency 77831
treatment docket. The foregoing appropriation item 336425, 77832
Specialized Docket Support, may also be used to defray costs 77833
associated with treatment services and recovery supports for 77834

participants. 77835

(B) To be eligible, the specialized docket must have received 77836
Supreme Court of Ohio final certification and include participants 77837
with behavioral health needs in its target population. 77838

(C) Of the foregoing appropriation item 336425, Specialized 77839
Docket Support, the Department of Mental Health and Addiction 77840
Services shall use up to one per cent of the funds appropriated in 77841
each fiscal year to pay the cost it incurs in administering the 77842
duties established in this section. 77843

(D) The Department, in consultation with the Supreme Court of 77844
Ohio, may adopt funding distribution methodology, guidelines, and 77845
procedures as necessary to carry out the purposes of this section. 77846

Section 337.110. COMMUNITY INNOVATIONS 77847

The foregoing appropriation item 336504, Community 77848
Innovations, may be used by the Department of Mental Health and 77849
Addiction Services to make targeted investments in programs, 77850
projects, or systems operated by or under the authority of other 77851
state agencies, governmental entities, or private not-for-profit 77852
agencies that impact, or are impacted by, the operations and 77853
functions of the Department, with the goal of achieving a net 77854
reduction in expenditure of state general revenue funds and/or 77855
improved outcomes for Ohio citizens without a net increase in 77856
state general revenue fund spending. 77857

The Director shall identify and evaluate programs, projects, 77858
or systems proposed or operated, in whole or in part, outside of 77859
the authority of the Department, where targeted investment of 77860
these funds in the program, project, or system is expected to 77861
decrease demand for the Department or other resources funded with 77862
state general revenue funds, and/or to measurably improve outcomes 77863
for Ohio citizens with mental illness or with alcohol, drug, or 77864

gambling addictions. The Director shall have discretion to 77865
transfer money from the appropriation item to other state 77866
agencies, governmental entities, or private not-for-profit 77867
agencies in amounts, and subject to conditions, that the Director 77868
determines most likely to achieve state savings and/or improved 77869
outcomes. Distribution of moneys from this appropriation item 77870
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 77871
the Revised Code. 77872

The Department shall enter into an agreement with each 77873
recipient of community innovation funds, identifying: allowable 77874
expenditure of the funds; other commitment of funds or other 77875
resources to the program, project, or system; expected state 77876
savings and/or improved outcomes and proposed mechanisms for 77877
measurement of such savings or outcomes; and required reporting 77878
regarding expenditure of funds and savings or outcomes achieved. 77879

Of the foregoing appropriation item 336504, Community 77880
Innovations, up to \$4,000,000 in each fiscal year shall be used to 77881
provide funding for community projects across the state that focus 77882
on support for families, assisting families in avoiding crisis, 77883
and crisis intervention. 77884

Of the foregoing appropriation item 336504, Community 77885
Innovations, up to \$750,000 in each fiscal year shall be used to 77886
enhance access to naloxone across the state for county health 77887
departments to then disperse through a grant program to local law 77888
enforcement, emergency personnel, and first responders. If local 77889
law enforcement, emergency personnel, and first responders are not 77890
making use of the naloxone grant funds, the county health 77891
department may use grant funding to provide naloxone through a 77892
Project DAWN program within the county. 77893

Of the foregoing appropriation item 336504, Community 77894
Innovations, up to \$600,000 in each fiscal year shall be allocated 77895
to the Heartland High School Demonstration Project to educate and 77896

graduate teens and youth recovering from substance use disorders. 77897

Of the foregoing appropriation item 336504, Community 77898
Innovations, \$2,500,000 in each fiscal year shall be allocated to 77899
the Psychotropic Drug Reimbursement Program established in section 77900
5119.19 of the Revised Code. On July 1, 2020, or as soon as 77901
possible thereafter, the Director of Mental Health and Addiction 77902
Services shall certify to the Director of Budget and Management 77903
the amount of the unexpended, unencumbered allocation for the 77904
program in fiscal year 2020. The amount certified is hereby 77905
reappropriated to appropriation item 336504, Community 77906
Innovations, in fiscal year 2021 for the same purpose. 77907

Section 337.120. RESIDENTIAL STATE SUPPLEMENT 77908

(A) The foregoing appropriation item 336510, Residential 77909
State Supplement, may be used by the Department of Mental Health 77910
and Addiction Services to provide training for residential 77911
facilities providing accommodations, supervision, and personal 77912
care services to three to sixteen unrelated adults with mental 77913
illness and to make payments to residential state supplement 77914
recipients. 77915

(B) The Department of Mental Health and Addiction Services 77916
shall adopt rules establishing eligibility criteria and payment 77917
amounts under section 5119.41 of the Revised Code. 77918

Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 77919
CONSULTATION 77920

The foregoing appropriation item 336511, Early Childhood 77921
Mental Health Counselors and Consultation, shall be used to 77922
promote identification and intervention for early childhood mental 77923
health and to enhance healthy social emotional development in 77924
order to reduce preschool to third grade classroom expulsions. 77925
Funds shall be used by the Department of Mental Health and 77926

Addiction Services to support early childhood mental health 77927
credentialed counselors and consultation services, as well as 77928
administration and workforce development for the program. 77929

Section 337.140. MEDICAID SUPPORT 77930

The foregoing appropriation item 652321, Medicaid Support, 77931
shall be used to fund specified Medicaid Services as delegated by 77932
the state's single agency responsible for the Medicaid Program. 77933

Section 337.150. SUBSTANCE ABUSE STABILIZATION CENTERS 77934

(A) The foregoing appropriation item 336600, Substance Abuse 77935
Stabilization Centers, shall be used to establish and administer, 77936
in collaboration with the other boards that serve the same state 77937
psychiatric hospital region, acute substance use disorder 77938
stabilization centers. There shall be one center located in each 77939
state psychiatric hospital region. 77940

(B) As used in this section, "state psychiatric hospital 77941
regions" means the six districts into which the Department of 77942
Mental Health and Addiction Services has divided the state 77943
pursuant to division (B)(2) of section 5119.14 of the Revised 77944
Code. 77945

Section 337.160. ADAMHS BOARDS 77946

(A) Of the foregoing appropriation item 336643, ADAMHS 77947
Boards, \$5,000,000 in each fiscal year shall be allocated as 77948
follows: 77949

(1) Each board shall receive \$50,000 in each fiscal year for 77950
each of the counties that are part of the board's district. 77951

(2) Each board shall receive a percentage of any remaining 77952
amount to be determined by a formula developed by the Director of 77953
Mental Health and Addiction Services using the population of the 77954

board's service district and the most recent drug overdose death 77955
information. 77956

(B) Of the foregoing appropriation item 336643, ADAMHS 77957
Boards, up to \$5,750,000 in each fiscal year shall be used to 77958
provide flexible resources to local communities to fund direct 77959
crisis stabilization and crisis prevention support. 77960

(C) Of the foregoing appropriation item 336643, ADAMHS 77961
Boards, up to \$9,250,000 in fiscal year 2020 shall be used to 77962
develop, evaluate, and expand crisis services infrastructure to 77963
provide support for adults, children, and families in a variety of 77964
settings. Any unexpended or unencumbered fund balance shall be 77965
used in fiscal year 2021 for the same purpose. 77966

(D) Of the foregoing appropriation item 336643, ADAMHS 77967
Boards, \$1,000,000 in fiscal year 2020 and \$250,000 in fiscal year 77968
2021 shall be dedicated to a public-private partnership for a 77969
crisis stabilization center in Lorain County. 77970

Section 337.170. PROBLEM GAMBLING AND CASINO ADDICTION 77971

A portion of appropriation item 336629, Problem Gambling and 77972
Casino Addiction, shall be allocated to boards of alcohol, drug 77973
addiction, and mental health services in accordance with a 77974
distribution methodology determined by the Director of Mental 77975
Health and Addiction Services. 77976

Section 337.180. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 77977
POOL 77978

A county family and children first council may establish and 77979
operate a flexible funding pool in order to assure access to 77980
needed services by families, children, and older adults in need of 77981
protective services. The operation of the flexible funding pools 77982
shall be subject to the following restrictions: 77983

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

Section 337.190. ACCESS SUCCESS II PROGRAM

To the extent cash is available, the Director of Budget and Management may transfer cash from a fund designated by the Medicaid Director, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a

community setting. 78014

Section 337.200. CASH TRANSFER FROM THE INDIGENT DRIVERS 78015
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 78016
FUND 78017

On a schedule determined by the Director of Budget and 78018
Management, the Director of Mental Health and Addiction Services 78019
shall certify to the Director of Budget and Management the amount 78020
of excess license reinstatement fees that are available pursuant 78021
to division (F)(2)(c) of section 4511.191 of the Revised Code to 78022
be transferred from the Indigent Drivers Alcohol Treatment Fund 78023
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 78024
4750). Upon certification, the Director of Budget and Management 78025
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 78026
to the Statewide Treatment and Prevention Fund. 78027

Section 337.210. CURES OPIOID STATE TARGETED RESPONSE 78028

The foregoing appropriation item 336503, Cures Opioid State 78029
Targeted Response, shall be used pursuant to the goals and 78030
requirements of the State Targeted Response to the Opioid Crisis 78031
Grant provision in the federal "21st Century Cures Act," Public 78032
Law 114-255. 78033

Section 337.220. STATEWIDE TREATMENT AND PREVENTION 78034

The foregoing appropriation item 336623, Statewide Treatment 78035
and Prevention, shall be used as follows: up to \$18,000,000 in 78036
fiscal year 2020 to support K-12 prevention education initiatives; 78037
up to \$13,000,000 in fiscal year 2020 and up to \$5,000,000 in 78038
fiscal year 2021 to support and expand statewide multi-media 78039
prevention, treatment, and stigma reduction campaigns; up to 78040
\$5,000,000 in fiscal year 2020 to expand the number of individuals 78041
trained in mental health first aid and to expand the number of law 78042

enforcement trained in approved de-escalation techniques and 78043
approaches specific to people experiencing mental health crisis. 78044

The remaining portion of appropriation item 336623, Statewide 78045
Treatment and Prevention, may be used for agency administrative 78046
support. 78047

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 78048

General Revenue Fund 78049

GRF	149321	Operating Expenses	\$	721,681	\$	741,928	78050
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GRF	149501	Demonstration Grants	\$	852,606	\$	852,606	78051
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GRF	149503	Infant Mortality	\$	3,000,000	\$	3,000,000	78052
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Health Grants

TOTAL GRF General Revenue Fund	\$	4,574,287	\$	4,594,534	78053
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Dedicated Purpose Fund Group 78054

4C20 149601	Minority Health	\$	50,000	\$	50,000	78055
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Conference

TOTAL DPF Dedicated Purpose Fund	\$	50,000	\$	50,000	78056
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	4,624,287	\$	4,644,534	78057
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Section 339.20. INFANT MORTALITY HEALTH GRANTS 78059

Of the foregoing appropriation item 149503, Infant Mortality 78060
Health Grants, \$2,685,000 in each fiscal year shall be distributed 78061
to up to ten community-based agencies to support the continuation 78062
or establishment of a pathways community HUB model that has the 78063
primary purpose of reducing infant mortality in the urban and 78064
rural communities with a targeted focus on disparities. The grant 78065
recipients shall, at least quarterly, submit performance data, 78066
evaluation data, and fiscal reports as specified by the Commission 78067
on Minority Health. 78068

Of the foregoing appropriation item 149503, Infant Mortality 78069
Health Grants, \$135,000 in each fiscal year shall be used to 78070

provide evaluation and review of the service delivery of grant 78071
recipients receiving funds from this appropriation item. The 78072
Commission on Minority Health shall contract with entities to 78073
provide statewide evaluation and technical assistance to analyze 78074
the performance data submitted to the Commission. These entities 78075
shall convene quarterly meetings with grant recipients, which may 78076
be held by telephone, video conference, or other means of 78077
electronic communication. The meetings shall include a discussion 78078
on performance data, continuous quality improvement practices, 78079
implementation lessons, participant feedback, barriers to pathways 78080
closure, certification status, contract achievement, and any other 78081
topics the evaluation entities and the Commission deem 78082
appropriate. 78083

The remainder of appropriation item 149503, Infant Mortality 78084
Health Grants, shall be used by the Commission on Minority Health 78085
for administrative costs. 78086

Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD 78087

Dedicated Purpose Fund Group 78088
4K90 865601 Operating Expenses \$ 623,948 \$ 636,389 78089
TOTAL DPF Dedicated Purpose Fund \$ 623,948 \$ 636,389 78090
Group
TOTAL ALL BUDGET FUND GROUPS \$ 623,948 \$ 636,389 78091

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 78093

General Revenue Fund 78094
GRF 725401 Division of \$ 1,773,000 \$ 1,773,000 78095
Wildlife-Operating
Subsidy
GRF 725413 Parks and Recreational \$ 50,771,500 \$ 57,556,700 78096
Facilities Lease
Rental Bond Payments

GRF	725456	Canal Lands	\$	130,950	\$	130,950	78097
GRF	725505	Healthy Lake Erie Program	\$	1,000,000	\$	1,000,000	78098
GRF	725507	Coal and Mine Safety Programs	\$	2,796,340	\$	2,796,340	78099
GRF	725903	Natural Resources General Obligation Bond Debt Service	\$	20,359,800	\$	20,420,700	78100
GRF	727321	Division of Forestry	\$	4,869,458	\$	4,965,023	78101
GRF	729321	Office of Information Technology	\$	181,478	\$	181,478	78102
GRF	730321	Parks and Recreation	\$	38,652,560	\$	37,105,509	78103
GRF	736321	Division of Engineering	\$	2,035,650	\$	2,035,650	78104
GRF	737321	Division of Water Resources	\$	1,689,455	\$	1,692,044	78105
GRF	738321	Office of Real Estate and Land Management	\$	728,322	\$	728,322	78106
GRF	741321	Division of Natural Areas and Preserves	\$	2,744,428	\$	4,246,134	78107
TOTAL GRF	General Revenue Fund		\$	127,732,941	\$	134,631,850	78108
Dedicated Purpose Fund Group							78109
2270	725406	Parks Projects Personnel	\$	1,629,465	\$	1,725,151	78110
4300	725671	Canal Lands	\$	927,128	\$	927,128	78111
4S90	725622	NatureWorks Personnel	\$	784,648	\$	800,000	78112
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	78113
5090	725602	State Forest	\$	10,114,999	\$	10,312,871	78114
5110	725646	Ohio Geological Mapping	\$	4,691,486	\$	4,799,989	78115
5110	725679	Geographic Information System Centralized	\$	516,979	\$	518,024	78116

Services					
5120	725605	State Parks Operations	\$	60,073,839	\$ 35,412,070 78117
5140	725606	Lake Erie Shoreline	\$	2,393,809	\$ 2,446,910 78118
5160	725620	Water Management	\$	2,998,695	\$ 3,006,996 78119
5180	725643	Oil and Gas Regulation	\$	25,079,252	\$ 25,446,157 78120
and Safety					
5180	725677	Oil and Gas Well	\$	24,979,365	\$ 28,177,215 78121
Plugging					
5210	725627	Off-Road Vehicle	\$	847,929	\$ 851,587 78122
Trails					
5220	725656	Natural Areas and	\$	546,973	\$ 313,649 78123
Preserves					
5290	725639	Mining Regulation and	\$	4,499,705	\$ 4,689,552 78124
Safety					
5310	725648	Reclamation Forfeiture	\$	2,171,668	\$ 2,232,761 78125
5EL0	725612	Wildlife Law	\$	12,000	\$ 12,000 78126
Enforcement					
5EM0	725613	Natural Resources Law	\$	34,000	\$ 34,000 78127
Enforcement					
5HK0	725625	Ohio Nature Preserves	\$	50,000	\$ 50,000 78128
5MW0	725604	Natural Resources	\$	261,293	\$ 261,293 78129
Special Purposes					
5P20	725634	Wildlife Boater Angler	\$	6,990,425	\$ 7,000,000 78130
Administration					
5TD0	725514	Park Maintenance	\$	1,481,150	\$ 1,481,150 78131
6150	725661	Dam Safety	\$	1,166,902	\$ 1,166,602 78132
6970	725670	Submerged Lands	\$	717,155	\$ 717,155 78133
6H20	725681	H2Ohio	\$	46,200,000	\$ 0 78134
7015	740401	Division of Wildlife	\$	63,701,662	\$ 65,482,330 78135
Conservation					
7086	725414	Waterways Improvement	\$	6,193,671	\$ 6,193,671 78136
7086	739401	Watercraft Operations	\$	20,897,471	\$ 21,400,204 78137
8150	725636	Cooperative Management	\$	650,000	\$ 650,000 78138

		Projects				
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885 78139
8170	725655	Wildlife Conservation	\$	2,000,000	\$	2,000,000 78140
		Checkoff				
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000 78141
		Research				
8190	725685	Ohio River Management	\$	140,000	\$	140,000 78142
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000 78143
TOTAL DPF Dedicated Purpose Fund			\$	296,518,554	\$	232,015,350 78144
Group						
Internal Service Activity Fund Group						78145
1550	725601	Departmental Projects	\$	1,775,425	\$	1,198,248 78146
1550	725676	Hocking Hills State	\$	13,000,000	\$	3,000,000 78147
		Park Lodge				
1570	725651	Central Support	\$	5,632,162	\$	5,632,162 78148
		Indirect				
2040	725687	Information Services	\$	6,432,109	\$	5,970,264 78149
2050	725696	Human Resource Direct	\$	2,855,404	\$	2,976,201 78150
		Services				
2230	725665	Law Enforcement	\$	3,292,343	\$	3,381,193 78151
		Administration				
5100	725631	Maintenance -	\$	249,611	\$	249,611 78152
		State-owned				
		Residences				
6350	725664	Fountain Square	\$	4,094,099	\$	4,170,445 78153
		Facilities Management				
TOTAL ISA Internal Service Activity						78154
Fund Group			\$	37,331,153	\$	26,578,124 78155
Capital Projects Fund Group						78156
7061	725405	Clean Ohio Trail	\$	301,796	\$	301,796 78157
		Operating				
TOTAL CPF Capital Projects Fund			\$	301,796	\$	301,796 78158

Group

Fiduciary Fund Group					78159
4M80 725675 FOP Contract	\$	18,799	\$	20,219	78160
TOTAL FID Fiduciary Fund Group	\$	18,799	\$	20,219	78161
Holding Account Fund Group					78162
R017 725659 Performance Cash Bond	\$	528,993	\$	528,993	78163
Refunds					
R043 725624 Forestry	\$	2,400,000	\$	2,400,000	78164
TOTAL HLD Holding Account					78165
Fund Group	\$	2,928,993	\$	2,928,993	78166
Federal Fund Group					78167
3320 725669 Federal Mine Safety	\$	335,000	\$	335,000	78168
Grant					
3B30 725640 Federal Forest	\$	350,000	\$	350,000	78169
Pass-Thru					
3B40 725641 Federal Flood	\$	350,000	\$	350,000	78170
Pass-Thru					
3B50 725645 Federal Abandoned	\$	21,242,787	\$	8,046,252	78171
Mine Lands					
3B60 725653 Federal Land and	\$	949,168	\$	952,256	78172
Water Conservation					
Grants					
3B70 725654 Reclamation -	\$	1,725,644	\$	1,769,696	78173
Regulatory					
3P10 725632 Geological Survey -	\$	160,000	\$	160,000	78174
Federal					
3P20 725642 Oil and Gas - Federal	\$	147,000	\$	147,000	78175
3P30 725650 Coastal Management -	\$	2,791,277	\$	2,820,185	78176
Federal					
3P40 725660 Federal - Soil and	\$	231,732	\$	281,000	78177
Water Resources					
3R50 725673 Acid Mine Drainage	\$	900,000	\$	900,000	78178

Abatement/Treatment				
3Z50	725657	Federal Recreation	\$ 1,846,840	\$ 1,852,034 78179
and Trails				
TOTAL FED		Federal Fund Group	\$ 31,029,448	\$ 17,963,423 78180
TOTAL ALL BUDGET		FUND GROUPS	\$ 495,861,684	\$ 414,439,755 78181

Section 343.20. CENTRAL SUPPORT INDIRECT FUND 78183

The Department of Natural Resources, with approval of the 78184
Director of Budget and Management, shall use a methodology for 78185
determining each division's payments into the Central Support 78186
Indirect Fund (Fund 1570). The methodology used shall contain the 78187
characteristics of administrative ease and uniform application in 78188
compliance with federal grant requirements. It may include direct 78189
cost charges for specific services provided. Payments to Fund 1570 78190
shall be made using an intrastate transfer voucher. 78191

The foregoing appropriation item 725401, Division of 78192
Wildlife-Operating Subsidy, shall be used to pay the direct and 78193
indirect costs of the Division of Wildlife. 78194

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 78195

The foregoing appropriation item 725413, Parks and 78196
Recreational Facilities Lease Rental Bond Payments, shall be used 78197
to meet all payments during the period from July 1, 2019, through 78198
June 30, 2021, by the Department of Natural Resources pursuant to 78199
leases and agreements made under section 154.22 of the Revised 78200
Code. These appropriations are the source of funds pledged for 78201
bond service charges on related obligations issued under Chapter 78202
154. of the Revised Code. 78203

HEALTHY LAKE ERIE PROGRAM 78204

The foregoing appropriation item 725505, Healthy Lake Erie 78205
Program, shall be used by the Director of Natural Resources, in 78206
support of the following: (1) conservation measures in the Western 78207

Lake Erie Basin as determined by the Director; (2) funding 78208
assistance for soil testing, winter cover crops, edge of field 78209
testing, tributary monitoring, animal waste abatement; and (3) any 78210
additional efforts to reduce nutrient runoff as the Director may 78211
decide. The Director shall give priority to recommendations that 78212
encourage farmers to adopt agricultural production guidelines 78213
commonly known as 4R nutrient stewardship practices. 78214

COAL AND MINE SAFETY PROGRAMS 78215

The foregoing appropriation item 725507, Coal and Mine Safety 78216
Programs, shall be used for the administration of the Mine Safety 78217
Program and the Coal Regulation Program. 78218

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 78219

The foregoing appropriation item 725903, Natural Resources 78220
General Obligation Bond Debt Service, shall be used to pay all 78221
debt service and related financing costs during the period July 1, 78222
2019, through June 30, 2021, on obligations issued under sections 78223
151.01 and 151.05 of the Revised Code. 78224

Section 343.30. OIL AND GAS WELL PLUGGING 78225

The foregoing appropriation item 725677, Oil and Gas Well 78226
Plugging, shall be used exclusively for the purposes of plugging 78227
wells and to properly restore the land surface of idle and orphan 78228
oil and gas wells pursuant to section 1509.071 of the Revised 78229
Code. 78230

WELL LOG FILING FEES 78231

The Chief of the Division of Water Resources shall deposit 78232
fees forwarded to the Division pursuant to section 1521.05 of the 78233
Revised Code into the Water Management Fund (Fund 5160) for the 78234
purposes described in that section. 78235

PARKS CAPITAL EXPENSES FUND 78236

The Director of Natural Resources shall submit to the 78237
Director of Budget and Management the estimated design, 78238
engineering, and planning costs of capital-related work to be done 78239
by Department of Natural Resources staff for parks projects within 78240
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 78241
Director of Budget and Management approves the estimated costs, 78242
the Director may release appropriations from Fund 7035 78243
appropriation item C725E6, Project Planning, for those purposes. 78244
Upon release of the appropriations, the Department of Natural 78245
Resources shall pay for these expenses from the Parks Capital 78246
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 78247
reimbursed by Fund 7035 using an intrastate transfer voucher. 78248

NATUREWORKS CAPITAL EXPENSES FUND 78249

The Department of Natural Resources shall submit to the 78250
Director of Budget and Management the estimated design, planning, 78251
and engineering costs of capital-related work to be done by 78252
Department of Natural Resources staff for each capital improvement 78253
project within the Ohio Parks and Natural Resources Fund (Fund 78254
7031). If the Director of Budget and Management approves the 78255
estimated costs, the Director may release appropriations from Fund 78256
7031 appropriation item C725E5, Project Planning, for those 78257
purposes. Upon release of the appropriations, the Department of 78258
Natural Resources shall pay for these expenses from the Capital 78259
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 78260
reimbursed by Fund 7031 using an intrastate transfer voucher. 78261

RECLAMATION FORFEITURE FUND 78262

On July 1 of each fiscal year, or as soon as possible 78263
thereafter, the Director of Budget and Management shall transfer 78264
\$2,000,000 cash from the General Revenue Fund to the Reclamation 78265
Forfeiture Fund (Fund 5310), which shall be used to reclaim areas 78266
of land affected by coal mining in accordance with section 1513.18 78267
of the Revised Code. 78268

PARK MAINTENANCE 78269

The foregoing appropriation item 725514, Park Maintenance, 78270
shall be used by the Department of Natural Resources to pay the 78271
costs of projects supported by the State Park Maintenance Fund 78272
(Fund 5TD0) under section 1501.08 of the Revised Code. 78273

On July 1 of each fiscal year or as soon as possible 78274
thereafter, the Director of Natural Resources shall certify the 78275
amount of five percent of the average of the previous five years 78276
of deposits in the State Park Fund (Fund 5120) to the Director of 78277
Budget and Management. The Director of Budget and Management may 78278
transfer up to \$1,600,000 from Fund 5120 to the State Park 78279
Maintenance Fund (Fund 5TD0). 78280

H2OHIO FUND 78281

The foregoing appropriation item 725681, H2Ohio, shall be 78282
used by the Department of Natural Resources to support, maintain, 78283
and create wetlands throughout the state including but not limited 78284
to coastal and upland wetlands in the Western Basin of Lake Erie. 78285
In addition, the foregoing appropriation item, 725681, H2Ohio, may 78286
be used to support improvement and protection of all waterways and 78287
to address water quality priorities including water protection and 78288
management in accordance with section 126.60 of the Revised Code. 78289

On July 1, 2020, or as soon as possible thereafter, the 78290
Director of Natural Resources may certify to the Director of 78291
Budget and Management an amount up to the unexpended, unencumbered 78292
balance of the foregoing appropriation item, 725681, H2Ohio, at 78293
the end of fiscal year 2020 to be reappropriated in fiscal year 78294
2021. The amount certified is hereby reappropriated to the same 78295
appropriation item for fiscal year 2021. 78296

Section 343.40. CASH TRANSFER FOR HOCKING HILLS LODGE 78297
RECONSTRUCTION 78298

During fiscal years 2020 and 2021, the Director of Budget and Management may, in consultation with the Director of Natural Resources, transfer cash as necessary from the General Revenue Fund to the Departmental Services - Interstate Fund (Fund 1550) to pay costs for the reconstruction of the Hocking Hills Dining Lodge that will occur before final insurance settlement proceeds are deposited into Fund 1550. Once insurance proceeds have been deposited into Fund 1550, the Director of Budget and Management, in consultation with the Director of Natural Resources, shall establish a schedule for repaying the General Revenue Fund from Fund 1550. The Director of Budget and Management shall transfer cash from Fund 1550 to the General Revenue Fund according to the established schedule.

HUMAN RESOURCES DIRECT SERVICES

The foregoing appropriation item 725696, Human Resources Direct Services, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' human resources functions. The Human Resources Chargeback Fund (Fund 2050) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

LAW ENFORCEMENT ADMINISTRATION

The foregoing appropriation item 725665, Law Enforcement Administration, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' law enforcement functions. The Law Enforcement Administration Fund (Fund 2230) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 78330

The foregoing appropriation item 725664, Fountain Square 78331
Facilities Management, shall be used for payment of expenses 78332
related to the security of the Fountain Square complex and for the 78333
repairs, renovation, utilities, property management, and building 78334
maintenance expenses for the Fountain Square complex and the 78335
Department of Natural Resources grounds at the Ohio Expo Center. 78336
Cash transferred by intrastate transfer vouchers from various 78337
department funds and rental income received by the Department of 78338
Natural Resources shall be deposited into the Fountain Square 78339
Facilities Management Fund (Fund 6350). 78340

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 78341

The foregoing appropriation item 725405, Clean Ohio Trail 78342
Operating, shall be used by the Department of Natural Resources in 78343
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 78344
to section 1519.05 of the Revised Code. 78345

Section 345.10. NUR STATE BOARD OF NURSING 78346

Dedicated Purpose Fund Group 78347
4K90 884609 Operating Expenses \$ 9,842,225 \$ 10,285,032 78348
5AC0 884602 Nurse Education Grant \$ 1,518,000 \$ 1,518,000 78349
Program
5P80 884601 Nursing Special \$ 2,000 \$ 2,000 78350
Issues
TOTAL DPF Dedicated Purpose 78351
Fund Group \$ 11,362,225 \$ 11,805,032 78352
TOTAL ALL BUDGET FUND GROUPS \$ 11,362,225 \$ 11,805,032 78353

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 78355
AND ATHLETIC TRAINERS BOARD 78356

Dedicated Purpose Fund Group 78357

4K90 890609	Operating Expenses	\$	1,137,397	\$	1,168,045	78358
TOTAL DPF Dedicated Purpose Fund		\$	1,137,397	\$	1,168,045	78359
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,137,397	\$	1,168,045	78360
 Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH						78362
DISABILITIES AGENCY						78363
General Revenue Fund						78364
GRF 415402	Independent Living	\$	252,000	\$	252,000	78365
	Council					
GRF 415406	Assistive Technology	\$	25,819	\$	25,819	78366
GRF 415431	Brain Injury	\$	126,567	\$	126,567	78367
GRF 415506	Services for	\$	16,999,344	\$	18,418,244	78368
	Individuals with					
	Disabilities					
GRF 415508	Services for the Deaf	\$	27,580	\$	27,580	78369
TOTAL GRF General Revenue Fund		\$	17,431,310	\$	18,850,210	78370
Dedicated Purpose Fund Group						78371
4670 415609	Business Enterprise	\$	1,543,616	\$	1,555,368	78372
	Operating Expenses					
4680 415618	Third Party Services	\$	8,500,000	\$	8,750,000	78373
	Funding					
4L10 415619	Services for	\$	3,000,000	\$	3,000,000	78374
	Rehabilitation					
TOTAL DPF Dedicated Purpose						78375
Fund Group		\$	13,043,616	\$	13,305,368	78376
Internal Service Activity Fund Group						78377
4W50 415606	Program Management	\$	15,192,965	\$	15,906,145	78378
TOTAL ISA Internal Service Activity						78379
Fund Group		\$	15,192,965	\$	15,906,145	78380
Federal Fund Group						78381
3170 415620	Disability	\$	81,399,100	\$	82,932,645	78382

		Determination				
3790	415616	Federal - Vocational Rehabilitation	\$	121,788,087	\$	130,495,615 78383
3GH0	415602	Personal Care Assistance	\$	3,130,220	\$	3,139,040 78384
3GH0	415604	Community Centers for the Deaf	\$	1,022,000	\$	1,022,000 78385
3GH0	415613	Independent Living	\$	662,411	\$	662,411 78386
3L10	415608	Social Security Vocational Rehabilitation	\$	10,500,000	\$	10,500,000 78387
3L40	415615	Federal - Supported Employment	\$	850,000	\$	850,000 78388
3L40	415617	Independent Living Older Blind	\$	2,584,136	\$	1,808,721 78389
TOTAL FED	Federal Fund Group		\$	221,935,954	\$	231,410,432 78390
TOTAL ALL	BUDGET FUND GROUPS		\$	267,603,845	\$	279,472,155 78391

Section 353.20. INDEPENDENT LIVING 78393

The foregoing appropriation item 415402, Independent Living, 78394
shall be used to support the state independent living programs and 78395
centers under Title VII of the Independent Living Services and 78396
Centers for Independent Living of the Rehabilitation Act 78397
Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 78398

Of the foregoing appropriation item 415402, Independent 78399
Living, \$67,662 in each fiscal year shall be used as state 78400
matching funds for vocational rehabilitation innovation and 78401
expansion activities. 78402

ASSISTIVE TECHNOLOGY 78403

The foregoing appropriation item 415406, Assistive 78404
Technology, shall be provided to Assistive Technology of Ohio to 78405
provide grants and assistive technology services for people with 78406

disabilities in the State of Ohio. 78407

BRAIN INJURY 78408

The foregoing appropriation item 415431, Brain Injury, shall 78409
be provided to The Ohio State University College of Medicine to 78410
support the Brain Injury Program established under section 3335.60 78411
of the Revised Code. 78412

SERVICES FOR INDIVIDUALS WITH DISABILITIES 78413

Of the foregoing appropriation item 415506, Services for 78414
Individuals with Disabilities, \$654,975 in fiscal year 2020 and 78415
\$1,309,050 in fiscal year 2021 shall be used as state match for 78416
the federal vocational rehabilitation grant and used to create 78417
partnerships with certified drug courts to expand access to 78418
employment through vocational rehabilitation services and increase 78419
employment outcomes that promote recovery and rehabilitation. 78420

Of the foregoing appropriation item 415506, Services for 78421
Individuals with Disabilities, \$603,643 in fiscal year 2020 and 78422
\$1,207,285 in fiscal year 2021 shall be used as state match for 78423
the federal vocational rehabilitation grant and used to create 78424
partnerships with community colleges and state universities to 78425
ensure college students with disabilities can compete for 78426
in-demand jobs in tomorrow's labor market and increase the median 78427
earnings of individuals who obtain employment. 78428

Of the foregoing appropriation item 415506, Services for 78429
Individuals with Disabilities, \$85,733 in fiscal year 2020 and 78430
\$171,465 in fiscal year 2021 shall be used as state match for the 78431
federal vocational rehabilitation grant and used to create paid 78432
on-the-job work experiences for eligible candidates placed in 78433
state agencies to develop work skills needed to pursue permanent 78434
employment and increase the number of individuals with 78435
disabilities employed in state government. 78436

Of the foregoing appropriation item 415506, Services for 78437

Individuals with Disabilities, \$150,000 in each fiscal year shall 78438
be used as state match for the federal vocational rehabilitation 78439
grant and used to increase access to vocational rehabilitation 78440
services for eligible students enrolled at the Ohio State School 78441
for the Blind and the Ohio School for the Deaf that will prepare 78442
students who are blind or deaf for transition to college or 78443
employment. 78444

SERVICES FOR THE DEAF 78445

The foregoing appropriation item 415508, Services for the 78446
Deaf, shall be used to support community centers for the deaf. 78447

SIGHT CENTERS 78448

Of the foregoing appropriation item 415617, Independent 78449
Living Older Blind, \$30,000 in each fiscal year shall be used to 78450
contract in equal amounts with the Cleveland Sight Center, the 78451
Cincinnati Association for the Blind and Visually Impaired, and 78452
the Sight Center of Northwest Ohio to provide outreach and 78453
referral development to the community of individuals with 78454
blindness or low vision. 78455

Section 361.10. PEN PENSION SUBSIDIES 78456

General Revenue Fund 78457

GRF	090524	Police and Fire	\$	2,000	\$	2,000	78458
		Disability Pension					
		Fund					

GRF	090534	Police and Fire Ad	\$	31,000	\$	31,000	78459
		Hoc Cost of Living					

GRF	090554	Police and Fire	\$	270,000	\$	270,000	78460
		Survivor Benefits					

GRF	090575	Police and Fire Death	\$	34,400,000	\$	34,750,000	78461
		Benefits					

TOTAL GRF	General Revenue Fund	\$	34,703,000	\$	35,053,000	78462
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Notwithstanding any provision of section 124.824 of the	78478
Revised Code to the contrary, for each death benefit fund	78479
recipient who participates in health, medical, hospital, dental,	78480
surgical, or vision benefits under section 124.824 of the Revised	78481
Code, the Board of Trustees of the Ohio Police and Fire Pension	78482
Fund shall forward as a pass-through from the revenue received	78483
from the foregoing appropriation item 090575, Police and Fire	78484
Death Benefits, the percentage of the cost for the applicable	78485
benefits that would be paid by a state employer for a state	78486
employee who elects that coverage and any applicable	78487
administrative costs, which shall not exceed two per cent of the	78488
total cost of the benefits. The Board of Trustees shall also	78489
withhold from the benefits paid to a death benefit fund recipient	78490
under section 742.63 of the Revised Code the percentage of the	78491
cost for such benefits that would be paid by a state employee, and	78492
forward the withheld amounts to the Department of Administrative	78493
Services from the revenue received from the foregoing	78494

appropriation item 090575, Police and Fire Death Benefits. 78495

In fiscal year 2020 or 2021, if it is determined by the 78496
Director of Administrative Services, in consultation with the 78497
Chairperson of the Board of Trustees of the Ohio Police and Fire 78498
Pension Fund, or designee, that additional amounts are necessary 78499
to pay the cost of providing benefits under section 124.824 or 78500
742.63 of the Revised Code, the Director of Administrative 78501
Services may certify the additional amount necessary to the 78502
Director of Budget and Management. The amount certified is hereby 78503
appropriated. 78504

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK 78505
RELEASE COMPENSATION BOARD 78506

Dedicated Purpose Fund Group 78507

6910 810632	Petroleum Underground	\$	1,410,740	\$	1,469,195	78508
	Storage Tank Release					
	Compensation Board -					
	Operating					

TOTAL DPF Dedicated Purpose Fund	\$	1,410,740	\$	1,469,195	78509
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	1,410,740	\$	1,469,195	78510
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Section 367.10. PRX STATE BOARD OF PHARMACY 78512

Dedicated Purpose Fund Group 78513

4A50 887605	Drug Law Enforcement	\$	150,000	\$	150,000	78514
4K90 658605	OARRS Integration -	\$	253,264	\$	255,000	78515
	STATE					

4K90 887609	Operating Expenses	\$	10,220,383	\$	10,646,387	78516
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5SG0 887612	Drug Database	\$	664,369	\$	670,000	78517
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5SY0 887613	Medical Marijuana	\$	3,084,072	\$	2,500,200	78518
	Control Program					

TOTAL DPF Dedicated Purpose Fund	\$	14,372,088	\$	14,221,587	78519
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Group

Federal Fund Group					78520
3HD0 887614 Pharmacy Federal	\$	612,433	\$	531,000	78521
Grants					
3HH0 658601 OARRS Integration -	\$	2,363,583	\$	2,384,000	78522
FED					
TOTAL FED Federal Fund Group	\$	2,976,016	\$	2,915,000	78523
TOTAL ALL BUDGET FUND GROUPS	\$	17,348,104	\$	17,136,587	78524

Section 369.10. PSY STATE BOARD OF PSYCHOLOGY 78526

Dedicated Purpose Fund Group					78527
4K90 882609 Operating Expenses	\$	665,390	\$	696,615	78528
TOTAL DPF Dedicated Purpose					78529
Fund Group	\$	665,390	\$	696,615	78530
TOTAL ALL BUDGET FUND GROUPS	\$	665,390	\$	696,615	78531

Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION 78533

General Revenue Fund					78534
GRF 019401 State Legal Defense	\$	5,659,317	\$	6,534,523	78535
Services					
GRF 019403 Multi-County: State	\$	3,607,498	\$	4,644,553	78536
Share					
GRF 019404 Trumbull County -	\$	1,349,330	\$	2,036,064	78537
State Share					
GRF 019405 Training Account	\$	50,000	\$	50,000	78538
GRF 019501 County Reimbursement	\$	89,020,000	\$	125,000,000	78539
TOTAL GRF General Revenue Fund	\$	99,686,145	\$	138,265,240	78540
Dedicated Purpose Fund Group					78541
1010 019607 Juvenile Legal	\$	204,756	\$	204,756	78542
Assistance					
4060 019603 Training and	\$	25,000	\$	25,000	78543
Publications					

4070	019604	County Representation	\$	280,407	\$	285,000	78544
4080	019605	Client Payments	\$	715,831	\$	737,389	78545
4C70	019601	Multi-County: County	\$	1,352,812	\$	0	78546
		Share					
4N90	019613	Gifts and Grants	\$	19,440	\$	19,440	78547
4X70	019610	Trumbull County -	\$	505,999	\$	0	78548
		County Share					
5740	019606	Civil Legal Aid	\$	25,000,000	\$	25,000,000	78549
5CX0	019617	Civil Case Filing Fee	\$	623,425	\$	642,904	78550
5DY0	019618	Indigent Defense	\$	31,872,000	\$	31,872,000	78551
		Support - County					
		Share					
5DY0	019619	Indigent Defense	\$	7,113,482	\$	7,216,852	78552
		Support - State					
		Office					
TOTAL DPF Dedicated Purpose							78553
Fund Group			\$	67,713,152	\$	66,003,341	78554
Federal Fund Group							78555
3S80	019608	Federal	\$	38,315	\$	38,315	78556
		Representation					
TOTAL FED Federal Fund Group			\$	38,315	\$	38,315	78557
TOTAL ALL BUDGET FUND GROUPS			\$	167,437,612	\$	204,306,896	78558
INDIGENT DEFENSE OFFICE							78559
The foregoing appropriation items 019404, Trumbull County -							78560
State Share, and 019610, Trumbull County - County Share, shall be							78561
used to support an indigent defense office for Trumbull County.							78562
MULTI-COUNTY OFFICE							78563
The foregoing appropriation items 019403, Multi-County: State							78564
Share, and 019601, Multi-County: County Share, shall be used to							78565
support the Office of the Ohio Public Defender's Multi-County							78566
Branch Office Program.							78567

TRAINING ACCOUNT 78568

The foregoing appropriation item 019405, Training Account, 78569
shall be used by the Ohio Public Defender to provide legal 78570
training programs at no cost for private appointed counsel who 78571
represents at least one indigent defendant at no cost, state and 78572
county public defenders, and attorneys who contract with the Ohio 78573
Public Defender to provide indigent defense services. 78574

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 78575
FUND 78576

On July 1 of each fiscal year, or as soon as possible 78577
thereafter, the Director of Budget and Management shall transfer 78578
\$250,000 cash from the General Revenue Fund to the Legal Aid Fund 78579
(Fund 5740). The transferred cash shall be distributed by the Ohio 78580
Legal Assistance Foundation to Ohio's civil legal aid societies 78581
for the sole purpose of providing legal services for economically 78582
disadvantaged individuals and families seeking assistance with 78583
legal issues arising as a result of substance abuse disorders. 78584
None of the funds shall be used for administrative costs, 78585
including, but not limited to, salaries, benefits, or travel 78586
reimbursements. 78587

FEDERAL REPRESENTATION 78588

The foregoing appropriation item 019608, Federal 78589
Representation, shall be used to support representation provided 78590
by the Ohio Public Defender in federal court cases. 78591

Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY 78592

General Revenue Fund 78593

GRF 761403 Recovery Ohio Law \$ 9,750,000 \$ 9,750,000 78594
Enforcement

GRF 763403 EMA Operating \$ 5,099,118 \$ 5,320,000 78595

GRF 763512 Ohio Task Force One \$ 250,000 \$ 250,000 78596

GRF	763513	Security Grants	\$	2,750,000	\$	2,750,000	78597
GRF	767420	Investigative Unit	\$	13,776,113	\$	14,175,500	78598
		Operating					
GRF	768425	Justice Program	\$	2,061,162	\$	2,084,200	78599
		Services					
GRF	769406	Homeland Security -	\$	3,140,706	\$	3,228,200	78600
		Operating					
GRF	769407	Youthful Driver	\$	500,000	\$	500,000	78601
		Safety					
GRF	769501	School Safety	\$	300,000	\$	300,000	78602
TOTAL GRF		General Revenue Fund	\$	37,627,099	\$	38,357,900	78603
		Dedicated Purpose Fund Group					78604
4P60	768601	Justice Program	\$	220,000	\$	226,500	78605
		Services					
4V30	763662	EMA Service and	\$	751,000	\$	751,000	78606
		Reimbursements					
5B90	766632	Private Investigator	\$	1,986,152	\$	2,035,000	78607
		and Security Guard					
		Provider					
5BK0	768687	Criminal Justice	\$	533,771	\$	550,000	78608
		Services - Operating					
5BK0	768689	Family Violence	\$	1,550,000	\$	1,550,000	78609
		Shelter Programs					
5ET0	768625	Drug Law Enforcement	\$	8,000,000	\$	8,000,000	78610
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	78611
		Services Law					
		Enforcement Support					
5ML0	769635	Infrastructure	\$	80,000	\$	80,000	78612
		Protection					
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	78613
5RS0	768621	Community Police	\$	1,569,445	\$	1,150,000	78614
		Relations					
5TJ0	763603	Security Grants	\$	470,000	\$	0	78615

5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	10,000	\$	10,000	78616
6220	767615	Investigative, Contraband, and Forfeiture	\$	1,000,000	\$	1,000,000	78617
6570	763652	Utility Radiological Safety	\$	1,258,624	\$	1,258,624	78618
6810	763653	SARA Title III Hazmat Planning	\$	273,629	\$	273,629	78619
TOTAL DPF Dedicated Purpose Fund Group			\$	19,453,567	\$	18,635,699	78620
Federal Fund Group							78621
3370	763609	Federal Disaster Relief	\$	69,779,199	\$	69,948,672	78622
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	30,000	\$	30,000	78623
3GL0	768619	Justice Assistance Grants - FFY15	\$	12,500,000	\$	12,500,000	78624
3GT0	767691	Investigative Unit Federal Equity Share	\$	100,000	\$	100,000	78625
3GU0	769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$	1,400,000	\$	1,400,000	78626
3GU0	769631	Homeland Security Disaster Grants	\$	800,000	\$	800,000	78627
3L50	768604	Justice Program	\$	12,600,000	\$	12,600,000	78628
TOTAL FED Federal Fund Group			\$	97,209,199	\$	97,378,672	78629
TOTAL ALL BUDGET FUND GROUPS			\$	154,289,865	\$	154,372,271	78630

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 78632

Of the foregoing appropriation item 761403, Recovery Ohio Law 78633

Enforcement, up to \$3,400,000 in each fiscal year may be used to 78634
create narcotics task forces that will focus on cartel trafficking 78635
interdiction. 78636

Of the foregoing appropriation item 761403, Recovery Ohio Law 78637
Enforcement, up to \$3,250,000 in each fiscal year may be used to 78638
establish a highly specialized Narcotics Intelligence Center 78639
consisting of personnel assigned to intelligence and computer 78640
forensic analysis that will assist Ohio narcotics task forces. 78641

Of the foregoing appropriation item 761403, Recovery Ohio Law 78642
Enforcement, up to \$2,500,000 in each fiscal year may be used by 78643
the Office of Criminal Justice Services to provide funding to 78644
Ohio's narcotics task forces to build new and strengthen existing 78645
partnerships with local law enforcement. 78646

Of the foregoing appropriation item 761403, Recovery Ohio Law 78647
Enforcement, up to \$600,000 in each fiscal year may be used to 78648
partner with the Office of Information Technology in the 78649
Department of Administrative Services to develop, enhance, and 78650
maintain a uniform records management and data intelligence system 78651
for narcotics task forces. 78652

OHIO TASK FORCE ONE 78653

The foregoing appropriation item 763512, Ohio Task Force One, 78654
shall be distributed to the Ohio Task Force One - Urban Search and 78655
Rescue Unit for the purpose of paying for its operating expenses 78656
and developing new programs. 78657

JUSTICE PROGRAM SERVICES 78658

Of the foregoing appropriation item 768425, Justice Program 78659
Services, up to \$1,000,000 in each fiscal year shall be used by 78660
the Department of Public Safety to distribute grants to state 78661
and/or local law enforcement to conduct investigations on sexual 78662
assault kit testing results and related expenses. 78663

YOUTHFUL DRIVER SAFETY 78664

The foregoing appropriation item 769407, Youthful Driver 78665
Safety, shall be used to enhance driver training for a statewide 78666
youthful driver safety program. The program will use best 78667
practices and technology to focus on behind-the-wheel driver 78668
training for drivers aged sixteen to twenty-four in order to 78669
reduce the number of at-fault youthful fatal car crashes. 78670

SCHOOL SAFETY 78671

The foregoing appropriation item 769501, School Safety, shall 78672
be used by the Department of Public Safety to pay for the costs of 78673
the Ohio Homeland Security Safer Schools Tipline, promotional 78674
materials to enhance awareness of the Tipline, and analytic tools 78675
to proactively alert local officials to school security threats. 78676

LOCAL DISASTER ASSISTANCE 78677

Appropriation item 763511, Local Disaster Assistance, shall 78678
be used to assist eligible local governments in meeting the match 78679
requirement necessary to utilize federal disaster assistance funds 78680
released as a result of the Major Disaster Declaration issued by 78681
the President of the United States on April 17, 2018. 78682

An amount equal to the unexpended, unencumbered balance of 78683
appropriation item 763511, Local Disaster Assistance, at the end 78684
of fiscal year 2019 is hereby reappropriated for the same purpose 78685
for fiscal year 2020. 78686

An amount equal to the unexpended, unencumbered balance of 78687
appropriation item 763511, Local Disaster Assistance, at the end 78688
of fiscal year 2020 is hereby reappropriated for the same purpose 78689
for fiscal year 2021. 78690

STATE DISASTER RELIEF 78691

The State Disaster Relief Fund (Fund 5330) may accept 78692
transfers of cash or appropriations from Controlling Board 78693

appropriation items for the Ohio Emergency Management Agency 78694
disaster response costs and disaster program management costs, and 78695
may also be used for the following purposes: 78696

(A) To accept transfers of cash or appropriations from 78697
Controlling Board appropriation items for Ohio Emergency 78698
Management Agency public assistance and mitigation program match 78699
costs to reimburse eligible local governments and private 78700
nonprofit organizations for costs related to disasters; 78701

(B) To accept transfers of cash to reimburse the costs 78702
associated with Emergency Management Assistance Compact (EMAC) 78703
deployments; 78704

(C) To accept disaster related reimbursement from federal, 78705
state, and local governments. The Director of Budget and 78706
Management may transfer cash from reimbursements received by this 78707
fund to other funds of the state from which transfers were 78708
originally approved by the Controlling Board. 78709

(D) To accept transfers of cash or appropriations from 78710
Controlling Board appropriation items to fund the State Disaster 78711
Relief Program, for disasters that qualify for the program by 78712
written authorization of the Governor, and the State Individual 78713
Assistance Program for disasters that have been declared by the 78714
federal Small Business Administration and that qualify for the 78715
program by written authorization from the Governor. The Ohio 78716
Emergency Management Agency shall publish and make available 78717
application packets outlining procedures for the State Disaster 78718
Relief Program and the State Individual Assistance Program. 78719

Section 373.30. TRANSFER FROM STATE FIRE MARSHAL FUND TO 78720
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 78721

On July 1 of each fiscal year, or as soon as possible 78722
thereafter, the Director of Budget and Management shall transfer 78723

\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 78724
Emergency Management Agency Service and Reimbursement Fund (Fund 78725
4V30) to be distributed to the Ohio Task Force One - Urban Search 78726
and Rescue Unit, other similar urban search and rescue units 78727
around the state, and for maintenance of the statewide fire 78728
emergency response plan by an entity recognized by the Ohio 78729
Emergency Management Agency. 78730

DRUG LAW ENFORCEMENT FUND 78731

Notwithstanding division (D) of section 5502.68 of the 78732
Revised Code, in each of fiscal years 2020 and 2021, the 78733
cumulative amount of funding provided to any single drug task 78734
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 78735
exceed \$500,000 in any calendar year. 78736

COMMUNITY POLICE RELATIONS 78737

The foregoing appropriation item 768621, Community Police 78738
Relations, shall be used to implement key recommendations of the 78739
Ohio Task Force on Community-Police Relations, including a 78740
database on use of force and officer involved shootings, a public 78741
awareness campaign, and state-provided assistance with 78742
policy-making and manuals. 78743

SARA TITLE III HAZMAT PLANNING 78744

The SARA Title III Hazmat Planning Fund (Fund 6810) is 78745
entitled to receive grant funds from the Emergency Response 78746
Commission to implement the Emergency Management Agency's 78747
responsibilities under Chapter 3750. of the Revised Code. 78748

SECURITY GRANTS 78749

(A) The foregoing appropriation items 763513, Security 78750
Grants, and 763603, Security Grants, shall be used to make 78751
competitive grants of up to \$100,000 to nonprofit organizations 78752
for eligible security improvements that assist the organization in 78753

preventing, preparing for, or responding to acts of terrorism. 78754

(B) The Emergency Management Agency shall administer and 78755
award the grants. The Agency shall establish procedures and forms 78756
by which applicants may apply for a grant, a competitive process 78757
for ranking applicants and awarding the grants, and procedures for 78758
distributing grants to recipients. The procedures shall require 78759
each applicant to do all of the following: 78760

(1) Identify and substantiate prior threats or attacks by a 78761
terrorist organization, network, or cell against the nonprofit 78762
organization; 78763

(2) Indicate the symbolic or strategic value of one or more 78764
sites that renders the site a possible target of terrorism; 78765

(3) Discuss potential consequences to the organization if the 78766
site is damaged, destroyed, or disrupted by a terrorist; 78767

(4) Describe how the grant will be used to integrate 78768
organizational preparedness with broader state and local 78769
preparedness efforts; 78770

(5) Submit a vulnerability assessment conducted by 78771
experienced security, law enforcement, or military personnel and a 78772
description of how the grant will be used to address the 78773
vulnerabilities identified in the assessment. 78774

The Agency shall consider all of the above factors in 78775
evaluating grant applications. 78776

(C) Any grant submission described in division (I) of section 78777
3313.536 of the Revised Code or section 149.433 of the Revised 78778
Code is not a public record under section 149.43 of the Revised 78779
Code and is not subject to mandatory release or disclosure under 78780
that section. 78781

(D) The Emergency Management Agency may use up to two and 78782
one-half per cent of the total amount appropriated to administer 78783

the program, a portion of which may be used to pay costs incurred 78784
by the Department of Public Safety to provide security-related or 78785
specialized assistance in reviewing vulnerability assessments and 78786
prioritizing grant applications. 78787

(E) As used in this section: 78788

(1) "Eligible security improvements" means any of the 78789
following: 78790

(a) Physical security enhancement equipment or inspection and 78791
screening equipment included on the Authorized Equipment List 78792
published by the United States Department of Homeland Security; 78793

(b) Attendance fees and associated materials, supplies, and 78794
equipment costs for security-related training courses and programs 78795
regarding the protection of critical infrastructure and key 78796
resources, physical and cyber security, target hardening, or 78797
terrorism awareness or preparedness. Personnel and travel costs 78798
associated with training shall not be considered an eligible 78799
expense of the grant. 78800

(2) "Nonprofit organization" means a corporation, 78801
association, group, institution, society, or other organization 78802
that is exempt from federal income taxation under section 78803
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 78804
26 U.S.C. 501(c)(3), as amended. 78805

(F) An amount equal to the unexpended, unencumbered balance 78806
of the foregoing appropriation item 763603, Security Grants, at 78807
the end of fiscal year 2020 is hereby reappropriated for the same 78808
purpose in fiscal year 2021. 78809

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 78810

Dedicated Purpose Fund Group 78811

4A30 870614 Grade Crossing \$ 1,196,662 \$ 1,200,000 78812
Protection

		Devices-State				
4L80	870617	Pipeline Safety-State	\$	346,253	\$	346,253 78813
5610	870606	Power Siting Board	\$	1,095,185	\$	1,095,185 78814
5F60	870622	Utility and Railroad	\$	34,582,560	\$	35,415,760 78815
		Regulation				
5F60	870624	NARUC/NRRI Subsidy	\$	85,000	\$	85,000 78816
5LT0	870640	Intrastate	\$	195,000	\$	195,000 78817
		Registration				
5LT0	870641	Unified Carrier	\$	450,000	\$	450,000 78818
		Registration				
5LT0	870643	Non-hazardous	\$	299,942	\$	299,942 78819
		Materials Civil				
		Forfeiture				
5LT0	870644	Hazardous Materials	\$	800,000	\$	800,000 78820
		Civil Forfeiture				
5LT0	870645	Motor Carrier	\$	4,681,427	\$	4,719,696 78821
		Enforcement				
5Q50	870626	Telecommunications	\$	3,000,000	\$	3,000,000 78822
		Relay Service				
5QR0	870646	Underground Facilities	\$	50,000	\$	50,000 78823
		Protection				
5QS0	870647	Underground Facilities	\$	316,000	\$	316,000 78824
		Administration				
TOTAL	DPF	Dedicated Purpose Fund	\$	47,098,029	\$	47,972,836 78825
		Group				
		Federal Fund Group				78826
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959 78827
3500	870608	Motor Carrier Safety	\$	10,058,083	\$	10,058,083 78828
3500	870648	Motor Carrier	\$	450,000	\$	450,000 78829
		Administration High				
		Priority Activities				
		Grants and				
		Cooperative				

		Agreements				
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000 78830
		Information				
		Systems/Networks				
TOTAL	FED	Federal Fund Group	\$	12,006,042	\$	12,006,042 78831
TOTAL	ALL	BUDGET FUND GROUPS	\$	59,104,071	\$	59,978,878 78832
Section 377.10. PWC PUBLIC WORKS COMMISSION						78834
General Revenue Fund						78835
GRF	150904	Conservation General	\$	44,218,800	\$	44,394,800 78836
		Obligation Bond Debt				
		Service				
GRF	150907	Infrastructure	\$	229,338,800	\$	231,754,500 78837
		Improvement General				
		Obligation Bond Debt				
		Service				
TOTAL	GRF	General Revenue Fund	\$	273,557,600	\$	276,149,300 78838
Capital Projects Fund Group						78839
7038	150321	State Capital	\$	1,085,834	\$	895,864 78840
		Improvements Program				
		- Operating Expenses				
7056	150403	Clean Ohio	\$	364,345	\$	301,022 78841
		Conservation				
		Operating				
TOTAL	CPF	Capital Projects Fund	\$	1,450,179	\$	1,196,886 78842
Group						
TOTAL	ALL	BUDGET FUND GROUPS	\$	275,007,779	\$	277,346,186 78843
Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT						78845
SERVICE						78846
The foregoing appropriation item 150904, Conservation General						78847
Obligation Bond Debt Service, shall be used to pay all debt						78848

service and related financing costs during the period from July 1, 78849
2019, through June 30, 2021, on obligations issued under sections 78850
151.01 and 151.09 of the Revised Code. 78851

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 78852
SERVICE 78853

The foregoing appropriation item 150907, Infrastructure 78854
Improvement General Obligation Bond Debt Service, shall be used to 78855
pay all debt service and related financing costs during the period 78856
from July 1, 2019, through June 30, 2021, on obligations issued 78857
under sections 151.01 and 151.08 of the Revised Code. 78858

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 78859

The foregoing appropriation item 150321, State Capital 78860
Improvements Program - Operating Expenses, shall be used by the 78861
Ohio Public Works Commission to administer the State Capital 78862
Improvement Program under sections 164.01 to 164.16 of the Revised 78863
Code. 78864

CLEAN OHIO CONSERVATION OPERATING 78865

The foregoing appropriation item 150403, Clean Ohio 78866
Conservation Operating, shall be used by the Ohio Public Works 78867
Commission in administering Clean Ohio Conservation Fund (Fund 78868
7056) projects pursuant to sections 164.20 to 164.27 of the 78869
Revised Code. 78870

DISTRICT ADMINISTRATION COSTS 78871

The Director of the Public Works Commission is authorized to 78872
create a District Administration Costs Program from proceeds of 78873
the Capital Improvements Fund and Local Transportation Improvement 78874
Program Fund. The program shall be used to provide for the direct 78875
costs of district administration of the nineteen public works 78876
districts. Districts choosing to participate in the program shall 78877
only expend State Capital Improvements Fund moneys for State 78878

Capital Improvements Fund costs and Local Transportation 78879
Improvement Program Fund moneys for Local Transportation 78880
Improvement Program Fund costs. The District Administration Costs 78881
Program account shall not exceed \$1,235,000 per fiscal year. Each 78882
public works district may be eligible for up to \$65,000 per fiscal 78883
year from its district allocation as provided in sections 164.08 78884
and 164.14 of the Revised Code. 78885

The Director, by rule, shall define allowable and 78886
nonallowable costs for the purpose of the District Administration 78887
Costs Program. Nonallowable costs include indirect costs, elected 78888
official salaries and benefits, and project-specific costs. No 78889
district public works committee may participate in the District 78890
Administration Costs Program without the approval of those costs 78891
by the district public works committee under section 164.04 of the 78892
Revised Code. 78893

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 78894

The Director of the Public Works Commission is authorized to 78895
create a District Administration Costs Program for districts 78896
represented by natural resource assistance councils. This program 78897
shall be funded from proceeds of the Clean Ohio Conservation Fund. 78898
The program shall be used by natural resource assistance councils 78899
in order to provide for administration costs of the nineteen 78900
natural resource assistance councils for the direct costs of 78901
council administration. Councils choosing to participate in this 78902
program may be eligible for up to \$15,000 per fiscal year from its 78903
district allocation as provided in section 164.27 of the Revised 78904
Code. 78905

The Director shall define allowable and nonallowable costs 78906
for the purpose of the District Administration Costs Program. 78907
Nonallowable costs include indirect costs, elected official 78908
salaries and benefits, and project-specific costs. 78909

Section 379.10. RAC STATE RACING COMMISSION				78910
Dedicated Purpose Fund Group				78911
5620 875601	Thoroughbred Development	\$ 1,400,000	\$ 1,400,000	78912
5630 875602	Standardbred Development	\$ 1,550,000	\$ 1,550,000	78913
5650 875604	Racing Commission Operating	\$ 4,034,320	\$ 4,070,948	78914
5JK0 875610	Horse Racing Development-Casino	\$ 8,512,095	\$ 8,512,095	78915
5NL0 875611	Revenue Redistribution	\$ 8,000,000	\$ 8,000,000	78916
TOTAL DPF Dedicated Purpose Fund Group		\$ 23,496,415	\$ 23,533,043	78917
Fiduciary Fund Group				78918
5C40 875607	Simulcast Horse Racing Purse	\$ 7,000,000	\$ 7,000,000	78919
TOTAL FID Fiduciary Fund Group		\$ 7,000,000	\$ 7,000,000	78920
Holding Account Fund Group				78921
R021 875605	Bond Reimbursements	\$ 100,000	\$ 100,000	78922
TOTAL HLD Holding Account Fund Group		\$ 100,000	\$ 100,000	78923
TOTAL ALL BUDGET FUND GROUPS		\$ 30,596,415	\$ 30,633,043	78924
Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION				78926
General Revenue Fund				78927
GRF 235321	Operating Expenses	\$ 5,825,252	\$ 5,762,414	78928
GRF 235402	Sea Grants	\$ 299,250	\$ 299,250	78929
GRF 235406	Articulation and Transfer	\$ 1,844,372	\$ 1,851,773	78930
GRF 235408	Midwest Higher	\$ 115,000	\$ 115,000	78931

	Education Compact				
GRF 235414	Grants and Scholarship Administration	\$	837,799	\$	855,433 78932
GRF 235417	Technology Maintenance and Operations	\$	3,739,937	\$	3,758,802 78933
GRF 235428	Appalachian New Economy Workforce Partnership	\$	3,728,000	\$	3,728,000 78934
GRF 235438	Choose Ohio First Scholarship	\$	28,169,310	\$	40,177,613 78935
GRF 235443	Adult Basic and Literacy Education - State	\$	9,083,344	\$	9,083,344 78936
GRF 235444	Ohio Technical Centers	\$	19,669,559	\$	23,250,000 78937
GRF 235474	Area Health Education Centers Program Support	\$	873,000	\$	873,000 78938
GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000 78939
GRF 235501	State Share of Instruction	\$	1,999,210,715	\$	2,019,202,822 78940
GRF 235504	War Orphans Scholarships	\$	11,163,333	\$	12,502,933 78941
GRF 235507	OhioLINK	\$	6,024,682	\$	6,024,682 78942
GRF 235508	Air Force Institute of Technology	\$	1,566,723	\$	1,566,723 78943
GRF 235510	Ohio Supercomputer Center	\$	4,388,513	\$	4,388,513 78944
GRF 235511	Cooperative Extension Service	\$	24,110,186	\$	24,110,186 78945
GRF 235514	Central State Supplement	\$	11,685,516	\$	11,685,516 78946
GRF 235515	Case Western Reserve	\$	2,038,940	\$	2,038,940 78947

	University School of Medicine					
GRF 235519	Family Practice	\$	3,007,876	\$	3,007,876	78948
GRF 235520	Shawnee State	\$	3,537,456	\$	3,537,456	78949
	Supplement					
GRF 235525	Geriatric Medicine	\$	496,043	\$	496,043	78950
GRF 235526	Primary Care	\$	1,425,000	\$	1,425,000	78951
	Residencies					
GRF 235533	Program and Project	\$	753,000	\$	253,000	78952
	Support					
GRF 235535	Ohio Agricultural	\$	36,361,470	\$	36,361,470	78953
	Research and					
	Development Center					
GRF 235536	The Ohio State	\$	9,185,494	\$	9,185,494	78954
	University Clinical					
	Teaching					
GRF 235537	University of	\$	7,554,944	\$	7,554,944	78955
	Cincinnati Clinical					
	Teaching					
GRF 235538	University of Toledo	\$	5,888,670	\$	5,888,670	78956
	Clinical Teaching					
GRF 235539	Wright State	\$	2,860,830	\$	2,860,830	78957
	University Clinical					
	Teaching					
GRF 235540	Ohio University	\$	2,765,651	\$	2,765,651	78958
	Clinical Teaching					
GRF 235541	Northeast Ohio Medical	\$	2,844,469	\$	2,844,469	78959
	University Clinical					
	Teaching					
GRF 235546	Central State	\$	3,492,485	\$	3,492,485	78960
	Agricultural Research					
	and Development					
GRF 235548	Central State	\$	3,004,367	\$	3,004,367	78961

	Cooperative Extension Services					
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491	78962
GRF 235555	Library Depositories	\$	1,396,592	\$	1,396,592	78963
GRF 235556	Ohio Academic Resources Network	\$	3,077,343	\$	3,077,343	78964
GRF 235558	Long-term Care Research	\$	309,035	\$	309,035	78965
GRF 235563	Ohio College Opportunity Grant	\$	119,260,500	\$	145,200,000	78966
GRF 235572	The Ohio State University Clinic Support	\$	728,206	\$	728,206	78967
GRF 235591	Co-Op Internship Program	\$	1,087,500	\$	1,287,500	78968
GRF 235597	High School STEM Innovation and Ohio College Scholarship and Retention Program	\$	1,000,000	\$	1,000,000	78969
GRF 235598	Rural University Program	\$	500,000	\$	500,000	78970
GRF 235599	National Guard Scholarship Program	\$	20,604,000	\$	21,222,120	78971
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	323,545,500	\$	348,550,200	78972
TOTAL GRF	General Revenue Fund	\$	2,691,394,353	\$	2,779,558,186	78973
	Dedicated Purpose Fund Group					78974
2200 235614	Program Approval and Reauthorization	\$	800,485	\$	744,562	78975
4560 235603	Sales and Services	\$	199,250	\$	199,250	78976
4E80 235602	Higher Educational Facility Commission	\$	53,239	\$	60,000	78977

		Administration					
5D40	235675	Conference/Special	\$	1,000,000	\$	1,000,000	78978
		Purposes					
5FR0	235650	State and Non-Federal	\$	1,402,150	\$	1,402,150	78979
		Grants and Award					
5JC0	235654	Federal Research	\$	3,450,000	\$	3,450,000	78980
		Network					
5NH0	235529	Jobs Challenge	\$	5,000,000	\$	5,000,000	78981
5NH0	235684	OhioMeansJobs	\$	245,163	\$	250,000	78982
		Workforce Development					
		Revolving Loan					
		Program					
5P30	235663	Variable Savings Plan	\$	7,743,050	\$	7,915,343	78983
5VQ0	235671	Textbook and	\$	3,000,000	\$	3,000,000	78984
		Instructional					
		Materials Grants					
6450	235664	Guaranteed Savings	\$	956,973	\$	1,001,626	78985
		Plan					
6820	235606	Nursing Loan Program	\$	889,611	\$	891,320	78986
TOTAL	DPF	Dedicated Purpose Fund	\$	24,739,921	\$	24,914,251	78987
		Group					
		Bond Research and Development Fund Group					78988
7011	235634	Research Incentive	\$	6,500,000	\$	6,500,000	78989
		Third Frontier					
7014	235639	Research Incentive	\$	1,500,000	\$	1,500,000	78990
		Third Frontier - Tax					
TOTAL	BRD	Bond Research and	\$	8,000,000	\$	8,000,000	78991
		Development Fund Group					
		Federal Fund Group					78992
3120	235611	Gear-up Grant	\$	1,995,808	\$	2,000,000	78993
3120	235612	Carl D. Perkins	\$	1,332,315	\$	1,350,000	78994
		Grant/Plan					

		Administration				
3120	235641	Adult Basic and	\$	17,579,996	\$	17,600,000 78995
		Literacy Education -				
		Federal				
3BG0	235651	Gear Up Grant	\$	1,750,000	\$	1,750,000 78996
		Scholarships				
3H20	235608	Human Services	\$	375,000	\$	375,000 78997
		Project				
3N60	235658	John R. Justice	\$	70,000	\$	70,000 78998
		Student Loan				
		Repayment Program				
TOTAL FED		Federal Fund Group	\$	23,103,119	\$	23,145,000 78999
TOTAL ALL BUDGET		FUND GROUPS	\$	2,747,237,393	\$	2,835,617,437 79000

Section 381.20. SEA GRANTS 79002

The foregoing appropriation item 235402, Sea Grants, shall be 79003
used to match federal dollars and leverage additional support by 79004
The Ohio State University's Sea Grant program, including Stone 79005
Laboratory, for research, education, and outreach to enhance the 79006
economic value, public utilization, and responsible management of 79007
Lake Erie and Ohio's coastal resources. 79008

Section 381.30. ARTICULATION AND TRANSFER 79009

The foregoing appropriation item 235406, Articulation and 79010
Transfer, shall be used by the Chancellor of Higher Education to 79011
maintain and expand the work of the Articulation and Transfer 79012
Council to develop a system of transfer policies to ensure that 79013
students at state institutions of higher education can transfer 79014
and have coursework apply to their majors and degrees at any other 79015
state institution of higher education without unnecessary 79016
duplication or institutional barriers under sections 3333.16, 79017
3333.161, and 3333.162 of the Revised Code. 79018

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 79019

The foregoing appropriation item 235408, Midwest Higher 79020
Education Compact, shall be distributed by the Chancellor of 79021
Higher Education under section 3333.40 of the Revised Code. 79022

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION 79023

The foregoing appropriation item 235414, Grants and 79024
Scholarship Administration, shall be used by the Chancellor of 79025
Higher Education to manage and administer student financial aid 79026
programs created by the General Assembly and grants for which the 79027
Department of Higher Education is responsible. The appropriation 79028
item also shall be used to support all state financial aid audits 79029
and student financial aid programs created by Congress, and to 79030
provide fiscal and administrative services for the Ohio National 79031
Guard Scholarship Program. 79032

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 79033

The foregoing appropriation item 235417, Technology 79034
Maintenance and Operations, shall be used by the Chancellor of 79035
Higher Education to support the development and implementation of 79036
information technology solutions designed to improve the 79037
performance and capacity of the Department of Higher Education. 79038
The information technology solutions may be provided by the Ohio 79039
Technology Consortium (OH-TECH). 79040

Of the foregoing appropriation item 235417, Technology 79041
Maintenance and Operations, a portion in each fiscal year may be 79042
used by the Chancellor to support the continued implementation of 79043
eStudent Services, a consortium organized under division (T) of 79044
section 3333.04 of the Revised Code to expand access to dual 79045
enrollment opportunities for high school students, as well as 79046
adult and higher education opportunities through technology. The 79047

funds shall be used by eStudent Services to develop and promote 79048
learning and assessment through the use of technology, to test and 79049
provide advice on emerging learning-directed technologies, to 79050
facilitate cost-effectiveness through shared educational 79051
technology investments, and for any other priorities of the 79052
Chancellor of Higher Education. 79053

Of the foregoing appropriation item 235417, Technology 79054
Maintenance and Operations, a portion in each fiscal year shall be 79055
used by the Chancellor to implement a high priority data 79056
warehouse, advanced analytics, and visualization integration 79057
services associated with the Higher Education Information (HEI) 79058
system. The services may be facilitated by OH-TECH. 79059

Of the foregoing appropriation item 235417, Technology 79060
Maintenance and Operations, \$150,000 in each fiscal year shall be 79061
used to support Ohio Reach to provide mentoring and support 79062
services to former foster youth attending college. 79063

Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 79064

The foregoing appropriation item 235428, Appalachian New 79065
Economy Workforce Partnership, shall be distributed to Ohio 79066
University to continue a multi-campus and multi-agency coordinated 79067
effort to link Appalachia to the new economy. Ohio University 79068
shall use these funds to provide leadership in the development and 79069
implementation of initiatives in the areas of entrepreneurship, 79070
management, education, and technology. 79071

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 79072

The foregoing appropriation item 235438, Choose Ohio First 79073
Scholarship, shall be used to operate the program prescribed in 79074
sections 3333.60 to 3333.69 of the Revised Code. 79075

During each fiscal year, the Chancellor of Higher Education, 79076
as soon as possible after cancellation, may certify to the 79077

Director of Budget and Management the amount of canceled 79078
prior-year encumbrances in appropriation item 235438, Choose Ohio 79079
First Scholarship. Upon receipt of the certification, the Director 79080
of Budget and Management may transfer cash, up to the certified 79081
amount, from the General Revenue Fund to the Choose Ohio First 79082
Scholarship Reserve Fund (Fund 5PV0). 79083

Section 381.90. ADULT BASIC AND LITERACY EDUCATION 79084

The foregoing appropriation item 235443, Adult Basic and 79085
Literacy Education - State, shall be used to support the adult 79086
basic and literacy education instructional grant program and state 79087
leadership program. The supported programs shall satisfy the state 79088
match and maintenance of effort requirements for the 79089
state-administered grant program. 79090

Section 381.100. OHIO TECHNICAL CENTERS FUNDING 79091

The foregoing appropriation item 235444, Ohio Technical 79092
Centers, shall be used by the Chancellor of Higher Education to 79093
support post-secondary adult career-technical education. The 79094
Chancellor shall provide coordination for Ohio Technical Centers 79095
through program approval processes, data collection of program and 79096
student outcomes, and subsidy disbursements from the foregoing 79097
appropriation item 235444, Ohio Technical Centers. 79098

(A)(1) As soon as possible in each fiscal year, in accordance 79099
with instructions of the Chancellor, each Ohio Technical Center 79100
shall report its actual data, consistent with the definitions in 79101
the Higher Education Information (HEI) system's files, to the 79102
Chancellor. 79103

(a) In defining the number of full-time equivalent students 79104
for state subsidy purposes, the Chancellor shall exclude all 79105
students who are not residents of Ohio. 79106

(b) A full-time equivalent student shall be defined as a 79107

student who completes 450 hours. Those students that complete some 79108
portion of 450 hours shall be counted as a partial full-time 79109
equivalent for funding purposes, while students that complete more 79110
than 450 hours shall be counted as proportionally greater than one 79111
full-time equivalent. 79112

(c) In calculating each Ohio Technical Center's full-time 79113
equivalent students, the Chancellor shall use a three-year 79114
average. 79115

(d) After June 30, 2019, Ohio Technical Centers shall operate 79116
with, or be an active candidate for, accreditation by an 79117
accreditor authorized by the United States Department of Education 79118
to be eligible to receive subsidies from the foregoing 79119
appropriation item 235444, Ohio Technical Centers. 79120

(2) In each fiscal year, twenty-five per cent of the 79121
allocation for Ohio Technical Centers shall be distributed based 79122
on the proportion of each Center's full-time equivalent students 79123
to the total full-time equivalent students who complete a 79124
post-secondary technical workforce training program approved by 79125
the Chancellor with a grade of C or better or a grade of pass if 79126
the program is evaluated on a pass/fail basis. 79127

(3) In each fiscal year, twenty per cent of the allocation 79128
for Ohio Technical Centers shall be distributed based on the 79129
proportion of each Center's full-time equivalent students to the 79130
total full-time equivalent students who complete 50 per cent of a 79131
program of study as a measure of student retention. 79132

(4) In each fiscal year, fifty per cent of the allocation for 79133
Ohio Technical Centers shall be distributed based on the 79134
proportion of each Center's full-time equivalent students to the 79135
total full-time equivalent students who have found employment, 79136
entered military service, or enrolled in additional post-secondary 79137
education and training in accordance with the placement 79138

definitions of the Carl D. Perkins Career and Technical Education 79139
Act of 2006 (Perkins). The calculation for eligible full-time 79140
equivalent students shall be based on the per cent of Perkins 79141
placements for students who have completed at least 50 per cent of 79142
a program of study. 79143

(5) In each fiscal year, five per cent of the allocation for 79144
Ohio Technical Centers shall be distributed based on the 79145
proportion of each Center's full-time equivalent students to the 79146
total full-time equivalent students who have earned a credential 79147
from an industry-recognized third party. 79148

(B) Of the foregoing appropriation item 235444, Ohio 79149
Technical Centers, up to 2.38 per cent in each fiscal year may be 79150
distributed by the Chancellor to the Ohio Central School System, 79151
up to \$48,000 in each fiscal year may be utilized for assistance 79152
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 79153
year may be distributed by the Chancellor to Ohio Technical 79154
Centers that provide business consultation with matching local 79155
dollars, with preference to industries on the in-demand jobs list 79156
created under section 6301.11 of the Revised Code or in regionally 79157
emerging fields. Each center meeting this requirement shall 79158
receive at least \$25,000 but not more than a maximum amount 79159
determined by the Chancellor. 79160

(C) The remainder of the foregoing appropriation item 235444, 79161
Ohio Technical Centers, in each fiscal year shall be distributed 79162
in accordance with division (A) of this section. 79163

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 79164
CENTERS 79165

(1) In fiscal year 2020, no Ohio Technical Center shall 79166
receive performance funding calculated under division (A) of this 79167
section, excluding funding for third party credentials calculated 79168
under division (A)(5) of this section, that is less than 75 per 79169

cent of the average allocation the Center received, excluding 79170
funding for third party credentials, in the three prior fiscal 79171
years. 79172

In fiscal year 2021, no Ohio Technical Center shall receive 79173
performance funding calculated under division (A) of this section, 79174
excluding funding for third party credentials calculated under 79175
division (A)(5) of this section, that is less than 65 per cent of 79176
the average allocation the Center received, excluding funding for 79177
third party credentials, in the three prior fiscal years. 79178

(2) In order to ensure that no Center receives less than the 79179
amounts identified for each fiscal year in accordance with 79180
division (D)(1) of this section, funds shall be made available to 79181
support the phase-in allocation by proportionally reducing formula 79182
earnings from each Center not receiving phase-in funding. 79183

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 79184
SUPPORT 79185

The foregoing appropriation item 235474, Area Health 79186
Education Centers Program Support, shall be used by the Chancellor 79187
of Higher Education to support the medical school regional area 79188
health education centers' educational programs for the continued 79189
support of medical and other health professions education and for 79190
support of the Area Health Education Center Program. 79191

Section 381.120. CAMPUS SAFETY AND TRAINING 79192

The foregoing appropriation item 235492, Campus Safety and 79193
Training, shall be used by the Chancellor of Higher Education for 79194
the purpose of developing model best practices for preventing and 79195
responding to sexual violence on campus. The Chancellor, in 79196
consultation with state institutions of higher education as 79197
defined in section 3345.011 of the Revised Code and private 79198
nonprofit institutions of higher education holding certificates of 79199

authorization under Chapter 1713. of the Revised Code, shall 79200
continue to develop model best practices in line with emerging 79201
trends, research, and evidence-based training for preventing and 79202
responding to sexual violence and protecting students and staff 79203
who are victims of sexual violence on campus. The Chancellor shall 79204
convene state institutions of higher education and private 79205
nonprofit institutions of higher education in the training and 79206
implementation of best practices regarding campus sexual violence. 79207

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS 79208

The Chancellor of Higher Education shall establish procedures 79209
to allocate the foregoing appropriation item 235501, State Share 79210
of Instruction, based on the formulas detailed in this section 79211
that utilize the enrollment, course completion, degree attainment, 79212
and student achievement factors reported annually by each state 79213
institution of higher education participating in the Higher 79214
Education Information (HEI) system. 79215

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 79216
COMPLETIONS 79217

(1) As soon as possible during each fiscal year of the 79218
biennium ending June 30, 2021, in accordance with instructions of 79219
the Department of Higher Education, each state institution of 79220
higher education shall report its actual data, consistent with the 79221
definitions in the Higher Education Information (HEI) system's 79222
enrollment files, to the Chancellor of Higher Education. 79223

(2) In defining the number of full-time equivalent students 79224
for state subsidy instructional cost purposes, the Chancellor 79225
shall exclude all undergraduate students who are not residents of 79226
Ohio or who do not meet the definition of residency for state 79227
subsidy and tuition surcharge purposes, except those charged 79228
in-state fees in accordance with reciprocity agreements made under 79229
section 3333.17 of the Revised Code or employer contracts entered 79230

into under section 3333.32 of the Revised Code. 79231

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 79232

For purposes of calculating state share of instruction 79233
allocations, the total instructional costs per full-time 79234
equivalent student shall be: 79235

Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	\$9,115	\$9,285	79237
ARTS AND HUMANITIES 2	\$12,986	\$13,227	79238
ARTS AND HUMANITIES 3	\$16,155	\$16,455	79239
ARTS AND HUMANITIES 4	\$24,740	\$25,200	79240
ARTS AND HUMANITIES 5	\$41,648	\$42,421	79241
ARTS AND HUMANITIES 6	\$41,449	\$42,219	79242
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,820	\$8,984	79243
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,681	\$9,861	79244
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,351	\$12,580	79245
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,388	\$14,655	79246
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,995	\$23,422	79247
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$24,140	\$24,588	79248
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,758	\$37,440	79249
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,441	\$8,598	79250
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,326	\$11,536	79251

SCIENCE, TECHNOLOGY,	\$13,054	\$13,296	79252
ENGINEERING, MATHEMATICS,			
MEDICINE 3			
SCIENCE, TECHNOLOGY,	\$15,314	\$15,599	79253
ENGINEERING, MATHEMATICS,			
MEDICINE 4			
SCIENCE, TECHNOLOGY,	\$19,665	\$20,030	79254
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	\$20,452	\$20,832	79255
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	\$24,577	\$25,033	79256
ENGINEERING, MATHEMATICS,			
MEDICINE 7			
SCIENCE, TECHNOLOGY,	\$39,870	\$40,610	79257
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	\$56,741	\$57,795	79258
ENGINEERING, MATHEMATICS,			
MEDICINE 9			
Doctoral I and Doctoral II models shall be allocated in			79259
accordance with division (D)(2) of this section.			79260
Medical I and Medical II models shall be allocated in			79261
accordance with divisions (D)(3) and (D)(4) of this section.			79262
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,			79263
AND GRADUATE WEIGHTS			79264
For the purpose of implementing the recommendations of the			79265
2006 State Share of Instruction Consultation and the Higher			79266
Education Funding Study Council that priority be given to			79267
maintaining state support for science, technology, engineering,			79268
mathematics, medicine, and graduate programs, the costs in			79269

division (B) of this section shall be weighted by the amounts			79270
provided below:			79271
Model	Fiscal Year 2020	Fiscal Year 2021	79272
ARTS AND HUMANITIES 1	1.0000	1.0000	79273
ARTS AND HUMANITIES 2	1.0000	1.0000	79274
ARTS AND HUMANITIES 3	1.0000	1.0000	79275
ARTS AND HUMANITIES 4	1.0000	1.0000	79276
ARTS AND HUMANITIES 5	1.0425	1.0425	79277
ARTS AND HUMANITIES 6	1.0425	1.0425	79278
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	79279
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	79280
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	79281
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	79282
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	79283
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	79284
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	79285
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	79286
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	79287
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	79288
SCIENCE, TECHNOLOGY,	1.6920	1.6920	79289

ENGINEERING, MATHEMATICS, MEDICINE 4			
SCIENCE, TECHNOLOGY,	1.4222	1.4222	79290
ENGINEERING, MATHEMATICS, MEDICINE 5			
SCIENCE, TECHNOLOGY,	1.8798	1.8798	79291
ENGINEERING, MATHEMATICS, MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	79292
ENGINEERING, MATHEMATICS, MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	79293
ENGINEERING, MATHEMATICS, MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	79294
ENGINEERING, MATHEMATICS, MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			79295
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			79296
(1) Of the foregoing appropriation item 235501, State Share			79297
of Instruction, 50 per cent of the appropriation for universities,			79298
as established in division (A)(2) of the section of this act			79299
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND			79300
2021," in each fiscal year shall be reserved for support of			79301
associate, baccalaureate, master's, and professional level degree			79302
attainment.			79303
The degree attainment funding shall be allocated to			79304
universities in proportion to each campus's share of the total			79305
statewide degrees granted, weighted by the cost of the degree			79306
programs. The degree cost calculations shall include the model			79307
cost weights for the science, technology, engineering,			79308
mathematics, and medicine models as established in division (C) of			79309

this section. 79310

For degrees including credits earned at multiple 79311
institutions, degree attainment funding shall be allocated to 79312
universities in proportion to each campus's share of the 79313
student-specific cost of earned credits for the degree. Each 79314
institution shall receive its prorated share of degree funding for 79315
credits earned at that institution. Cost of credits not earned at 79316
a university main or regional campus shall be credited to the 79317
degree-granting institution for the first degree earned by a 79318
student at each degree level. The cost credited to the 79319
degree-granting institution shall not be eligible for at-risk 79320
weights and shall be limited to 12.5 per cent of the 79321
student-specific degree costs. However, the 12.5 per cent 79322
limitation shall not apply if the student transferred 12 or fewer 79323
credits into the degree granting institution. 79324

In calculating the subsidy entitlements for degree attainment 79325
for universities, the Chancellor shall use the following count of 79326
degrees and degree costs: 79327

(a) The subsidy eligible undergraduate degrees shall be 79328
defined as follows: 79329

(i) The subsidy eligible degrees conferred to students 79330
identified as residents of the state of Ohio in any term of their 79331
studies, as reported through the Higher Education Information 79332
(HEI) system student enrollment file, shall be weighted by a 79333
factor of 1. 79334

(ii) The subsidy eligible degrees conferred to students 79335
identified as out-of-state residents during all terms of their 79336
studies, as reported through the Higher Education Information 79337
(HEI) system student enrollment file, who remain in the state of 79338
Ohio at least one year after graduation, as calculated based on 79339
the three-year average in-state residency rate using the 79340

Unemployment Wage data for out-of-state graduates at each 79341
institution, shall be weighted by a factor of 50 per cent. 79342

(iii) Subsidy eligible associate degrees are defined as those 79343
earned by students attending any state-supported university main 79344
or regional campus. 79345

(b) In calculating each campus's count of degrees, the 79346
Chancellor shall use the three-year average associate, 79347
baccalaureate, master's, and professional degrees awarded for the 79348
three-year period ending in the prior year. 79349

(i) If a student is awarded an associate degree and, 79350
subsequently, is awarded a baccalaureate degree, the amount funded 79351
for the baccalaureate degree shall be limited to either the 79352
difference in cost between the cost of the baccalaureate degree 79353
and the cost of the associate degree paid previously, or if the 79354
associate degree has a higher cost than the baccalaureate degree, 79355
the cost of the credits earned by the student after the associate 79356
degree was awarded. 79357

(ii) If a student earns an associate degree then, 79358
subsequently, earns a baccalaureate degree, the associate degree 79359
granting institution shall only receive the prorated share of the 79360
baccalaureate degree funding for the credits earned at that 79361
institution after the associate degree is awarded. 79362

(iii) If a student earns more than one degree at the same 79363
institution at the same degree level in the same fiscal year, the 79364
funding for the highest cost degree shall be prorated among 79365
institutions based on where the credits were earned and additional 79366
degrees shall be funded at 25 per cent of the cost of the degrees. 79367

(c) Associate degrees and baccalaureate degrees earned by a 79368
student defined as at-risk based on academic underpreparation, 79369
age, minority status, financial status, or first generation 79370
post-secondary status based on neither parent completing any 79371

education beyond high school, shall be defined as degrees earned 79372
by an at-risk student and shall be weighted by the following: 79373

A student-specific degree completion weight, where the weight 79374
is calculated based on the at-risk factors of the individual 79375
student, determined by calculating the difference between the 79376
percentage of students with each risk factor who earned a degree 79377
and the percentage of non-at-risk students who earned a degree. 79378

(2) Of the foregoing appropriation item 235501, State Share 79379
of Instruction, up to 11.78 per cent of the appropriation for 79380
universities, as established in division (A)(2) of the section of 79381
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 79382
2020 and 2021," in each fiscal year shall be reserved for support 79383
of doctoral programs to implement the funding recommendations made 79384
by representatives of the universities. The amount so reserved 79385
shall be referred to as the doctoral set-aside. 79386

In each fiscal year, the doctoral set-aside funding 79387
allocation shall be allocated to universities as follows: 79388

(a) 25 per cent of the doctoral set-aside shall be allocated 79389
to universities in proportion to their share of the statewide 79390
total earnings of each state institution's three-year average 79391
course completions. The subsidy eligible enrollments by model 79392
shall equal only those FTE students who successfully complete the 79393
course as defined and reported through the Higher Education 79394
Information (HEI) system course enrollment file. Course completion 79395
earnings shall be determined by multiplying the amounts listed 79396
above in divisions (B) and (C) of this section by the 79397
subsidy-eligible FTEs for the three-year period ending in the 79398
prior year for all doctoral enrollments in graduate-level models. 79399

(b) 50 per cent of the doctoral set-aside shall be allocated 79400
to universities in proportion to each campus's share of the total 79401
statewide doctoral degrees, weighted by the cost of the doctoral 79402

discipline. In calculating each campus's doctoral degrees the 79403
Chancellor shall use the three-year average doctoral degrees 79404
awarded for the three-year period ending in the prior year. 79405

(c) 25 per cent of the doctoral set-aside shall be allocated 79406
to universities in proportion to their share of research grant 79407
activity. Funding for this component shall be allocated to 79408
eligible universities in proportion to their share of research 79409
grant activity published by the National Science Foundation. Grant 79410
awards from the Department of Health and Human Services shall be 79411
weighted at 50 per cent. 79412

(3) Of the foregoing appropriation item 235501, State Share 79413
of Instruction, 6.41 per cent of the appropriation for 79414
universities, as established in division (A)(2) of the section of 79415
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 79416
2020 AND 2021," in each fiscal year shall be reserved for support 79417
of Medical II FTEs. The amount so reserved shall be referred to as 79418
the medical II set-aside. 79419

The medical II set-aside shall be allocated to universities 79420
in proportion to their share of the statewide total of each state 79421
institution's three-year average Medical II FTEs as calculated in 79422
division (A) of this section. 79423

In calculating the core subsidy entitlements for Medical II 79424
models only, students repeating terms may be no more than five per 79425
cent of current year enrollment. 79426

(4) Of the foregoing appropriation item 235501, State Share 79427
of Instruction, 1.48 per cent of the appropriation for 79428
universities, as established in division (A)(2) of the section of 79429
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 79430
2020 AND 2021," in each fiscal year shall be reserved for support 79431
of Medical I FTEs. The amount so reserved shall be referred to as 79432
the medical I set-aside. 79433

The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs as calculated in division (A) of this section.

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2016-2018 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all models except Medical I, Medical II, Doctoral I, and Doctoral II.

(d) For universities, the Chancellor shall compute the course

completion earnings by dividing the appropriation for 79465
universities, established in division (A)(2) of the section of 79466
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 79467
2020 AND 2021," less the degree attainment funding as calculated 79468
in division (D)(1) of this section, less the doctoral set-aside, 79469
less the medical I set-aside, and less the medical II set-aside, 79470
by the sum of all campuses' instructional costs as calculated in 79471
division (D)(5) of this section. 79472

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 79473
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 79474

(1) Of the foregoing appropriation item 235501, State Share 79475
of Instruction, 50 per cent of the appropriation for 79476
state-supported community colleges, state community colleges, and 79477
technical colleges as established in division (A)(1) of the 79478
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 79479
YEARS 2020 AND 2021," in each fiscal year shall be reserved for 79480
course completion FTEs as aggregated by the subsidy models defined 79481
in division (B) of this section. 79482

The course completion funding shall be allocated to campuses 79483
in proportion to each campus's share of the total sector's course 79484
completions, weighted by the instructional cost of the subsidy 79485
models. 79486

To calculate the subsidy entitlements for course completions 79487
at community colleges, state community colleges, and technical 79488
colleges, the Chancellor shall use the following calculations: 79489

(a) In calculating each campus's count of FTE course 79490
completions, the Chancellor shall use a three-year average for 79491
course completions for the three year period ending in the prior 79492
year. 79493

(b) The subsidy eligible enrollments by model shall equal 79494
only those FTE students who successfully complete the course as 79495

defined and reported through the Higher Education Information 79496
(HEI) system course enrollment file. 79497

(c) Those students with successful course completions, that 79498
are defined as access students based on financial status, minority 79499
status, age, or academic under-preparation shall have their 79500
eligible course completions weighted by a statewide access weight. 79501
The weight given to any student that meets any access factor shall 79502
be 15 per cent for all course completions. 79503

(d) The model costs as used in the calculation shall be 79504
augmented by the model weights for science, technology, 79505
engineering, mathematics, and medicine models as established in 79506
division (C) of this section. 79507

(2) Of the foregoing appropriation item 235501, State Share 79508
of Instruction, 25 per cent of the appropriation for 79509
state-supported community colleges, state community colleges, and 79510
technical colleges as established in division (A)(1) of the 79511
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 79512
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 79513
for colleges in proportion to their share of college student 79514
success factors. 79515

Student success factors shall be awarded at the institutional 79516
level for each student that successfully: 79517

(a) Completes a developmental math course and, within the 79518
next year, enrolls in a college-level math course. 79519

(b) Completes a developmental English course and, within the 79520
next year, enrolls in a college-level English course. 79521

(c) Completes 12 semester credit hours of college-level 79522
coursework. 79523

(d) Completes 24 semester credit hours of college-level 79524
coursework. 79525

(e) Completes 36 semester credit hours of college-level coursework. 79526
79527

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for completion milestones. 79528
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Completion milestones shall include associate degrees, technical certificates over 30 credit hours as designated by the Department of Higher Education, and students transferring to any four-year institution with at least 12 credit hours of college-level coursework earned at that community college, state community college, or technical college. 79535
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The completion milestone funding shall be allocated to colleges in proportion to each institution's share of the sector's total completion milestones, weighted by the instructional cost of the associate degree, certificate, or transfer models. Costs for technical certificates over 30 hours shall be weighted at one-half of the associate degree model costs and transfers with at least 12 credit hours of college-level coursework shall be weighted at one-fourth of the average cost for all associate degree model costs. 79541
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(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations: 79550
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79552

(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion metrics. 79553
79554

(b) The subsidy eligible completion milestones by model shall equal only those students who successfully complete an associate 79555
79556

degree or technical certificate over 30 credit hours, or transfer 79557
to any four-year institution with at least 12 credit hours of 79558
college-level coursework as defined and reported in the Higher 79559
Education Information (HEI) system. Student completions reported 79560
in HEI shall have an accompanying course enrollment record in 79561
order to be subsidy eligible. 79562

(c) Those students with successful completions for associate 79563
degrees, technical certificates over 30 credit hours, or transfer 79564
to any four-year institution with at least 12 credit hours of 79565
college-level coursework, identified in division (E)(3) of this 79566
section, that are defined as access students based on financial 79567
status, minority status, age, or academic under-preparation shall 79568
have their eligible completions weighted by a statewide access 79569
weight. The weight shall be 25 per cent for students with one 79570
access factor, 66 per cent for students with two access factors, 79571
150 per cent for students with three access factors, and 200 per 79572
cent for students with four access factors. 79573

(d) For those students who complete more than one completion 79574
milestone, funding for each additional associate degree or 79575
technical certificate over 30 credit hours designated as such by 79576
the Department of Higher Education shall be funded at 50 per cent 79577
of the model costs as defined in division (3) of this section. 79578

(F) CAPITAL COMPONENT DEDUCTION 79579

After all other adjustments have been made, state share of 79580
instruction earnings shall be reduced for each campus by the 79581
amount, if any, by which debt service charged in Am. H.B. 748 of 79582
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 79583
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 79584
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 79585
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 79586
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 79587
562 of the 127th General Assembly for that campus exceeds that 79588

campus's capital component earnings. The sum of the amounts 79589
deducted shall be transferred to appropriation item 235552, 79590
Capital Component, in each fiscal year. 79591

(G) EXCEPTIONAL CIRCUMSTANCES 79592

Adjustments may be made to the state share of instruction 79593
payments and other subsidies distributed by the Chancellor of 79594
Higher Education to state colleges and universities for 79595
exceptional circumstances. No adjustments for exceptional 79596
circumstances may be made without the recommendation of the 79597
Chancellor and the approval of the Controlling Board. 79598

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 79599
INSTRUCTION 79600

The standard provisions of the state share of instruction 79601
calculation as described in the preceding sections of temporary 79602
law shall apply to any reductions made to appropriation item 79603
235501, State Share of Instruction, before the Chancellor has 79604
formally approved the final allocation of the state share of 79605
instruction funds for any fiscal year. 79606

Any reductions made to appropriation item 235501, State Share 79607
of Instruction, after the Chancellor has formally approved the 79608
final allocation of the state share of instruction funds for any 79609
fiscal year, shall be uniformly applied to each campus in 79610
proportion to its share of the final allocation. 79611

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 79612

The state share of instruction payments to the institutions 79613
shall be in substantially equal monthly amounts during the fiscal 79614
year, unless otherwise determined by the Director of Budget and 79615
Management pursuant to section 126.09 of the Revised Code. 79616
Payments during the first six months of the fiscal year shall be 79617
based upon the state share of instruction appropriation estimates 79618
made for the various institutions of higher education and payments 79619

during the last six months of the fiscal year shall be based on 79620
the final data from the Chancellor. 79621

(J) STUDY ON THE USE OF EMPLOYMENT METRICS FOR THE STATE 79622
SHARE OF INSTRUCTION FORMULAS 79623

The Inter-University Council and Ohio Association of 79624
Community Colleges shall each recommend eight members representing 79625
their institutions to serve on the Employment Metrics 79626
Consultation, which shall assist the Chancellor of Higher 79627
Education to study the most appropriate formula weights for 79628
post-graduation employment measures that may be used in the 79629
distribution to universities and community colleges from the 79630
foregoing appropriation item 235501, State Share of Instruction, 79631
beginning in fiscal year 2022. The Chancellor, or the Chancellor's 79632
designee, shall lead the Consultation and call its first meeting. 79633
The Consultation shall research the most appropriate data sources 79634
available to measure employment outcomes and evaluate the public 79635
policy benefits of adding such measures to the current State Share 79636
of Instruction allocation formulas to reward institutional 79637
performance of job placement. The Consultation shall also identify 79638
and evaluate the most critical factors that should be considered 79639
as possible enhancements to the formula, such as the relevance of 79640
graduates' degrees to job placement, employment in Ohio versus out 79641
of state, placement in high demand fields, and other qualitative 79642
factors. Separate allocation factors may be considered within each 79643
sector's share of the foregoing appropriation item 235501, State 79644
Share of Instruction. The study shall be completed by June 30, 79645
2020. 79646

Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 79647
2020 AND 2021 79648

(A) The foregoing appropriation item 235501, State Share of 79649
Instruction, shall be distributed according to the section of this 79650

act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 79651

(1) Of the foregoing appropriation item 235501, State Share 79652
of Instruction, \$460,818,566 in fiscal year 2020 and \$465,426,752 79653
in fiscal year 2021 shall be distributed to state-supported 79654
community colleges, state community colleges, and technical 79655
colleges. 79656

(2) Of the foregoing appropriation item 235501, State Share 79657
of Instruction, \$1,538,392,149 in fiscal year 2020 and 79658
\$1,553,776,070 in fiscal year 2021 shall be distributed to 79659
state-supported university main and regional campuses. 79660

Any increases in the amount distributed to an institution 79661
from appropriation item 235501, State Share of Instruction, above 79662
the prior year shall be used by the institution to provide 79663
need-based aid and to provide counseling, support services, and 79664
workforce preparation services to students. 79665

Section 381.160. RESTRICTION ON FEE INCREASES 79666

(A) In fiscal years 2020 and 2021, the boards of trustees of 79667
state institutions of higher education shall restrain increases in 79668
in-state undergraduate instructional and general fees. 79669

(1) For the 2019-2020 and 2020-2021 academic years, each 79670
state university or college, as defined in section 3345.12, 79671
university branch established under Chapter 3355., community 79672
college established under Chapter 3354., state community college 79673
established under Chapter 3358., or technical college established 79674
under Chapter 3357. of the Revised Code shall not increase its 79675
in-state undergraduate instructional and general fees by more than 79676
two per cent over what the institution charged for the previous 79677
academic year. Increases for all other special fees, including the 79678
creation of new special fees, shall be subject to the approval of 79679
the Chancellor of Higher Education. 79680

(2) The limitations under division (A)(1) of this section do 79681
not apply to room and board, student health insurance, fees for 79682
auxiliary goods or services provided to students at the cost 79683
incurred to the institution, fees assessed to students as a 79684
pass-through for licensure and certification examinations, fees in 79685
elective courses associated with travel experiences, elective 79686
service charges, fines, voluntary sales transactions, fees, which 79687
may appear directly on a student's tuition bill as assessed by the 79688
institution's bursar, to offset the cost of providing textbooks to 79689
students, and, subject to approval of the chancellor, fees for 79690
student mental health and substance abuse services. 79691

(B) The limitations under this section shall not apply to 79692
increases required to comply with institutional covenants related 79693
to their obligations or to meet unfunded legal mandates or legally 79694
binding obligations incurred or commitments made prior to the 79695
effective date of this section with respect to which the 79696
institution had identified such fee increases as the source of 79697
funds. Any increase required by such covenants and any such 79698
mandates, obligations, or commitments shall be reported by the 79699
Chancellor of Higher Education to the Controlling Board. These 79700
limitations may also be modified by the Chancellor, with the 79701
approval of the Controlling Board, to respond to exceptional 79702
circumstances as identified by the Chancellor. 79703

(C) Institutions offering an undergraduate tuition guarantee 79704
pursuant to section 3345.48 of the Revised Code may increase 79705
instructional and general fees pursuant to that section. 79706

(D) The Chancellor may establish a differential tuition 79707
program for undergraduate students. If the Chancellor establishes 79708
such a program, eligible institutions may offer the program to 79709
eligible students. The Chancellor shall develop criteria for 79710
participation in the program that may include, but not be limited 79711
to, requirements that revenues generated by the program shall 79712

support student services and need-based financial aid. 79713

Section 381.165. STUDY REGARDING PAST-DUE FEES 79714

(A) As used in this section, "state institution of higher 79715
education" has the same meaning as in section 3345.011 of the 79716
Revised Code. 79717

(B) The Chancellor of Higher Education, in consultation with 79718
state institutions of higher education, shall conduct a study 79719
regarding general and special fees incurred by students that are 79720
past-due and the best practices to collect those fees before they 79721
are certified to the Attorney General for debt collection. In 79722
conducting the study, the Chancellor shall review the June 2017 79723
Report of the Attorney General's Student Debt Advisory Group. The 79724
Chancellor also shall investigate, among other things, all of the 79725
following: 79726

(1) State institutions' obtaining express prior consent from 79727
students to allow institutions, and third parties collecting debts 79728
on behalf of institutions, to contact students using the most 79729
effective forms of communication available; 79730

(2) The adoption of statewide uniform standards for fees and 79731
penalties and certification practices for student debts; 79732

(3) State institutions' notifying students that past-due 79733
debts will be transferred to the Attorney General for debt 79734
collection; 79735

(4) An amnesty program for past-due fees, including the 79736
feasibility of the program, the criteria under which a student may 79737
qualify, and any other program component determined appropriate by 79738
the Chancellor. 79739

(C) Not later than December 31, 2019, the Chancellor, in 79740
consultation with state institutions of higher education, shall 79741
submit a report based on the study to the General Assembly in 79742

accordance with section 101.68 of the Revised Code. The report 79743
shall include recommendations regarding the following: 79744

(1) The best practices to collect past-due general and 79745
special fees before the fees must be certified to the Attorney 79746
General; 79747

(2) Any changes to the Revised Code and the Administrative 79748
Code that may be needed for a uniform statewide policy regarding 79749
the collection of past-due general and special fees. 79750

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES 79751

(A) Funds appropriated for instructional subsidies at 79752
colleges and universities may be used to provide such branch or 79753
other off-campus undergraduate courses of study and such master's 79754
degree courses of study as may be approved by the Chancellor of 79755
Higher Education. 79756

(B) In providing instructional and other services to 79757
students, boards of trustees of state institutions of higher 79758
education shall supplement state subsidies with income from 79759
charges to students. Except as otherwise provided in this act, 79760
each board shall establish the fees to be charged to all students, 79761
including an instructional fee for educational and associated 79762
operational support of the institution and a general fee for 79763
noninstructional services, including locally financed student 79764
services facilities used for the benefit of enrolled students. The 79765
instructional fee and the general fee shall encompass all charges 79766
for services assessed uniformly to all enrolled students. Each 79767
board may also establish special purpose fees, service charges, 79768
and fines as required; such special purpose fees and service 79769
charges shall be for services or benefits furnished individual 79770
students or specific categories of students and shall not be 79771
applied uniformly to all enrolled students. A tuition surcharge 79772
shall be paid by all students who are not residents of Ohio. 79773

The board of trustees of a state institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees.

Each state institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

(C) The boards of trustees of state institutions of higher education shall ensure that faculty members devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per academic term per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Chancellor of Higher Education.

(D) The authority of government vested by law in the boards of trustees of state institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the

exclusive prerogative of boards of trustees. Any delegation of 79806
authority by a board of trustees in other areas of responsibility 79807
shall be accompanied by appropriate standards of guidance 79808
concerning expected objectives in the exercise of such delegated 79809
authority and shall be accompanied by periodic review of the 79810
exercise of this delegated authority to the end that the public 79811
interest, in contrast to any institutional or special interest, 79812
shall be served. 79813

Section 381.180. WAR ORPHANS SCHOLARSHIPS 79814

The foregoing appropriation item 235504, War Orphans 79815
Scholarships, shall be used to reimburse state institutions of 79816
higher education for waivers of instructional fees and general 79817
fees provided by them, to provide grants to institutions that have 79818
received a certificate of authorization from the Chancellor of 79819
Higher Education under Chapter 1713. of the Revised Code, in 79820
accordance with the provisions of section 5910.04 of the Revised 79821
Code, and to fund additional scholarship benefits provided by 79822
section 5910.032 of the Revised Code. 79823

During each fiscal year, the Chancellor, as soon as possible 79824
after cancellation, may certify to the Director of Budget and 79825
Management the amount of canceled prior-year encumbrances in 79826
appropriation item 235504, War Orphans Scholarships. Upon receipt 79827
of the certification, the Director of Budget and Management may 79828
transfer cash, up to the certified amount, from the General 79829
Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 79830
5PW0). 79831

Section 381.200. OHIOLINK 79832

The foregoing appropriation item 235507, OhioLINK, shall be 79833
used by the Chancellor of Higher Education to support OhioLINK, a 79834
consortium organized under division (T) of section 3333.04 of the 79835

Revised Code to serve as the state's electronic library 79836
information and retrieval system, which provides access statewide 79837
to an extensive set of electronic databases and resources, the 79838
library holdings of Ohio's public and participating private 79839
nonprofit colleges and universities, and the State Library of 79840
Ohio. 79841

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 79842

The foregoing appropriation item 235508, Air Force Institute 79843
of Technology, shall be used to: (A) strengthen the research and 79844
educational linkages between the Wright Patterson Air Force Base 79845
and institutions of higher education in Ohio; and (B) support the 79846
Defense Associated Graduate Student Innovators, an engineering 79847
graduate consortium of Wright State University, the University of 79848
Dayton, and the Air Force Institute of Technology, with the 79849
participation of the University of Cincinnati and The Ohio State 79850
University. 79851

Section 381.220. OHIO SUPERCOMPUTER CENTER 79852

The foregoing appropriation item 235510, Ohio Supercomputer 79853
Center, shall be used by the Chancellor of Higher Education to 79854
support the operation of the Ohio Supercomputer Center, a 79855
consortium organized under division (T) of section 3333.04 of the 79856
Revised Code, located at The Ohio State University. The Ohio 79857
Supercomputer Center is a statewide resource available to Ohio 79858
research universities both public and private. It is also intended 79859
that the center be made accessible to private industry as 79860
appropriate. 79861

The Ohio Supercomputer Center's services shall support Ohio's 79862
colleges, universities, and businesses to make Ohio a leader in 79863
using computational science, modeling, and simulation to promote 79864
higher education, research, and economic competitiveness. 79865

Section 381.230. COOPERATIVE EXTENSION SERVICE 79866

The foregoing appropriation item 235511, Cooperative 79867
Extension Service, shall be disbursed through the Chancellor of 79868
Higher Education to The Ohio State University in monthly payments, 79869
unless otherwise determined by the Director of Budget and 79870
Management under section 126.09 of the Revised Code. 79871

Section 381.240. CENTRAL STATE SUPPLEMENT 79872

The foregoing appropriation item 235514, Central State 79873
Supplement, shall be disbursed by the Chancellor of Higher 79874
Education to Central State University in accordance with the plan 79875
developed by the Chancellor and submitted to the Governor and the 79876
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 79877
General Assembly. Funds shall be used in a manner consistent with 79878
the goals of increasing enrollment, improving course completion, 79879
and increasing the number of degrees conferred. 79880

Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 79881
MEDICINE 79882

The foregoing appropriation item 235515, Case Western Reserve 79883
University School of Medicine, shall be disbursed to Case Western 79884
Reserve University through the Chancellor of Higher Education in 79885
accordance with agreements entered into under section 3333.10 of 79886
the Revised Code, provided that the state support per full-time 79887
medical student shall not exceed that provided to full-time 79888
medical students at state universities. 79889

Section 381.260. FAMILY PRACTICE 79890

The foregoing appropriation item 235519, Family Practice, 79891
shall be distributed in each fiscal year, based on each medical 79892
school's share of residents placed in a family practice and 79893

graduates practicing in a family practice. 79894

Section 381.270. SHAWNEE STATE SUPPLEMENT 79895

The foregoing appropriation item 235520, Shawnee State 79896
Supplement, shall be disbursed by the Chancellor of Higher 79897
Education to Shawnee State University in accordance with the plan 79898
developed by the Chancellor and submitted to the Governor and the 79899
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 79900
General Assembly. Funds shall be used in a manner consistent with 79901
the goals of improving course completion, increasing the number of 79902
degrees conferred, and furthering the university's mission of 79903
service to the Appalachian region. 79904

Section 381.280. GERIATRIC MEDICINE 79905

The Chancellor of Higher Education shall distribute 79906
appropriation item 235525, Geriatric Medicine, consistent with 79907
existing criteria and guidelines. 79908

Section 381.285. PRIMARY CARE RESIDENCIES 79909

The foregoing appropriation item 235526, Primary Care 79910
Residencies, shall be distributed in each fiscal year, based on 79911
each medical school's share of residents placed in a primary care 79912
field and graduates practicing in a primary care field. 79913

Section 381.288. PROGRAM AND PROJECT SUPPORT 79914

Of the foregoing appropriation item 235533, Program and 79915
Project Support, \$500,000 in fiscal year 2020 shall be allocated 79916
to the Levin College of Urban Affairs at Cleveland State 79917
University. 79918

Of the foregoing appropriation item, 235533, Program and 79919
Project Support, \$125,000 in each fiscal year shall be used by the 79920
Chancellor of Higher Education to support the expansion of an 79921

unmanned aviation STEM pilot program for public and nonpublic 79922
schools in Clark County. 79923

Of the foregoing appropriation item 235533, Program and 79924
Project Support, \$100,000 in each fiscal year shall be allocated 79925
to support the Kent State University Rising Scholars Program. 79926

Of the foregoing appropriation item 235533, Program and 79927
Project Support, \$28,000 in each fiscal year shall be allocated to 79928
support Cincinnati Hillel at the University of Cincinnati. 79929

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 79930
CENTER 79931

The foregoing appropriation item 235535, Ohio Agricultural 79932
Research and Development Center, shall be disbursed through the 79933
Chancellor of Higher Education to The Ohio State University in 79934
monthly payments, unless otherwise determined by the Director of 79935
Budget and Management under section 126.09 of the Revised Code. 79936

The Ohio Agricultural Research and Development Center, an 79937
entity of the College of Food, Agricultural, and Environmental 79938
Sciences of The Ohio State University, shall further its mission 79939
of enhancing Ohio's economic development and job creation by 79940
continuing to internally allocate on a competitive basis 79941
appropriated funding of programs based on demonstrated 79942
performance. Academic units, faculty, and faculty-driven programs 79943
shall be evaluated and rewarded consistent with agreed-upon 79944
performance expectations as called for in the College's 79945
Expectations and Criteria for Performance Assessment. 79946

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 79947

The foregoing appropriation items 235536, The Ohio State 79948
University Clinical Teaching; 235537, University of Cincinnati 79949
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 79950
235539, Wright State University Clinical Teaching; 235540, Ohio 79951

University Clinical Teaching; and 235541, Northeast Ohio Medical 79952
University Clinical Teaching, shall be distributed through the 79953
Chancellor of Higher Education. 79954

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 79955
DEVELOPMENT 79956

The foregoing appropriation item 235546, Central State 79957
Agricultural Research and Development, shall be used in 79958
conjunction with appropriation item 235548, Central State 79959
Cooperative Extension Services, by Central State University for 79960
its state match requirement as an 1890 land grant university. 79961

Section 381.320. CAPITAL COMPONENT 79962

The foregoing appropriation item 235552, Capital Component, 79963
shall be used by the Chancellor of Higher Education to provide 79964
funding for prior commitments made pursuant to the state's former 79965
capital funding policy for state colleges and universities that 79966
was originally established in Am. H.B. 748 of the 121st General 79967
Assembly. Appropriations from this item shall be distributed to 79968
all campuses for which the estimated campus debt service 79969
attributable to qualifying capital projects was less than the 79970
campus's formula-determined capital component allocation. Campus 79971
allocations shall be determined by subtracting the estimated 79972
campus debt service attributable to qualifying capital projects 79973
from the campus's formula-determined capital component allocation. 79974
Moneys distributed from this appropriation item shall be 79975
restricted to capital-related purposes. 79976

Any campus for which the estimated campus debt service 79977
attributable to qualifying capital projects is greater than the 79978
campus's formula-determined capital component allocation shall 79979
have the difference subtracted from its State Share of Instruction 79980
allocation in each fiscal year. Appropriation equal to the sum of 79981

all such amounts shall be transferred from appropriation item 79982
235501, State Share of Instruction, to appropriation item 235552, 79983
Capital Component. 79984

Section 381.330. LIBRARY DEPOSITORIES 79985

The foregoing appropriation item 235555, Library 79986
Depositories, shall be distributed to the state's five regional 79987
depository libraries for the cost-effective storage of and access 79988
to lesser-used materials in university library collections. The 79989
depositories shall be administrated by the Chancellor of Higher 79990
Education, or by OhioLINK at the discretion of the Chancellor. 79991

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 79992

The foregoing appropriation item 235556, Ohio Academic 79993
Resources Network, shall be used by the Chancellor of Higher 79994
Education to support the operations of the Ohio Academic Resources 79995
Network, a consortium organized under division (T) of section 79996
3333.04 of the Revised Code, which shall include support for 79997
Ohio's colleges and universities in maintaining and enhancing 79998
network connections, using new network technologies to improve 79999
research, education, and economic development programs, and 80000
sharing information technology services. To the extent network 80001
capacity is available, OARnet shall support allocating bandwidth 80002
to eligible programs directly supporting Ohio's economic 80003
development. 80004

Section 381.350. LONG-TERM CARE RESEARCH 80005

The foregoing appropriation item 235558, Long-term Care 80006
Research, shall be disbursed to Miami University for long-term 80007
care research. 80008

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT 80009

(A) Except as provided in division (C) of this section: 80010

Of the foregoing appropriation item 235563, Ohio College 80011
Opportunity Grant, at least \$113,700,000 in fiscal year 2020 and 80012
at least \$139,700,000 in fiscal year 2021 shall be used by the 80013
Chancellor of Higher Education to award need-based financial aid 80014
to students enrolled in eligible public and private nonprofit 80015
institutions of higher education, excluding early college high 80016
school and post-secondary enrollment option participants. 80017

The remainder of the foregoing appropriation item 235563, 80018
Ohio College Opportunity Grant, shall be used by the Chancellor to 80019
award needs-based financial aid to students enrolled in eligible 80020
private for-profit career colleges and schools. 80021

(B)(1) As used in this section: 80022

(a) "Eligible institution" means any institution described in 80023
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 80024
Code. 80025

(b) The three "sectors" of institutions of higher education 80026
consist of the following: 80027

(i) State colleges and universities, community colleges, 80028
state community colleges, university branches, and technical 80029
colleges; 80030

(ii) Eligible private nonprofit institutions of higher 80031
education; 80032

(iii) Eligible private for-profit career colleges and 80033
schools. 80034

(2) Awards for students attending eligible state colleges and 80035
universities shall be \$1,900 in fiscal year 2020 and \$2,400 in 80036
fiscal year 2021, and for students attending eligible private 80037
nonprofit institutions of higher education shall be \$3,400 in 80038
fiscal year 2020 and \$3,900 in fiscal year 2021. 80039

For students attending an eligible institution year-round, 80040
awards may be distributed on an annual basis, once Pell grants 80041
have been exhausted. 80042

(3) If the Chancellor determines that the amounts 80043
appropriated for support of the Ohio College Opportunity Grant 80044
program are inadequate to provide grants to all eligible students 80045
as calculated under division (D) of section 3333.122 of the 80046
Revised Code, the Chancellor may create a distribution formula for 80047
fiscal year 2020 and fiscal year 2021 based on the formula used in 80048
fiscal year 2019, or may follow methods established in division 80049
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 80050
Chancellor shall notify the Controlling Board of the distribution 80051
method. Any formula calculated under this division shall be 80052
complete and established to coincide with the start of the 80053
2019-2020 academic year. 80054

(C) Prior to determining the amount of funds available to 80055
award under this section and section 3333.122 of the Revised Code, 80056
the Chancellor shall use the foregoing appropriation item 235563, 80057
Ohio College Opportunity Grant, to pay for waivers of tuition and 80058
student fees for eligible students under the Ohio Safety Officer's 80059
College Memorial Fund Program under sections 3333.26 of the 80060
Revised Code. In paying for waivers under this division, the 80061
Chancellor shall deduct funds from the allocations made under 80062
division (A) of this section. Deductions shall be proportionate to 80063
the amounts allocated to each sector from the total amounts 80064
appropriated for each sector under the foregoing appropriation 80065
item 235563, Ohio College Opportunity Grant. 80066

In each fiscal year, with the exception of sections 3333.121 80067
and 3333.124 of the Revised Code and the section of this act 80068
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 80069
shall not distribute or obligate or commit to be distributed an 80070
amount greater than what is appropriated under the foregoing 80071

appropriation item 235563, Ohio College Opportunity Grant. 80072

(D) The Chancellor shall establish, and post on the 80073
Department of Higher Education's web site, award tables based on 80074
any formulas created under division (B) of this section. The 80075
Chancellor shall notify students and institutions of any 80076
reductions in awards under this section. 80077

(E) Notwithstanding section 3333.122 of the Revised Code, no 80078
student shall be eligible to receive an Ohio College Opportunity 80079
Grant for more than ten semesters, fifteen quarters, or the 80080
equivalent of five academic years, less the number of semesters or 80081
quarters in which the student received an Ohio Instructional 80082
Grant. 80083

(F) During each fiscal year, the Chancellor, as soon as 80084
possible after cancellation, may certify to the Director of Budget 80085
and Management the amount of canceled prior-year encumbrances in 80086
appropriation item 235563, Ohio College Opportunity Grant. Upon 80087
receipt of the certification, the Director of Budget and 80088
Management may transfer cash, up to the certified amount, from the 80089
General Revenue Fund to the Ohio College Opportunity Grant Program 80090
Reserve Fund (Fund 5PU0). 80091

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 80092

The foregoing appropriation item 235572, The Ohio State 80093
University Clinic Support, shall be distributed through the 80094
Chancellor of Higher Education to The Ohio State University for 80095
support of dental and veterinary medicine clinics. 80096

Section 381.373. CO-OP INTERNSHIP PROGRAM 80097

Of the foregoing appropriation item 235591, Co-op Internship 80098
Program, \$612,500 in fiscal year 2020 and \$812,500 in fiscal year 80099
2021 shall be used to support the operations of Ohio University's 80100
Voinovich School. 80101

Of the foregoing appropriation item 235591, Co-op Internship Program, \$62,500 in each fiscal year shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$62,500 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$100,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and are participating in the Washington Center Internship Program.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the operations of the Center for Liberal Arts Student Success at Wright State University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the Kent State University Columbus Program.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$25,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Model United Nations Program at Wright State University.

Section 381.375. HIGH SCHOOL STEM INNOVATION AND OHIO COLLEGE SCHOLARSHIP AND RETENTION PROGRAM

(A) The foregoing appropriation item 235597, High School STEM Innovation and Ohio College Scholarship and Retention Program, shall be distributed by the Chancellor of Higher Education to the Ohio Academy of Science, in collaboration with Entrepreneurial Engagement Ohio, for the continuing development and implementation of recommendations of the Ohio Board of Regents that seek to create an innovation pathway between Ohio's K-12 education system and Ohio's colleges and universities and post-secondary career centers and vocational schools. The purpose of this program is to create a "Culture of Innovation" in Ohio high schools, promote Ohio as a great place for high school students to continue their educations and careers, and to provide college scholarships to encourage Ohio's most innovative and entrepreneurial high school students to remain in Ohio by focusing on the practical application of science, technology, engineering, and mathematics,

including related medicine, health and arts fields, and the 80164
development of an entrepreneurial mindset and critical thinking 80165
skills that will be needed by today's students in Ohio's 80166
innovation economy. 80167

(B) The High School STEM Innovation and Ohio College 80168
Scholarship and Retention Program shall: 80169

(1) Conduct STEM Innovation and Entrepreneurship forums at 80170
Ohio's universities and colleges for high school students and 80171
educators; 80172

(2) Develop an in-school STEM Innovation and Entrepreneurship 80173
Program and STEM Commercialization Plan and STEM Business Plan 80174
competitions that include student incentive awards for competition 80175
winners and related curriculum, content and other program support 80176
to teachers and students; 80177

(3) Conduct a statewide STEM Commercialization Plan and STEM 80178
Business Plan competition, open to the winners of related local 80179
high school competition award winners, that includes scholarships 80180
to attend any Ohio college, university, or post-secondary career 80181
center; 80182

(4) Conduct a statewide Innovation and Entrepreneurship 80183
Scholarship program that awards at least one scholarship to attend 80184
any Ohio college in each Ohio Senate and House District. Ohio high 80185
school students who have distinguished themselves in a significant 80186
STEM, entrepreneurship, or innovation program competition or 80187
accomplishment shall be eligible to apply for this scholarship 80188
program. 80189

(C) All aspects of the High School STEM Innovation and Ohio 80190
College Scholarship and Retention Program shall be open to any 80191
Ohio high school student, with an emphasis on minority, rural and 80192
economically disadvantaged students. 80193

(D) The High School STEM Innovation and Ohio College 80194

Scholarship and Retention Program shall collaborate with Ohio's 80195
colleges and universities, and existing STEM, innovation, and 80196
entrepreneurship programs to implement these provisions and 80197
encourage enrollment at Ohio institutions of post-secondary and 80198
higher education. 80199

Section 381.376. RURAL UNIVERSITY PROGRAM 80200

The foregoing appropriation item 235598, Rural University 80201
Program, shall be used for the Rural University Program, a 80202
collaboration of Bowling Green State University, Kent State 80203
University, Miami University, and Ohio University that provides 80204
rural communities with economic development, public 80205
administration, and public health services. Each of the four 80206
participating universities shall receive \$125,000 in each fiscal 80207
year to support their respective programs. 80208

Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 80209

The Chancellor of Higher Education shall disburse funds from 80210
appropriation item 235599, National Guard Scholarship Program. 80211
During each fiscal year, the Chancellor, as soon as possible after 80212
cancellation, may certify to the Director of Budget and Management 80213
the amount of canceled prior-year encumbrances in appropriation 80214
item 235599, National Guard Scholarship Program. Upon receipt of 80215
the certification, the Director of Budget and Management may 80216
transfer cash, up to the certified amount, from the General 80217
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 80218
5BM0). 80219

Section 381.390. PLEDGE OF FEES 80220

Any new pledge of fees, or new agreement for adjustment of 80221
fees, made in the biennium ending June 30, 2021, to secure bonds 80222
or notes of a state institution of higher education for a project 80223

for which bonds or notes were not outstanding on the effective 80224
date of this section or to secure a refund of prior debt that is 80225
anticipated to increase the total cost of retiring the original 80226
debt shall be effective only after approval by the Chancellor of 80227
Higher Education, unless approved in a previous biennium. 80228

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND 80229
DEBT SERVICE 80230

The foregoing appropriation item 235909, Higher Education 80231
General Obligation Bond Debt Service, shall be used to pay all 80232
debt service and related financing costs during the period from 80233
July 1, 2019, through June 30, 2021, for obligations issued under 80234
sections 151.01 and 151.04 of the Revised Code. 80235

Section 381.410. SALES AND SERVICES 80236

The Chancellor of Higher Education is authorized to charge 80237
and accept payment for the provision of goods and services. Such 80238
charges shall be reasonably related to the cost of producing the 80239
goods and services. Except as otherwise provided by law, no 80240
charges may be levied for goods or services that are produced as 80241
part of the routine responsibilities or duties of the Chancellor. 80242
All revenues received by the Chancellor shall be deposited into 80243
Fund 4560, and may be used by the Chancellor to pay for the costs 80244
of producing the goods and services. 80245

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 80246
ADMINISTRATION 80247

The foregoing appropriation item 235602, Higher Educational 80248
Facility Commission Administration, shall be used by the 80249
Chancellor of Higher Education for operating expenses related to 80250
the Chancellor's support of the activities of the Ohio Higher 80251
Educational Facility Commission. Upon the request of the 80252

Chancellor, the Director of Budget and Management may transfer up 80253
to \$50,000 cash in each fiscal year from the HEFC Operating 80254
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 80255
4E80). 80256

Section 381.440. FEDERAL RESEARCH NETWORK 80257

The foregoing appropriation item 235654, Federal Research 80258
Network, shall be allocated to The Ohio State University to 80259
collaborate with federal installations in Ohio, state institutions 80260
of higher education as defined in section 3345.011 of the Revised 80261
Code, private nonprofit institutions of higher education holding 80262
certificates of authorization under Chapter 1713. of the Revised 80263
Code, and the private sector to align the state's research assets 80264
with emerging missions and job growth opportunities emanating from 80265
federal installations, strengthen related workforce development 80266
and technology commercialization programs, and better position the 80267
state's university system to directly impact new job creation in 80268
Ohio. A portion of the foregoing appropriation item 235654, 80269
Federal Research Network, shall be used to support the growth of 80270
small business federal contractors in the state and to expand the 80271
participation of Ohio businesses in the federal Small Business 80272
Innovation Research Program and related federal programs. 80273

Section 381.450. JOBS CHALLENGE 80274

The foregoing appropriation item 235529, Jobs Challenge, 80275
shall be distributed by the Chancellor of Higher Education to 80276
community colleges, state community colleges, and technical 80277
colleges and Ohio Technical Centers, as recognized by the 80278
Chancellor, to support noncredit job related workforce training 80279
programs. The funds shall be used to provide assistance to 80280
eligible community, state community, and technical colleges and 80281
Ohio Technical Centers with initial expenses to develop the 80282

programs. The funds may also be used by community, state 80283
community, and technical colleges and Ohio Technical Centers to 80284
establish noncredit job training partnerships with businesses and 80285
industries to train employees in in-demand fields. The Chancellor, 80286
in consultation with the Governor's Office of Workforce 80287
Transformation, the Ohio Association of Community Colleges, and 80288
the Ohio Technical Centers, shall develop rules for distribution 80289
of funds provided under the program. 80290

OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM 80291

The foregoing appropriation item 235684, OhioMeansJobs 80292
Workforce Development Revolving Loan Program, shall be used by the 80293
Chancellor of Higher Education to provide administrative support 80294
for the OhioMeansJobs Workforce Development Revolving Loan 80295
Program. 80296

Section 381.460. OHIOCORPS PILOT PROGRAM 80297

Of the appropriation item 235594, OhioCorps Pilot Program, up 80298
to \$50,000 in each fiscal year shall be used by the Chancellor of 80299
Higher Education to implement and administer the OhioCorps Pilot 80300
Program pursuant to sections 3333.80 to 3333.802 of the Revised 80301
Code. 80302

The remainder of the appropriation item 235594, OhioCorps 80303
Pilot Program, shall be used by the Chancellor of Higher Education 80304
to assist eligible state institutions of higher education, as 80305
defined in division (A)(4) of section 3333.80 of the Revised Code, 80306
in establishing and administering OhioCorps mentorship programs 80307
under section 3333.80 of the Revised Code. 80308

On July 1, 2019, or as soon as possible thereafter, the 80309
Chancellor of Higher Education may certify to the Director of 80310
Budget and Management an amount up to the unexpended, unencumbered 80311
balance of the appropriation item, 235594, OhioCorps Pilot 80312

Program, at the end of fiscal year 2019 to be reappropriated to 80313
fiscal year 2020. The amount certified is hereby reappropriated to 80314
the same appropriation item for fiscal year 2020 for purposes of 80315
providing funds to support mentorship programs under the OhioCorps 80316
Pilot Program. 80317

On July 1, 2020, or as soon as possible thereafter, the 80318
Chancellor of Higher Education may certify to the Director of 80319
Budget and Management an amount up to the unexpended, unencumbered 80320
balance of the appropriation item, 235594, OhioCorps Pilot 80321
Program, at the end of fiscal year 2020 to be reappropriated to 80322
fiscal year 2021. The amount certified is hereby reappropriated to 80323
the same appropriation item for fiscal year 2021 for purposes of 80324
providing funds to support mentorship programs under the OhioCorps 80325
Pilot Program. 80326

TEXTBOOK AND INSTRUCTIONAL MATERIALS GRANTS 80327

The foregoing appropriation item 235671, Textbook and 80328
Instructional Materials Grants, shall be used by the Chancellor of 80329
Higher Education to award grants to students enrolled in eligible 80330
community colleges, state community colleges, technical colleges, 80331
and university branches for the purchase of textbooks and 80332
instructional materials. Annual grants may be awarded to students 80333
meeting eligibility requirements determined by the Chancellor of 80334
Higher Education. 80335

Section 381.470. STATE FINANCIAL AID RECONCILIATION 80336

By the first day of September in each fiscal year, or as soon 80337
as possible thereafter, the Chancellor of Higher Education shall 80338
certify to the Director of Budget and Management the amount 80339
necessary to pay any outstanding prior year obligations to higher 80340
education institutions for the state's financial aid programs. The 80341
amounts certified are hereby appropriated to appropriation item 80342
235618, State Financial Aid Reconciliation, from revenues received 80343

in the State Financial Aid Reconciliation Fund (Fund 5Y50). 80344

Section 381.480. NURSING LOAN PROGRAM 80345

The foregoing appropriation item 235606, Nursing Loan 80346
Program, shall be used to administer the nurse education 80347
assistance program. 80348

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 80349

The foregoing appropriation items 235634, Research Incentive 80350
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 80351
shall be used by the Chancellor of Higher Education to advance 80352
collaborative research at institutions of higher education. Of the 80353
foregoing appropriation items 235634, Research Incentive Third 80354
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 80355
to \$2,000,000 in each fiscal year may be allocated toward research 80356
regarding the improvement of water quality, up to \$1,500,000 in 80357
each fiscal year may be allocated for spinal cord research, up to 80358
\$1,000,000 in each fiscal year may be allocated toward research 80359
regarding the reduction of infant mortality, up to \$1,000,000 in 80360
each fiscal year may be allocated toward research regarding opiate 80361
addiction issues in Ohio, up to \$750,000 in each fiscal year may 80362
be allocated toward research regarding cyber security initiatives, 80363
up to \$300,000 in each fiscal year may be allocated toward the 80364
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 80365
be allocated toward the Ohio Innovation Exchange program. 80366

Section 381.530. VETERANS PREFERENCES 80367

The Chancellor of Higher Education shall work with the 80368
Department of Veterans Services to develop specific veterans 80369
preference guidelines for higher education institutions. These 80370
guidelines shall ensure that the institutions' hiring practices 80371
are in accordance with the intent of Ohio's veterans preference 80372

laws. 80373

Section 381.540. (A) As used in this section: 80374

(1) "Board of trustees" includes the managing authority of a 80375
university branch district. 80376

(2) "State institution of higher education" has the same 80377
meaning as in section 3345.011 of the Revised Code. 80378

(B) The board of trustees of any state institution of higher 80379
education, notwithstanding any rule of the institution to the 80380
contrary, may adopt a policy providing for mandatory furloughs of 80381
employees, including faculty, to achieve spending reductions 80382
necessitated by institutional budget deficits. 80383

Section 381.550. EFFICIENCY REPORTS 80384

In each fiscal year, the board of trustees of each public 80385
institution of higher education shall approve the institution's 80386
efficiency report submitted to the Chancellor of Higher Education 80387
under section 3333.95 of the Revised Code. 80388

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 80389

For each fiscal year, each institution of higher education 80390
that receives funds from the foregoing appropriation items 235515, 80391
Case Western Reserve University School of Medicine, 235519, Family 80392
Practice, 235525, Geriatric Medicine, 235526, Primary Care 80393
Residencies, 235536, The Ohio State University Clinical Teaching, 80394
235537, University of Cincinnati Clinical Teaching, 235538, 80395
University of Toledo Clinical Teaching, 235539, Wright State 80396
University Clinical Teaching, 235540, Ohio University Clinical 80397
Teaching, 235541, Northeast Ohio Medical University Clinical 80398
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 80399
State University Clinic Support, shall report to the Chancellor of 80400
Higher Education the residency status of graduates from the 80401

respective programs receiving support from those appropriation 80402
items one year and five years after graduating. 80403

Section 381.580. The Chancellor of Higher Education shall 80404
support the continued development of the Ohio Innovation Exchange 80405
for the purpose of showcasing the research expertise of Ohio's 80406
university and college faculty in a variety of fields, including, 80407
but not limited to, engineering, biomedicine, and information 80408
technology, and to identify institutional research equipment 80409
available in the state. 80410

Section 381.590. The Chancellor of Higher Education shall 80411
work with state institutions of higher education, as defined by 80412
section 3345.011 of the Revised Code, Ohio Technical Centers, as 80413
recognized by the Chancellor, and industry partners to develop 80414
program models that include project-based learning to increase 80415
continuing education and non-credit program offerings that lead to 80416
a credential in order to meet the state's in-demand job needs. 80417

Section 381.610. HEALTH CARE WORKFORCE PREPARATION 80418

The Chancellor shall establish the Ohio Physician and Allied 80419
Health Care Workforce Preparation Task Force to study, evaluate, 80420
and make recommendations with respect to health care workforce 80421
needs in Ohio. Topics considered by the task force may include, 80422
but not be limited to, physician, nursing, and allied health care 80423
education programs and health care workforce shortages in Ohio. 80424
The Chancellor shall appoint task force members with 80425
representation from the State Medical Board, medical school deans, 80426
hospital administrators, physician and nursing organizations, and 80427
other allied health personnel as the Chancellor may decide. The 80428
task force shall convene as soon as practicable and issue a report 80429
to the Governor, the Speaker and Minority Leader of the House of 80430
Representatives, and the President and Minority Leader of the 80431

Senate by March 1, 2020. 80432

Section 381.620. FUND NAME CHANGES 80433

On July 1, 2019, or as soon as possible thereafter, the 80434
Director of Budget and Management shall rename the SchoolNet Fees 80435
Fund (Fund 5D40) the Conference Administration Fund (Fund 5D40). 80436

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 80437
CORRECTION 80438

General Revenue Fund 80439

GRF 501321 Institutional \$ 1,126,589,266 \$ 1,167,132,362 80440
Operations

GRF 501405 Halfway House \$ 69,440,618 \$ 74,922,786 80441

GRF 501406 Adult Correctional \$ 64,797,700 \$ 72,940,500 80442
Facilities Lease
Rental Bond Payments

GRF 501407 Community \$ 59,410,711 \$ 61,966,863 80443
Nonresidential
Programs

GRF 501408 Community Misdemeanor \$ 9,356,800 \$ 9,356,800 80444
Programs

GRF 501501 Community Residential \$ 80,102,332 \$ 81,704,378 80445
Programs - Community
Based Correctional
Facilities

GRF 503321 Parole and Community \$ 86,373,348 \$ 88,673,763 80446
Operations

GRF 504321 Administrative \$ 24,909,617 \$ 24,800,000 80447
Operations

GRF 505321 Institution Medical \$ 283,935,623 \$ 295,579,451 80448
Services

GRF 506321 Institution Education \$ 34,795,550 \$ 35,092,283 80449

Services			
TOTAL GRF General Revenue Fund	\$ 1,839,711,565	\$ 1,912,169,186	80450
Dedicated Purpose Fund Group			80451
4B00 501601 Sewer Treatment	\$ 1,759,683	\$ 1,800,000	80452
Services			
4D40 501603 Prisoner Programs	\$ 400,000	\$ 400,000	80453
4L40 501604 Transitional Control	\$ 2,449,420	\$ 2,450,000	80454
4S50 501608 Education Services	\$ 4,546,081	\$ 4,660,000	80455
5AF0 501609 State and Non-Federal	\$ 1,375,000	\$ 2,375,000	80456
Awards			
5H80 501617 Offender Financial	\$ 2,610,000	\$ 1,860,000	80457
Responsibility			
5TZ0 501610 Probation Improvement	\$ 5,000,000	\$ 5,000,000	80458
and Incentive Grants			
TOTAL DPF Dedicated Purpose Fund	\$ 18,140,184	\$ 18,545,000	80459
Group			
Internal Service Activity Fund Group			80460
1480 501602 Institutional	\$ 2,925,000	\$ 2,850,000	80461
Services			
2000 501607 Ohio Penal Industries	\$ 47,053,957	\$ 46,515,000	80462
4830 501605 Leased Property	\$ 2,000,000	\$ 2,000,000	80463
Maintenance and			
Operating			
5710 501606 Corrections Training	\$ 980,000	\$ 980,000	80464
Maintenance and			
Operating			
5L60 501611 Information	\$ 500,000	\$ 500,000	80465
Technology Services			
TOTAL ISA Internal Activity			80466
Fund Group	\$ 53,458,957	\$ 52,845,000	80467
Federal Fund Group			80468
3230 501619 Federal Grants	\$ 1,566,734	\$ 1,540,000	80469

3CW0 501622 Federal Equitable	\$	450,000	\$	450,000	80470
Sharing					
TOTAL FED Federal					80471
Fund Group	\$	2,016,734	\$	1,990,000	80472
TOTAL ALL BUDGET FUND GROUPS	\$	1,913,327,440	\$	1,985,549,186	80473
OSU MEDICAL CHARGES					80474
Notwithstanding section 341.192 of the Revised Code, at the					80475
request of the Department of Rehabilitation and Correction, the					80476
Ohio State University Medical Center, including the Arthur G.					80477
James Cancer Hospital and Richard J. Solove Research Institute and					80478
the Richard M. Ross Heart Hospital, shall provide necessary care					80479
to persons who are confined in state adult correctional					80480
facilities. The provision of necessary inpatient care billed to					80481
the Department shall be reimbursed at a rate not to exceed the					80482
authorized reimbursement rate for the same service established by					80483
the Department of Medicaid under the Medicaid Program.					80484
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS					80485
The foregoing appropriation item 501406, Adult Correctional					80486
Facilities Lease Rental Bond Payments, shall be used to meet all					80487
payments during the period from July 1, 2019, through June 30,					80488
2021, by the Department of Rehabilitation and Correction pursuant					80489
to leases and agreements for facilities made under Chapters 152.					80490
and 154. of the Revised Code. These appropriations are the source					80491
of funds pledged for bond service charges on related obligations					80492
issued under Chapters 152. and 154. of the Revised Code.					80493
INSTITUTION EDUCATION SERVICES					80494
Of the foregoing appropriation item 506321, Institution					80495
Education Services, \$1,450,000 in each fiscal year shall be used					80496
to pay for the costs associated with providing postsecondary					80497
education programs to eligible students.					80498
Of the foregoing appropriation item 506321, Institution					80499

Education Services, \$329,293 in each fiscal year shall be used to 80500
pay for the costs to expand the current certificate offering for 80501
students eligible for postsecondary education programs to attain 80502
degree credentials in employment fields of study. 80503

Of the foregoing appropriation item 506321, Institution 80504
Education Services, up to \$620,500 in each fiscal year shall be 80505
used to pay for the costs to expand postsecondary education 80506
programing to security level 3 and 4 correctional institutions. 80507
Notwithstanding any provision of law to the contrary, the Director 80508
of Rehabilitation and Correction shall have sole discretion on the 80509
allocation these funds based upon needs of the security level 3 80510
and 4 correctional institutions and those individuals classified 80511
as such. Any unused balance in each fiscal year may be used to 80512
cover the costs of postsecondary education programs other than 80513
security level 3 and 4 correctional institutions or individuals 80514
classified as such. 80515

Of the foregoing appropriation item 506321, Institution 80516
Education Services, \$192,490 in each fiscal year shall be used to 80517
pay for the costs associated with increasing tuition for 80518
postsecondary education programming by 5 per cent. 80519

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 80520

The foregoing appropriation item 501610, Probation 80521
Improvement and Incentive Grants, shall be allocated by the 80522
Department of Rehabilitation and Correction to municipalities as 80523
Probation Improvement and Incentive Grants with an emphasis on: 80524
(1) providing services to those addicted to opiates and other 80525
illegal substances, and (2) supplementing the programs and 80526
services funded by grants distributed from the foregoing 80527
appropriation item 501407, Community Nonresidential Programs. 80528

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS 80529

General Revenue Fund Group				80530
GRF	110908	Property Tax	\$ 645,785,000 \$ 652,242,850	80531
		Reimbursement - Local Government		
GRF	200903	Property Tax	\$ 1,199,315,000 \$ 1,211,308,150	80532
		Reimbursement - Education		
TOTAL GRF General Revenue Fund Group			\$ 1,845,100,000 \$ 1,863,551,000	80533
Revenue Distribution Fund Group				80534
5JG0	110633	Gross Casino Revenue Payments-County	\$ 144,150,000 \$ 147,030,000	80535
5JH0	110634	Gross Casino Revenue Payments- School Districts	\$ 95,880,000 \$ 97,800,000	80536
5JJ0	110636	Gross Casino Revenue - Host City	\$ 14,150,000 \$ 14,430,000	80537
7047	200902	Property Tax Replacement Phase Out-Education	\$ 135,105,080 \$ 111,196,773	80538
7049	336900	Indigent Drivers Alcohol Treatment	\$ 2,250,000 \$ 2,250,000	80539
7050	762900	International Registration Plan Distribution	\$ 23,000,000 \$ 23,000,000	80540
7051	762901	Auto Registration Distribution	\$ 328,000,000 \$ 328,000,000	80541
7060	110960	Gasoline Excise Tax Fund	\$ 576,000,000 \$ 576,000,000	80542
7065	110965	Public Library Fund	\$ 417,300,000 \$ 424,900,000	80543
7066	800966	Undivided Liquor Permits	\$ 14,600,000 \$ 14,600,000	80544

7069	110969	Local Government Fund	\$	412,300,000	\$	419,900,000	80545
7081	110907	Property Tax	\$	11,804,000	\$	8,620,000	80546
		Replacement Phase					
		Out-Local Government					
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000	80547
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000	80548
TOTAL RDF Revenue Distribution							80549
Fund Group				\$ 2,175,599,080	\$ 2,168,786,773		80550
Fiduciary Fund Group							80551
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000	80552
		Improvement Fund					
5VR0	110902	Municipal Net Profit	\$	30,000,000	\$	35,000,000	80553
		Tax					
6080	001699	Investment Earnings	\$	140,000,000	\$	160,000,000	80554
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000	80555
		Local Government					
		Payments					
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000	80556
		Tax Distribution					
7063	110963	Permissive Sales Tax	\$	2,733,517,000	\$	2,815,522,510	80557
		Distribution					
7067	110967	School District	\$	469,248,000	\$	488,017,920	80558
		Income Tax					
		Distribution					
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	80559
		Dependents Fund					
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000	80560
7094	110641	Wireless 9-1-1	\$	25,700,000	\$	25,700,000	80561
		Government Assistance					
7095	110995	Municipal Income Tax	\$	15,000,000	\$	15,000,000	80562
7099	762902	Permissive Tax	\$	213,100,000	\$	222,700,000	80563
		Distribution - Auto					
		Registration					

TOTAL FID Fiduciary Fund Group	\$ 3,632,405,000	\$ 3,767,780,430	80564
Holding Account Fund Group			80565
R045 110617 International Fuel	\$ 56,100,000	\$ 56,100,000	80566
Tax Distribution			
TOTAL HLD Holding Account Fund	\$ 56,100,000	\$ 56,100,000	80567
Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 7,709,204,080	\$ 7,856,218,203	80568

Section 387.20. ADDITIONAL APPROPRIATIONS 80570

Appropriation items in Section 387.10 of this act shall be 80571
used for the purpose of administering and distributing the 80572
designated revenue distribution funds according to the Revised 80573
Code. If it is determined that additional appropriations are 80574
necessary for this purpose in any appropriation items in Section 80575
387.10 of this act, such amounts are hereby appropriated. 80576

GENERAL REVENUE FUND TRANSFERS 80577

Notwithstanding any provision of law to the contrary, in 80578
fiscal year 2020 and fiscal year 2021, the Director of Budget and 80579
Management may transfer from the General Revenue Fund to the Local 80580
Government Tangible Property Tax Replacement Fund (Fund 7081) and 80581
the School District Tangible Property Tax Replacement Fund (Fund 80582
7047) in the Revenue Distribution Fund Group, those amounts 80583
necessary to reimburse local taxing units and school districts 80584
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 80585
fiscal year 2020 and fiscal year 2021, the Director of Budget and 80586
Management may make temporary transfers from the General Revenue 80587
Fund to ensure sufficient balances in the Local Government 80588
Tangible Property Tax Replacement Fund (Fund 7081) and the School 80589
District Tangible Property Tax Replacement Fund (Fund 7047) and to 80590
replenish the General Revenue Fund for such transfers. 80591

PROPERTY TAX REIMBURSEMENT - EDUCATION 80592

The foregoing appropriation item 200903, Property Tax 80593
Reimbursement - Education, is appropriated to pay for the state's 80594
costs incurred because of the homestead exemption, the property 80595
tax rollback, and payments required under division (C) of section 80596
5705.2110 of the Revised Code. In cooperation with the Department 80597
of Taxation, the Department of Education shall distribute these 80598
funds directly to the appropriate school districts of the state, 80599
notwithstanding sections 321.24 and 323.156 of the Revised Code, 80600
which provide for payment of the homestead exemption and property 80601
tax rollback by the Tax Commissioner to the appropriate county 80602
treasurer and the subsequent redistribution of these funds to the 80603
appropriate local taxing districts by the county auditor. 80604

Upon receipt of these amounts, each school district shall 80605
distribute the amount among the proper funds as if it had been 80606
paid as real or tangible personal property taxes. Payments for the 80607
costs of administration shall continue to be paid to the county 80608
treasurer and county auditor as provided for in sections 319.54, 80609
321.26, and 323.156 of the Revised Code. 80610

Any sums, in addition to the amount specifically appropriated 80611
in appropriation item 200903, Property Tax Reimbursement - 80612
Education, for the homestead exemption and the property tax 80613
rollback payments, and payments required under division (C) of 80614
section 5705.2110 of the Revised Code, which are determined to be 80615
necessary for these purposes, are hereby appropriated. 80616

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 80617

The foregoing appropriation item 110908, Property Tax 80618
Reimbursement-Local Government, is hereby appropriated to pay for 80619
the state's costs incurred due to the Homestead Exemption, the 80620
Manufactured Home Property Tax Rollback, and the Property Tax 80621
Rollback. The Tax Commissioner shall distribute these funds 80622
directly to the appropriate local taxing districts, except for 80623
school districts, notwithstanding the provisions in sections 80624

321.24 and 323.156 of the Revised Code, which provide for payment 80625
of the Homestead Exemption, the Manufactured Home Property Tax 80626
Rollback, and Property Tax Rollback by the Tax Commissioner to the 80627
appropriate county treasurer and the subsequent redistribution of 80628
these funds to the appropriate local taxing districts by the 80629
county auditor. 80630

Upon receipt of these amounts, each local taxing district 80631
shall distribute the amount among the proper funds as if it had 80632
been paid as real property taxes. Payments for the costs of 80633
administration shall continue to be paid to the county treasurer 80634
and county auditor as provided for in sections 319.54, 321.26, and 80635
323.156 of the Revised Code. 80636

Any sums, in addition to the amounts specifically 80637
appropriated in appropriation item 110908, Property Tax Allocation 80638
- Local Government, for the Homestead Exemption, the Manufactured 80639
Home Property Tax Rollback, and the Property Tax Rollback 80640
payments, which are determined to be necessary for these purposes, 80641
are hereby appropriated. 80642

PUBLIC LIBRARY FUND 80643

Notwithstanding the requirement in division (B) of section 80644
131.51 of the Revised Code that the Director of Budget and 80645
Management shall credit to the Public Library Fund one and 80646
sixty-six one-hundredths per cent of the total tax revenue 80647
credited to the General Revenue Fund during the preceding month, 80648
the Director shall instead calculate these amounts during fiscal 80649
year 2020 and fiscal year 2021 using one and sixty-eight 80650
one-hundredths as the percentage. 80651

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 80652

Notwithstanding any provision of law to the contrary, in 80653
fiscal years 2020 and 2021, any city, local, or exempted village 80654
school district that has a nuclear power plant located within its 80655

territory shall receive the same payment amount under section 80656
5709.92 of the Revised Code as in fiscal year 2017. 80657

MUNICIPAL INCOME TAX 80658

The foregoing appropriation item 110995, Municipal Income 80659
Tax, shall be used to make payments to municipal corporations 80660
under section 5745.05 of the Revised Code. If it is determined 80661
that additional appropriations are necessary to make such 80662
payments, such amounts are hereby appropriated. 80663

MUNICIPAL NET PROFIT TAX 80664

The foregoing appropriation item 110902, Municipal Net Profit 80665
Tax, shall be used to make payments to municipal corporations 80666
under section 718.83 of the Revised Code. If it is determined that 80667
additional amounts are necessary to make such payments, such 80668
amounts are hereby appropriated. 80669

During fiscal year 2020 and fiscal year 2021, if the Tax 80670
Commissioner determines that there is insufficient cash in the 80671
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 80672
distribution obligations under section 718.83 of the Revised Code, 80673
the Tax Commissioner shall certify to the Director of Budget and 80674
Management the amount of additional cash necessary to satisfy 80675
those obligations. In addition, the Commissioner shall submit a 80676
plan to the Director requesting the necessary cash be transferred 80677
from one or a combination of the following funds: the Municipal 80678
Income Tax Administrative Fund, the Local Sales Tax Administrative 80679
Fund, the General School District Income Tax Administrative Fund, 80680
the Motor Fuel Tax Administrative Fund, the Property Tax 80681
Administrative Fund, or the General Revenue Fund. This plan shall 80682
include a proposed repayment schedule to reimburse those funds for 80683
any cash transferred in accordance with this section. After 80684
receiving the certification and funding plan from the Tax 80685
Commissioner and if the Director determines that sufficient cash 80686

is available, the Director may transfer the cash to the Municipal 80687
Net Profit Tax Fund in accordance with the plan submitted by the 80688
Tax Commissioner or as otherwise determined by the Director of 80689
Budget and Management. The Director of Budget and Management may 80690
transfer cash from the Municipal Net Profit Tax Fund to reimburse 80691
the funds from which cash was transferred for the purpose outlined 80692
in this section. 80693

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND 80694

General Revenue Fund 80695

GRF 226321	Operations	\$	12,440,519	\$	12,576,088	80696
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TOTAL GRF General Revenue Fund		\$	12,440,519	\$	12,576,088	80697
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Dedicated Purpose Fund Group 80698

4H80 226602	Education Reform	\$	200,000	\$	200,000	80699
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Grants

4M50 226601	Work Study and	\$	299,645	\$	300,000	80700
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Technology Investment

5NJ0 226622	Food Service Program	\$	10,162	\$	10,500	80701
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TOTAL DPF Dedicated Purpose						80702
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Fund Group		\$	509,807	\$	510,500	80703
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Federal Fund Group 80704

3100 226626	Federal Grants	\$	773,386	\$	778,500	80705
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3DT0 226621	Ohio Transition	\$	260,369	\$	265,000	80706
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Collaborative

3P50 226643	Medicaid Professional	\$	100,000	\$	100,000	80707
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Services

Reimbursement

TOTAL FED Federal Fund Group		\$	1,133,755	\$	1,143,500	80708
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TOTAL ALL BUDGET FUND GROUPS		\$	14,084,081	\$	14,230,088	80709
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Section 393.10. OSD OHIO SCHOOL FOR THE DEAF 80711

General Revenue Fund 80712

GRF 221321	Operations	\$	13,082,919	\$	13,594,347	80713
TOTAL GRF	General Revenue Fund	\$	13,082,919	\$	13,594,347	80714
Dedicated Purpose Fund Group						80715
4M00 221601	Educational Program	\$	99,025	\$	101,000	80716
	Expenses					
4M10 221602	Education Reform	\$	200,000	\$	200,000	80717
	Grants					
5H60 221609	Even Start Fees and	\$	60,941	\$	63,000	80718
	Gifts					
5NK0 221610	Food Service Program	\$	10,244	\$	10,500	80719
TOTAL DPF	Dedicated Purpose					80720
Fund Group		\$	370,210	\$	374,500	80721
Federal Fund Group						80722
3110 221625	Federal Grants	\$	279,550	\$	281,000	80723
3R00 221684	Medicaid Professional	\$	206,000	\$	206,000	80724
	Services					
	Reimbursement					
TOTAL FED	Federal Fund Group	\$	485,550	\$	487,000	80725
TOTAL ALL BUDGET FUND GROUPS		\$	13,938,679	\$	14,455,847	80726
 Section 395.10. SOS SECRETARY OF STATE						80728
General Revenue Fund						80729
GRF 050321	Operating Expenses	\$	1,750,000	\$	1,750,000	80730
GRF 050407	Poll Workers Training	\$	234,196	\$	234,196	80731
GRF 050509	County Voting Systems	\$	10,116,000	\$	12,279,200	80732
	Lease Rental Payments					
TOTAL GRF	General Revenue Fund	\$	12,100,196	\$	14,263,396	80733
Dedicated Purpose Fund Group						80734
4120 050609	Notary Commission	\$	475,000	\$	475,000	80735
4S80 050610	Board of Voting	\$	7,200	\$	7,200	80736
	Machine Examiners					
5990 050603	Business Services	\$	13,961,351	\$	14,310,430	80737

		Operating Expenses				
5990	050629	Statewide Voter	\$	700,000	\$	700,000 80738
		Registration Database				
5990	050630	Elections Support	\$	2,209,204	\$	2,288,196 80739
		Supplement				
5FG0	050620	BOE Reimbursement and	\$	200,000	\$	200,000 80740
		Education				
5SN0	050626	Address	\$	100,000	\$	100,000 80741
		Confidentiality				
TOTAL	DPF	Dedicated Purpose Fund	\$	17,652,755	\$	18,080,826 80742
		Group				
		Holding Account Fund Group				80743
R002	050606	Corporate/Business	\$	85,000	\$	85,000 80744
		Filing Refunds				
TOTAL	HLD	Holding Account Fund	\$	85,000	\$	85,000 80745
		Group				
		Federal Fund Group				80746
3AS0	050616	Help America Vote Act	\$	2,740,000	\$	1,750,000 80747
		(HAVA)				
TOTAL	FED	Federal Fund Group	\$	2,740,000	\$	1,750,000 80748
TOTAL	ALL	BUDGET FUND GROUPS	\$	32,577,951	\$	34,179,222 80749

Section 395.20. POLL WORKERS TRAINING 80751

The foregoing appropriation item 050407, Poll Workers 80752
Training, shall be used to reimburse county boards of elections 80753
for precinct election official (PEO) training pursuant to section 80754
3501.27 of the Revised Code. An amount equal to the unexpended, 80755
unencumbered portion of the foregoing appropriation item 050407, 80756
Poll Workers Training at the end of fiscal year 2020 is hereby 80757
reappropriated to fiscal year 2021 for the same purpose. 80758

STATEWIDE VOTING AND TABULATION EQUIPMENT 80759

An amount equal to the unexpended, unencumbered portion of 80760

appropriation item 050508, Statewide Voting and Tabulation 80761
Equipment, at the end of fiscal year 2019 is hereby reappropriated 80762
to the same appropriation item for fiscal year 2020. The 80763
reappropriated amounts shall be used to reimburse counties in an 80764
amount up to but not exceeding the county's allocated funding 80765
amount for expenditures related to the acquisition or lease of 80766
voting systems that were made on or after January 1, 2014, and 80767
prior to July 30, 2018. 80768

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 80769

The foregoing appropriation item 050509, County Voting 80770
Systems Lease Rental Payments, shall be used to make payments 80771
during the period from July 1, 2019, through June 30, 2021, 80772
pursuant to leases and agreements entered into under Section 4 of 80773
S.B. 135 of the 132nd General Assembly with respect to financing 80774
the costs associated with the acquisition, development, 80775
installation, and implementation of county voting systems. 80776

BOARD OF VOTING MACHINE EXAMINERS 80777

The foregoing appropriation item 050610, Board of Voting 80778
Machine Examiners, shall be used to pay for the services and 80779
expenses of the members of the Board of Voting Machine Examiners, 80780
and for other expenses that are authorized to be paid from the 80781
Board of Voting Machine Examiners Fund (Fund 4S80) created in 80782
section 3506.05 of the Revised Code. Moneys not used shall be 80783
returned to the person or entity submitting equipment for 80784
examination. If it is determined by the Secretary of State that 80785
additional appropriation amounts are necessary, the Secretary of 80786
State may request that the Director of Budget and Management 80787
approve such amounts. Upon approval of the Director of Budget and 80788
Management, such amounts are hereby appropriated. 80789

BALLOT ADVERTISING COSTS 80790

Notwithstanding division (G) of section 3501.17 of the 80791

Revised Code, upon requests submitted by the Secretary of State, 80792
the Controlling Board may approve transfers from the Controlling 80793
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 80794
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 80795
the cost of public notices associated with statewide ballot 80796
initiatives. 80797

ABSENT VOTER'S BALLOT APPLICATION MAILING 80798

Notwithstanding division (B) of section 111.31 of the Revised 80799
Code, upon the request of the Secretary of State, the Controlling 80800
Board shall approve cash and appropriation transfers from the 80801
Controlling Board Emergency Purposes/Contingencies Fund (Fund 80802
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 80803
5RG0) to be used by the Secretary of State to pay the costs of 80804
printing and mailing unsolicited applications for absent voters' 80805
ballots for the general election to be held in November 2020. 80806

ADDRESS CONFIDENTIALITY PROGRAM 80807

Upon the request of the Secretary of State, the Director of 80808
Budget and Management may transfer up to \$50,000 per fiscal year 80809
in cash from the Business Services Operating Expenses Fund (Fund 80810
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 80811

CORPORATE/BUSINESS FILING REFUNDS 80812

The foregoing appropriation item 050606, Corporate/Business 80813
Filing Refunds, shall be used to hold revenues until they are 80814
directed to the appropriate accounts or until they are refunded. 80815
If it is determined by the Secretary of State that additional 80816
appropriation amounts are necessary, the Secretary of State may 80817
request that the Director of Budget and Management approve such 80818
amounts. Upon approval of the Director of Budget and Management, 80819
such amounts are hereby appropriated. 80820

HAVA FUNDS 80821

An amount equal to the unexpended, unencumbered portion of 80822
appropriation item 050616, Help America Vote Act (HAVA), at the 80823
end of fiscal year 2019 is hereby reappropriated for the same 80824
purpose in fiscal year 2020. 80825

An amount equal to the unexpended, unencumbered portion of 80826
appropriation item 050616, Help America Vote Act (HAVA), at the 80827
end of fiscal year 2020 is hereby reappropriated for the same 80828
purpose in fiscal year 2021. 80829

Section 397.10. SEN THE OHIO SENATE 80830

General Revenue Fund 80831

GRF 020321 Operating Expenses	\$	15,902,029	\$	15,902,029	80832
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TOTAL GRF General Revenue Fund	\$	15,902,029	\$	15,902,029	80833
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Internal Service Activity Fund Group 80834

1020 020602 Senate Reimbursement	\$	425,800	\$	425,800	80835
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4090 020601 Miscellaneous Sales	\$	34,497	\$	34,497	80836
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TOTAL ISA Internal Service Activity 80837

Fund Group	\$	460,297	\$	460,297	80838
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TOTAL ALL BUDGET FUND GROUPS	\$	16,362,326	\$	16,362,326	80839
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OPERATING EXPENSES 80840

On July 1, 2019, or as soon as possible thereafter, the Clerk 80841
of the Senate may certify to the Director of Budget and Management 80842
an amount up to the unexpended, unencumbered balance of the 80843
foregoing appropriation item 020321, Operating Expenses, at the 80844
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 80845
The amount certified is hereby reappropriated to the same 80846
appropriation item for fiscal year 2020. 80847

On July 1, 2020, or as soon as possible thereafter, the Clerk 80848
of the Senate may certify to the Director of Budget and Management 80849
an amount up to the unexpended, unencumbered balance of the 80850
foregoing appropriation item 020321, Operating Expenses, at the 80851

end of fiscal year 2020 to be reappropriated to fiscal year 2021. 80852
The amount certified is hereby reappropriated to the same 80853
appropriation item for fiscal year 2021. 80854

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 80855

General Revenue Fund 80856

GRF 866321 CSV Operations	\$	557,176	\$	555,971	80857
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TOTAL GRF General Revenue Fund	\$	557,176	\$	555,971	80858
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Dedicated Purpose Fund Group 80859

5GN0 866605 Serve Ohio Support	\$	30,000	\$	30,000	80860
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TOTAL DPF Dedicated Purpose Fund	\$	30,000	\$	30,000	80861
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Group

Federal Fund Group 80862

3R70 866617 AmeriCorps Programs	\$	9,649,635	\$	9,671,749	80863
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TOTAL FED Federal Fund Group	\$	9,649,635	\$	9,671,749	80864
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TOTAL ALL BUDGET FUND GROUPS	\$	10,236,811	\$	10,257,720	80865
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Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 80867

Debt Service Fund Group 80868

7070 155905 Third Frontier	\$	84,181,400	\$	87,403,000	80869
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Research and
Development Bond
Retirement Fund

7072 155902 Highway Capital	\$	152,796,000	\$	164,693,700	80870
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Improvement Bond
Retirement Fund

7073 155903 Natural Resources Bond	\$	20,359,800	\$	20,420,700	80871
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Retirement Fund

7074 155904 Conservation Projects	\$	44,218,800	\$	44,394,800	80872
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Bond Retirement Fund

7076 155906 Coal Research and	\$	8,123,100	\$	7,682,600	80873
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Development Bond

		Retirement Fund				
7077	155907	State Capital	\$	229,338,800	\$	231,754,500 80874
		Improvement Bond				
		Retirement Fund				
7078	155908	Common Schools Bond	\$	410,259,800	\$	424,825,900 80875
		Retirement Fund				
7079	155909	Higher Education Bond	\$	323,545,500	\$	348,550,200 80876
		Retirement Fund				
7080	155901	Persian Gulf,	\$	5,092,400	\$	5,586,600 80877
		Afghanistan, and Iraq				
		Conflict Bond				
		Retirement Fund				
7090	155912	Job Ready Site	\$	15,516,000	\$	9,879,900 80878
		Development Bond				
		Retirement Fund				
TOTAL	DSF	Debt Service Fund Group	\$	1,293,431,600	\$	1,345,191,900 80879
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,293,431,600	\$	1,345,191,900 80880
		ADDITIONAL APPROPRIATIONS				80881
		Appropriation items in this section are for the purpose of				80882
		paying debt service and financing costs during the period from				80883
		July 1, 2019, through June 30, 2021, on bonds or notes of the				80884
		state issued under the Ohio Constitution, Revised Code, and acts				80885
		of the General Assembly. If it is determined that additional				80886
		amounts are necessary for this purpose, such amounts are hereby				80887
		appropriated.				80888
		Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				80889
		DEVELOPMENT FOUNDATION				80890
		Dedicated Purpose Fund Group				80891
5M90	945601	Operating Expenses	\$	294,906	\$	300,910 80892
TOTAL	DPF	Dedicated Purpose Fund	\$	294,906	\$	300,910 80893
		Group				

TOTAL ALL BUDGET FUND GROUPS	\$	294,906	\$	300,910	80894
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Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS 80896

BOARD					80897
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Dedicated Purpose Fund Group					80898
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4K90 123609 Operating Expenses	\$	620,000	\$	636,709	80899
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TOTAL DPF Dedicated Purpose Fund	\$	620,000	\$	636,709	80900
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	620,000	\$	636,709	80901
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Section 407.10. BTA BOARD OF TAX APPEALS 80903

General Revenue Fund					80904
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GRF 116321 Operating Expenses	\$	1,845,494	\$	1,857,751	80905
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TOTAL GRF General Revenue Fund	\$	1,845,494	\$	1,857,751	80906
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TOTAL ALL BUDGET FUND GROUPS	\$	1,845,494	\$	1,857,751	80907
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Section 409.10. TAX DEPARTMENT OF TAXATION 80909

General Revenue Fund					80910
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GRF 110321 Operating Expenses	\$	61,292,238	\$	62,378,576	80911
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GRF 110404 Tobacco Settlement	\$	145,479	\$	150,810	80912
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Enforcement

TOTAL GRF General Revenue Fund	\$	61,437,717	\$	62,529,386	80913
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Dedicated Purpose Fund Group					80914
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2280 110628 CAT Administration	\$	13,872,268	\$	14,254,131	80915
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4350 110607 Local Tax	\$	30,409,575	\$	31,020,628	80916
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Administration

4360 110608 Motor Vehicle Audit	\$	1,982,731	\$	2,000,000	80917
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Administration

4380 110609 School District	\$	9,027,264	\$	9,200,001	80918
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Income Tax

Administration

4C60 110616 International	\$	683,494	\$	705,869	80919
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		Registration Plan				
		Administration				
4R60	110610	Tire Tax	\$	177,706	\$	180,000 80920
		Administration				
5BP0	110639	Wireless 9-1-1	\$	296,210	\$	298,794 80921
		Administration				
5JM0	110637	Casino Tax	\$	125,000	\$	125,000 80922
		Administration				
5N50	110605	Municipal Income Tax	\$	400,000	\$	400,000 80923
		Administration				
5N60	110618	Kilowatt Hour Tax	\$	96,954	\$	100,000 80924
		Administration				
5NY0	110643	Petroleum Activity	\$	992,581	\$	1,000,000 80925
		Tax Administration				
5V70	110622	Motor Fuel Tax	\$	5,899,525	\$	6,000,000 80926
		Administration				
5V80	110623	Property Tax	\$	5,872,025	\$	6,000,000 80927
		Administration				
6390	110614	Cigarette Tax	\$	1,548,152	\$	1,599,999 80928
		Enforcement				
6880	110615	Local Excise Tax	\$	588,213	\$	600,000 80929
		Administration				
TOTAL DPF		Dedicated Purpose Fund	\$	71,971,698	\$	73,484,422 80930
Group						
Fiduciary Fund		Group				80931
4250	110635	Tax Refunds	\$	2,205,303,300	\$	2,179,769,300 80932
5CZ0	110631	Vendor's License	\$	380,000	\$	380,000 80933
		Application				
6420	110613	Ohio Political Party	\$	180,000	\$	180,000 80934
		Distributions				
TOTAL FID		Fiduciary Fund Group	\$	2,205,863,300	\$	2,180,329,300 80935
Holding Account		Fund Group				80936

R010	110611	Tax Distributions	\$	25,000	\$	25,000	80937
R011	110612	Miscellaneous Income	\$	500	\$	500	80938
Tax Receipts							
TOTAL	HLD	Holding Account Fund	\$	25,500	\$	25,500	80939
Group							
TOTAL	ALL	BUDGET FUND GROUPS	\$	2,339,298,215	\$	2,316,368,608	80940

Section 409.20. TAX REFUNDS 80942

The foregoing appropriation item 110635, Tax Refunds, shall 80943
be used to pay refunds under section 5703.052 of the Revised Code. 80944
If it is determined that additional appropriations are necessary 80945
for this purpose, such amounts are hereby appropriated. 80946

VENDOR'S LICENSE PAYMENTS 80947

The foregoing appropriation item 110631, Vendor's License 80948
Application, shall be used to make payments to county auditors 80949
under section 5739.17 of the Revised Code. If it is determined 80950
that additional appropriations are necessary to make such 80951
payments, such amounts are hereby appropriated. 80952

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 80953

The foregoing appropriation item 110616, International 80954
Registration Plan Administration, shall be used under section 80955
5703.12 of the Revised Code for audits of persons with vehicles 80956
registered under the International Registration Plan. 80957

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 80958

Of the foregoing appropriation item 110607, Local Tax 80959
Administration, the Tax Commissioner may disburse funds, if 80960
available, for the purposes of paying travel expenses incurred by 80961
members of Ohio's delegation to the Streamlined Sales Tax Project, 80962
as appointed under section 5740.02 of the Revised Code. Any travel 80963
expense reimbursement paid for by the Department of Taxation shall 80964
be done in accordance with applicable state laws and guidelines. 80965

TOBACCO SETTLEMENT ENFORCEMENT 80966

The foregoing appropriation item 110404, Tobacco Settlement 80967
Enforcement, shall be used by the Tax Commissioner to pay costs 80968
incurred in the enforcement of divisions (F) and (G) of section 80969
5743.03 of the Revised Code. 80970

PROPERTY TAX ADMINISTRATION 80971

Notwithstanding section 5703.80 or division (F) of section 80972
321.24 of the Revised Code, in fiscal years 2020 and 2021, the Tax 80973
Commissioner shall not compute or certify the amounts calculated 80974
under divisions (A) and (B) of that section as amended by this 80975
act. The Director of Budget and Management shall not transfer any 80976
amounts from the General Revenue Fund to the Property Tax 80977
Administration Fund in fiscal year 2020 or fiscal year 2021. In 80978
fiscal years 2020 and 2021, the Tax Commissioner shall not 80979
subtract any amounts computed under section 5703.80 of the Revised 80980
Code, as amended by this act, from the payments made from the 80981
General Revenue Fund to county treasurers under division (F) of 80982
section 321.24 of the Revised Code. 80983

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION 80984

General Revenue Fund 80985

GRF 775451 Public Transportation \$ 6,505,199 \$ 6,505,199 80986
- State

GRF 776465 Rail Development \$ 2,000,000 \$ 2,000,000 80987

GRF 777471 Airport Improvements \$ 5,919,687 \$ 5,919,687 80988
- State

TOTAL GRF General Revenue Fund \$ 14,424,886 \$ 14,424,886 80989

Dedicated Purpose Fund Group 80990

5QT0 776670 Ohio Maritime \$ 10,000,000 \$ 10,000,000 80991
Assistance Program

TOTAL DPF Dedicated Purpose Fund \$ 10,000,000 \$ 10,000,000 80992

Group

TOTAL ALL BUDGET FUND GROUPS	\$	24,424,886	\$	24,424,886	80993
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Section 411.20. OHIO MARITIME ASSISTANCE PROGRAM	80995
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The foregoing appropriation item 776670, Ohio Maritime	80996
Assistance Program, shall be used for the Ohio Maritime Assistance	80997
Program established in section 5501.91 of the Revised Code.	80998

Notwithstanding anything to the contrary in Chapter 166. of	80999
the Revised Code, the Director of Budget and Management shall	81000
transfer \$10,000,000 cash in each fiscal year from the Facilities	81001
Establishment Fund (Fund 7037) to the Ohio Maritime Assistance	81002
Fund (Fund 5QT0), which is hereby created.	81003

Section 413.10. TOS TREASURER OF STATE	81004
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General Revenue Fund	81005
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GRF 090321 Operating Expenses	\$	8,037,839	\$	8,037,839	81006
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GRF 090401 Office of the Sinking	\$	476,836	\$	476,836	81007
Fund					

GRF 090402 Continuing Education	\$	175,000	\$	175,000	81008
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GRF 090406 Treasury Management	\$	1,113,400	\$	1,115,000	81009
System Lease Rental					
Payments					

GRF 090613 STABLE Account	\$	1,660,000	\$	1,660,000	81010
Administration					

TOTAL GRF General Revenue Fund	\$	11,463,075	\$	11,464,675	81011
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Dedicated Purpose Fund Group	81012
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4E90 090603 Securities Lending	\$	7,480,675	\$	7,843,565	81013
Income					

4X90 090614 Political Subdivision	\$	45,000	\$	45,000	81014
Obligation					

5770 090605 Investment Pool	\$	1,050,000	\$	1,050,000	81015
Reimbursement					

5C50 090602	County Treasurer	\$	240,057	\$	240,057	81016
	Education					
5NH0 090610	OhioMeansJobs	\$	3,107,584	\$	0	81017
	Workforce Development					
6050 090609	Treasurer of State	\$	700,000	\$	700,000	81018
	Administrative Fund					
TOTAL DPF Dedicated Purpose						81019
Fund Group		\$	12,623,316	\$	9,878,622	81020
Fiduciary Fund Group						81021
4250 090635	Tax Refunds	\$	12,000,000	\$	12,000,000	81022
TOTAL FID Fiduciary Fund Group						81023
TOTAL ALL BUDGET FUND GROUPS						81024

Section 413.20. OFFICE OF THE SINKING FUND 81026

The foregoing appropriation item 090401, Office of the 81027
Sinking Fund, shall be used for costs incurred by or on behalf of 81028
the Commissioners of the Sinking Fund and the Ohio Public 81029
Facilities Commission with respect to State of Ohio general 81030
obligation bonds or notes, and the Treasurer of State with respect 81031
to State of Ohio general obligation and special obligation bonds 81032
or notes, including, but not limited to, printing, advertising, 81033
delivery, rating fees and the procurement of ratings, professional 81034
publications, membership in professional organizations, and other 81035
services referred to in division (D) of section 151.01 of the 81036
Revised Code. The General Revenue Fund shall be reimbursed for 81037
such costs relating to the issuance and administration of Highway 81038
Capital Improvement bonds or notes authorized under Ohio 81039
Constitution, Article VIII, Section 2m and Chapter 151. of the 81040
Revised Code. That reimbursement shall be made from appropriation 81041
item 155902, Highway Capital Improvement Bond Retirement Fund, by 81042
intrastate transfer voucher pursuant to a certification by the 81043
Office of the Sinking Fund of the actual amounts used. The amounts 81044
necessary to make such a reimbursement are hereby appropriated 81045

from the Highway Capital Improvement Bond Retirement Fund created	81046
in section 151.06 of the Revised Code.	81047
 STABLE ACCOUNT ADMINISTRATION	81048
 The foregoing appropriation item 090613, STABLE Account	81049
Administration, shall be used for administration of an Achieve a	81050
Better Living Experience (ABLE) account program.	81051
 TAX REFUNDS	81052
 The foregoing appropriation item 090635, Tax Refunds, shall	81053
be used to pay refunds under section 5703.052 of the Revised Code.	81054
If the Director of Budget and Management determines that	81055
additional amounts are necessary for this purpose, such amounts	81056
are hereby appropriated.	81057
 Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL	81058
PAYMENTS	81059
 The foregoing appropriation item 090406, Treasury Management	81060
System Lease Rental Payments, shall be used to make payments	81061
during the period from July 1, 2019, through June 30, 2021,	81062
pursuant to leases and agreements entered into under Section	81063
701.20 of Am. Sub. H.B. 497 of the 130th General Assembly and	81064
other prior acts of the General Assembly with respect to financing	81065
the costs associated with the acquisition, development,	81066
implementation, and integration of the Treasury Management System.	81067
 Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING	81068
LOAN PROGRAM	81069
 The foregoing appropriation item 090610, OhioMeansJobs	81070
Workforce Development, shall be used for the OhioMeansJobs	81071
Workforce Development Revolving Loan Program to provide loans to	81072
individuals for workforce training.	81073
 Of the foregoing appropriation item 090610, OhioMeansJobs	81074

Workforce Development, up to \$250,000 in fiscal year 2020 may be 81075
used by the Treasurer of State to administer the program. 81076

Any unexpended and unencumbered portion of the foregoing 81077
appropriation item 090610, OhioMeansJobs Workforce Development, at 81078
the end of fiscal year 2020 is hereby reappropriated for the same 81079
purpose in fiscal year 2021. To the extent that reappropriated 81080
funds are available, of the foregoing appropriation item 090610, 81081
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 81082
2021 may be used by the Treasurer of State to administer the 81083
program. 81084

Section 414.10. VTO VETERANS' ORGANIZATIONS 81085

General Revenue Fund 81086

VAP AMERICAN EX-PRISONERS OF WAR 81087

GRF 743501 State Support \$ 30,066 \$ 31,269 81088

VAN ARMY AND NAVY UNION, USA, INC. 81089

GRF 746501 State Support \$ 66,081 \$ 68,724 81090

VKW KOREAN WAR VETERANS 81091

GRF 747501 State Support \$ 59,403 \$ 61,779 81092

VJW JEWISH WAR VETERANS 81093

GRF 748501 State Support \$ 35,694 \$ 37,122 81094

VCW CATHOLIC WAR VETERANS 81095

GRF 749501 State Support \$ 69,657 \$ 72,443 81096

VPH MILITARY ORDER OF THE PURPLE HEART 81097

GRF 750501 State Support \$ 67,721 \$ 70,429 81098

VVV VIETNAM VETERANS OF AMERICA 81099

GRF 751501 State Support \$ 223,367 \$ 232,302 81100

VAL AMERICAN LEGION OF OHIO 81101

GRF 752501 State Support \$ 363,157 \$ 377,683 81102

VII AMVETS 81103

GRF 753501 State Support \$ 345,849 \$ 359,683 81104

VAV DISABLED AMERICAN VETERANS 81105

GRF	754501	State Support	\$	259,829	\$	270,223	81106
		VMC MARINE CORPS LEAGUE					81107
GRF	756501	State Support	\$	139,305	\$	144,877	81108
		V37 37TH DIVISION VETERANS' ASSOCIATION					81109
GRF	757501	State Support	\$	7,143	\$	7,428	81110
		VFW VETERANS OF FOREIGN WARS					81111
GRF	758501	State Support	\$	296,235	\$	308,084	81112
TOTAL GRF		General Revenue Fund	\$	1,963,507	\$	2,042,046	81113
TOTAL ALL		BUDGET FUND GROUPS	\$	1,963,507	\$	2,042,046	81114

Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES 81116

		General Revenue Fund					81117
GRF	900321	Veterans' Homes	\$	41,442,419	\$	45,402,392	81118
GRF	900402	Hall of Fame	\$	124,400	\$	135,638	81119
GRF	900408	Department of	\$	4,348,745	\$	4,505,661	81120
		Veterans Services					
GRF	900901	Veterans Compensation	\$	5,092,400	\$	5,586,600	81121
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	51,007,964	\$	55,630,291	81122
		Dedicated Purpose Fund Group					81123
4840	900603	Veterans' Homes	\$	995,000	\$	995,000	81124
		Services					
4E20	900602	Veterans' Homes	\$	11,672,589	\$	11,672,589	81125
		Operating					
5DB0	900643	Military Injury	\$	1,000,000	\$	1,000,000	81126
		Relief Program					
5PH0	900642	Veterans Initiatives	\$	70,000	\$	70,000	81127
6040	900604	Veterans' Homes	\$	500,000	\$	500,000	81128
		Improvement					
TOTAL DPF		Dedicated Purpose Fund	\$	14,237,589	\$	14,237,589	81129
		Group					

Debt Service Fund Group				81130
7041 900615 Veteran Bonus Program	\$	311,497	\$ 260,856	81131
- Administration				
7041 900641 Persian Gulf,	\$	722,832	\$ 552,706	81132
Afghanistan, and Iraq				
Compensation				
TOTAL DSF Debt Service				81133
Fund Group	\$	1,034,329	\$ 813,562	81134
Federal Fund Group				81135
3680 900614 Veterans Training	\$	864,932	\$ 930,262	81136
3BX0 900609 Medicare Services	\$	3,578,278	\$ 3,578,278	81137
3L20 900601 Veterans' Homes	\$	33,838,615	\$ 34,986,679	81138
Operations - Federal				
TOTAL FED Federal Fund Group	\$	38,281,825	\$ 39,495,219	81139
TOTAL ALL BUDGET FUND GROUPS	\$	104,561,707	\$ 110,176,661	81140
VETERANS ORGANIZATIONS' RENT				81141
The foregoing appropriation item 900408, Department of				81142
Veterans Services, shall be used to pay veterans organizations'				81143
rent in buildings managed by the Department of Administrative				81144
Services.				81145
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE				81146
The foregoing appropriation item 900901, Veterans				81147
Compensation General Obligation Bond Debt Service, shall be used				81148
to pay all debt service and related financing costs during the				81149
period from July 1, 2019, through June 30, 2021, on obligations				81150
issued under Section 2r of Article VIII, Ohio Constitution.				81151
Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD				81152
Dedicated Purpose Fund Group				81153
4K90 888609 Operating Expenses	\$	433,150	\$ 435,046	81154
TOTAL DPF Dedicated Purpose				81155

Fund Group	\$	433,150	\$	435,046	81156
Internal Service Activity Fund Group					81157
5BU0 888602 Veterinary Student	\$	30,000	\$	30,000	81158
Loan Program					
TOTAL ISA Internal Service Activity					81159
Fund Group	\$	30,000	\$	30,000	81160
TOTAL ALL BUDGET FUND GROUPS	\$	463,150	\$	465,046	81161
Section 419.10. VPB STATE VISION PROFESSIONALS BOARD					81163
Dedicated Purpose Fund Group					81164
4K90 129609 Operating Expenses	\$	640,756	\$	654,140	81165
TOTAL DPF Dedicated Purpose Fund	\$	640,756	\$	654,140	81166
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	640,756	\$	654,140	81167
Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES					81169
General Revenue Fund					81170
GRF 470401 RECLAIM Ohio	\$	171,784,391	\$	177,765,001	81171
GRF 470412 Juvenile Correctional	\$	14,990,500	\$	17,441,300	81172
Facilities Lease					
Rental Bond Payments					
GRF 470510 Youth Services	\$	16,702,727	\$	16,702,728	81173
GRF 472321 Parole Operations	\$	10,481,781	\$	10,661,690	81174
GRF 477321 Administrative	\$	12,505,577	\$	12,936,832	81175
Operations					
TOTAL GRF General Revenue Fund	\$	226,464,976	\$	235,507,551	81176
Dedicated Purpose Fund Group					81177
1470 470612 Vocational Education	\$	1,463,162	\$	1,463,162	81178
1750 470613 Education Services	\$	3,204,678	\$	3,292,983	81179
4790 470609 Employee Food Service	\$	40,000	\$	40,000	81180
4A20 470602 Child Support	\$	153,968	\$	153,968	81181
4G60 470605 Juvenile Special	\$	115,000	\$	115,000	81182

Revenue - Non-Federal				
5BN0 470629	E-Rate Program	\$	59,000	\$ 59,000 81183
TOTAL DPF Dedicated Purpose				81184
Fund Group		\$	5,035,808	\$ 5,124,113 81185
Federal Fund Group				81186
3210 470601	Education	\$	1,003,161	\$ 1,019,832 81187
3210 470603	Juvenile Justice	\$	2,486,393	\$ 2,499,486 81188
Prevention				
3210 470606	Nutrition	\$	930,000	\$ 930,000 81189
3210 470614	Title IV-E	\$	800,000	\$ 700,000 81190
Reimbursements				
3V50 470604	Juvenile	\$	1,720,000	\$ 1,720,000 81191
Justice/Delinquency				
Prevention				
TOTAL FED Federal				81192
Fund Group		\$	6,939,554	\$ 6,869,318 81193
TOTAL ALL BUDGET FUND GROUPS				\$ 238,440,338 \$ 247,500,982 81194
COMMUNITY PROGRAMS				81195
For purposes of implementing juvenile sentencing reforms, and				81196
notwithstanding any provision of law to the contrary, the				81197
Department of Youth Services may use up to \$1,375,000 of the				81198
unexpended, unencumbered balance of the portion of appropriation				81199
item 470401, RECLAIM Ohio, that is allocated to juvenile				81200
correctional facilities in each fiscal year to expand Targeted				81201
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and				81202
other evidence-based community programs.				81203
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS				81204
The foregoing appropriation item 470412, Juvenile				81205
Correctional Facilities Lease Rental Bond Payments, shall be used				81206
to meet all payments during the period from July 1, 2019, through				81207
June 30, 2021, by the Department of Youth Services under the				81208
leases and agreements for facilities made under Chapters 152. and				81209

154. of the Revised Code. These appropriations are the source of 81210
funds pledged for bond service charges on related obligations 81211
issued under Chapters 152. and 154. of the Revised Code. 81212

EDUCATION SERVICES 81213

The foregoing appropriation item 470613, Education Services, 81214
shall be used to fund the operating expenses of providing 81215
educational services to youth supervised by the Department of 81216
Youth Services. Operating expenses include, but are not limited 81217
to, teachers' salaries, maintenance costs, and educational 81218
equipment. 81219

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 81220

In collaboration with the county family and children first 81221
council, the juvenile court of that county that receives 81222
allocations from one or both of the foregoing appropriation items 81223
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 81224
portions of those allocations to a flexible funding pool as 81225
authorized by the section of this act titled "FAMILY AND CHILDREN 81226
FIRST FLEXIBLE FUNDING POOL." 81227

Section 501.10. All appropriation items in this section are 81228
hereby appropriated as designated out of any moneys in the state 81229
treasury to the credit of the designated fund. The appropriations 81230
made in this section are in addition to any other appropriations 81231
made for the fiscal year 2019-2020 capital biennium. 81232

DPS DEPARTMENT OF PUBLIC SAFETY 81233

Administrative Building Fund (Fund 7026) 81234

C76067 Radiological Calibration Laboratory \$ 2,250,000 81235
Relocation

TOTAL Administrative Building Fund \$ 2,250,000 81236

TOTAL ALL FUNDS \$ 2,250,000 81237

Section 501.11. The appropriations made in Section 501.10 of 81239

this act are subject to all provisions of H.B. 529 of the 132nd 81240
General Assembly that are generally applicable to such 81241
appropriations. Expenditures from appropriations contained in 81242
Section 501.10 of this act shall be accounted for as though made 81243
in H.B. 529 of the 132nd General Assembly. 81244

Section 501.12. The Treasurer of State is hereby authorized 81245
to issue and sell, in accordance with Section 2i of Article VIII, 81246
Ohio Constitution, Chapter 154. of the Revised Code, and other 81247
applicable sections of the Revised Code, original obligations in 81248
an aggregate principal amount not to exceed \$3,000,000 in addition 81249
to the original issuance of obligations heretofore authorized by 81250
prior acts of the General Assembly. These authorized obligations 81251
shall be issued, subject to applicable constitutional and 81252
statutory limitations, as needed to provide sufficient moneys to 81253
the credit of the Administrative Building Fund (Fund 7026) to pay 81254
costs associated with previously authorized capital facilities for 81255
the housing of branches and agencies of state government or their 81256
functions. 81257

Section 503.10. PERSONAL SERVICE EXPENSES 81258

Unless otherwise prohibited by law, any appropriation from 81259
which personal service expenses are paid shall bear the employer's 81260
share of public employees' retirement, workers' compensation, 81261
disabled workers' relief, and insurance programs; the costs of 81262
centralized financial services, centralized payroll processing, 81263
and related reports and services; centralized human resources 81264
services, including affirmative action and equal employment 81265
opportunity programs; the Office of Collective Bargaining; 81266
centralized information technology management services; 81267
administering the enterprise resource planning system; and 81268
administering the state employee merit system as required by 81269

section 124.07 of the Revised Code. These costs shall be 81270
determined in conformity with the appropriate sections of law and 81271
paid in accordance with procedures specified by the Office of 81272
Budget and Management. Expenditures from appropriation item 81273
070601, Public Audit Expense - Intra-State, may be exempted from 81274
the requirements of this section. 81275

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 81276
AGAINST THE STATE 81277

Except as otherwise provided in this section, an 81278
appropriation in this act or any other act may be used for the 81279
purpose of satisfying judgments, settlements, or administrative 81280
awards ordered or approved by the Court of Claims or by any other 81281
court of competent jurisdiction in connection with civil actions 81282
against the state. This authorization does not apply to 81283
appropriations to be applied to or used for payment of guarantees 81284
by or on behalf of the state, or for payments under lease 81285
agreements relating to, or debt service on, bonds, notes, or other 81286
obligations of the state. Notwithstanding any other statute to the 81287
contrary, this authorization includes appropriations from funds 81288
into which proceeds of direct obligations of the state are 81289
deposited only to the extent that the judgment, settlement, or 81290
administrative award is for, or represents, capital costs for 81291
which the appropriation may otherwise be used and is consistent 81292
with the purpose for which any related obligations were issued or 81293
entered into. Nothing contained in this section is intended to 81294
subject the state to suit in any forum in which it is not 81295
otherwise subject to suit, and is not intended to waive or 81296
compromise any defense or right available to the state in any suit 81297
against it. 81298

Section 503.30. CAPITAL PROJECT SETTLEMENTS 81299

This section specifies an additional and supplemental 81300
procedure to provide for payments of judgments and settlements if 81301
the Director of Budget and Management determines, pursuant to 81302
division (C)(4) of section 2743.19 of the Revised Code, that 81303
sufficient unencumbered moneys do not exist in the fund to support 81304
a particular appropriation to pay the amount of a final judgment 81305
rendered against the state or a state agency, including the 81306
settlement of a claim approved by a court, in an action upon and 81307
arising out of a contractual obligation for the construction or 81308
improvement of a capital facility if the costs under the contract 81309
were payable in whole or in part from a state capital projects 81310
appropriation. In such a case, the Director may either proceed 81311
pursuant to division (C)(4) of section 2743.19 of the Revised Code 81312
or apply to the Controlling Board to increase an appropriation or 81313
create an appropriation out of any unencumbered moneys in the 81314
state treasury to the credit of the capital projects fund from 81315
which the initial state appropriation was made. The amount of an 81316
increase in appropriation or new appropriation approved by the 81317
Controlling Board is hereby appropriated from the applicable 81318
capital projects fund and made available for the payment of the 81319
judgment or settlement. 81320

If the Director does not make the application authorized by 81321
this section or the Controlling Board disapproves the application, 81322
and the Director does not make application under division (C)(4) 81323
of section 2743.19 of the Revised Code, the Director shall for the 81324
purpose of making that payment make a request to the General 81325
Assembly as provided for in division (C)(5) of that section. 81326

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 81327

In order to provide funds for the reissuance of voided 81328
warrants under section 126.37 of the Revised Code, there is hereby 81329
appropriated, out of moneys in the state treasury from the fund 81330

credited as provided in section 126.37 of the Revised Code, that 81331
amount sufficient to pay such warrants when approved by the Office 81332
of Budget and Management. 81333

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 81334
BALANCES OF OPERATING APPROPRIATIONS 81335

(A) Notwithstanding the original year of appropriation or 81336
encumbrance, the unexpended balance of an operating appropriation 81337
or reappropriation that a state agency lawfully encumbered prior 81338
to the close of fiscal year 2019 or fiscal year 2020 is hereby 81339
reappropriated on the first day of July of the following fiscal 81340
year from the fund from which it was originally appropriated or 81341
reappropriated for the period of time listed in this section and 81342
shall remain available only for the purpose of discharging the 81343
encumbrance: 81344

(1) For an encumbrance for personal services, maintenance, 81345
equipment, or items for resale not otherwise identified in this 81346
section, for a period of not more than five months from the end of 81347
the fiscal year; 81348

(2) For an encumbrance for an item of special order 81349
manufacture not available on state contract or in the open market, 81350
for a period of not more than five months from the end of the 81351
fiscal year or, with the written approval of the Director of 81352
Budget and Management, for a period of not more than twelve months 81353
from the end of the fiscal year; 81354

(3) For an encumbrance for reclamation of land or oil and gas 81355
wells, for a period ending when the encumbered appropriation is 81356
expended provided such period does not extend beyond the FY 2020 - 81357
FY 2021 biennium; 81358

(4) For an encumbrance for any other type of expense not 81359
otherwise identified in division (A)(1), (2), or (3) of this 81360

section, for such period as the Director approves, provided such 81361
period does not extend beyond the FY 2020 - FY 2021 biennium. 81362

(B) Any operating appropriations for which unexpended 81363
balances are reappropriated in fiscal year 2020 or fiscal year 81364
2021 pursuant to division (A)(2) of this section shall be reported 81365
to the Controlling Board by the Director of Budget and Management 81366
by the thirty-first day of December of each year. The report shall 81367
include the item, the cost of the item, and the name of the 81368
vendor. The report shall be updated on a quarterly basis for 81369
encumbrances remaining open. 81370

(C) Upon the expiration of the reappropriation period set out 81371
in division (A) of this section, a reappropriation made by this 81372
section lapses and the Director of Budget and Management shall 81373
cancel the encumbrance of the unexpended reappropriation not later 81374
than the end of the weekend following the expiration of the 81375
reappropriation period. 81376

(D) If the Controlling Board approved a purchase, that 81377
approval remains in effect so long as the appropriation used to 81378
make that purchase remains encumbered. 81379

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 81380

(A) The Director of Budget and Management may correct 81381
accounting errors committed by the staff of the Office of Budget 81382
and Management, such as reestablishing encumbrances or 81383
appropriations canceled in error, during the cancellation of 81384
operating encumbrances in November and of non-operating 81385
encumbrances in December. 81386

(B) The Director of Budget and Management may at any time 81387
correct accounting errors committed by staff or a state agency or 81388
state institution of higher education, as defined in section 81389
3345.011 of the Revised Code, such as reestablishing prior year 81390

non-operating encumbrances canceled or modified in error. The 81391
reestablished encumbrance amounts are hereby appropriated. 81392

Section 503.70. TEMPORARY REVENUE HOLDING 81393

The Director of Budget and Management may create funds in the 81394
state treasury solely for the purpose of temporarily holding 81395
revenue required to be credited to a fund in the state treasury, 81396
whose disposition is not immediately known at the time of receipt. 81397
Once identified, the Director shall credit the revenue to the 81398
appropriate fund in the state treasury. 81399

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 81400
RE-ESTABLISHMENT OF ENCUMBRANCES 81401

Any cash transferred by the Director of Budget and Management 81402
under section 126.15 of the Revised Code is hereby appropriated. 81403
Any amounts necessary to re-establish appropriations or 81404
encumbrances under section 126.15 of the Revised Code are hereby 81405
appropriated. 81406

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 81407

The Director of Budget and Management may transfer 81408
appropriations between the Third Frontier Research and Development 81409
Fund (Fund 7011) and the Third Frontier Research and Development 81410
Taxable Bond Fund (Fund 7014) as necessary to maintain the 81411
exclusion from the calculation of gross income for federal income 81412
taxation purposes under the Internal Revenue Code with respect to 81413
obligations issued to fund projects appropriated from the Third 81414
Frontier Research and Development Fund (Fund 7011). 81415

The Director may also create new appropriation items within 81416
the Third Frontier Research and Development Taxable Bond Fund 81417
(Fund 7014) and make transfers of appropriations to them for 81418
projects originally funded from appropriations made from the Third 81419

Frontier Research and Development Fund (Fund 7011). 81420

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 81421

There are hereby appropriated out of any moneys in the state 81422
treasury to the credit of the General Revenue Fund, which are not 81423
otherwise appropriated, funds sufficient to make any payment 81424
required by division (B)(2) of section 5747.03 of the Revised 81425
Code. 81426

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 81427
APPROVED BY THE CONTROLLING BOARD 81428

Any money that the Controlling Board approves for expenditure 81429
or any increase in appropriation that the Controlling Board 81430
approves under sections 127.14, 131.35, and 131.39 of the Revised 81431
Code or any other provision of law is hereby appropriated for the 81432
period ending June 30, 2021. 81433

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 81434
RESIDENCE 81435

If the Governor's Residence Fund (Fund 4H20) receives payment 81436
for use of the residence pursuant to section 107.40 of the Revised 81437
Code, the amounts so received are hereby appropriated to 81438
appropriation item 100604, Governor's Residence Gift. 81439

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 81440

Certain appropriations are in this act for the purpose of 81441
paying debt service and financing costs on general obligation 81442
bonds or notes of the state issued pursuant to the Ohio 81443
Constitution, Revised Code, and acts of the General Assembly. If 81444
it is determined that additional appropriations are necessary for 81445
this purpose, such amounts are hereby appropriated. 81446

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 81447

Certain appropriations are in this act for the purpose of 81448
making lease rental payments pursuant to leases and agreements 81449
relating to bonds, notes, or other obligations issued by or on 81450
behalf of the state pursuant to the Ohio Constitution, Revised 81451
Code, and acts of the General Assembly. If it is determined that 81452
additional appropriations are necessary for this purpose, such 81453
amounts are hereby appropriated. 81454

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 81455
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 81456

The Office of Budget and Management shall process payments 81457
from general obligation and lease rental payment appropriation 81458
items during the period from July 1, 2019, through June 30, 2021, 81459
relating to bonds, notes, or other obligations issued by or on 81460
behalf of the state pursuant to the Ohio Constitution, Revised 81461
Code, and acts of the General Assembly. Payments shall be made 81462
upon certification by the Treasurer of State of the dates and the 81463
amounts due on those dates. 81464

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 81465

If it is determined that a payment is necessary in the amount 81466
computed at the time to represent the portion of investment income 81467
to be rebated or amounts in lieu of or in addition to any rebate 81468
amount to be paid to the federal government in order to maintain 81469
the exclusion from gross income for federal income tax purposes of 81470
interest on those state obligations under section 148(f) of the 81471
Internal Revenue Code, such an amount is hereby appropriated from 81472
those funds designated by or pursuant to the applicable 81473
proceedings authorizing the issuance of state obligations. 81474

Payments for this purpose shall be approved and vouchered by 81475

the Office of Budget and Management. 81476

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 81477

Whenever the Director of Budget and Management determines 81478
that an appropriation made to a state agency from a fund of the 81479
state is insufficient to provide for the recovery of statewide 81480
indirect costs under section 126.12 of the Revised Code, the 81481
amount required for such purpose is hereby appropriated from the 81482
available receipts of such fund. 81483

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 81484
COST ALLOCATION PLAN 81485

The total transfers made from the General Revenue Fund by the 81486
Director of Budget and Management under this section shall not 81487
exceed the amounts transferred into the General Revenue Fund under 81488
section 126.12 of the Revised Code. 81489

The director of an agency may certify to the Director of 81490
Budget and Management the amount of expenses not allowed to be 81491
included in the Statewide Indirect Cost Allocation Plan under 81492
federal regulations, from any fund included in the Statewide 81493
Indirect Cost Allocation Plan, prepared as required by section 81494
126.12 of the Revised Code. 81495

Upon determining that no alternative source of funding is 81496
available to pay for such expenses, the Director of Budget and 81497
Management may transfer cash from the General Revenue Fund into 81498
the fund for which the certification is made, up to the amount of 81499
the certification. The director of the agency receiving such funds 81500
shall include, as part of the next budget submission prepared 81501
under section 126.02 of the Revised Code, a request for funding 81502
for such activities from an alternative source such that further 81503
federal disallowances would not be required. 81504

The director of an agency may certify to the Director of 81505

Budget and Management the amount of expenses paid in error from a 81506
fund included in the Statewide Indirect Cost Allocation Plan. The 81507
Director of Budget and Management may transfer cash from the fund 81508
from which the expenditure should have been made into the fund 81509
from which the expenses were erroneously paid, up to the amount of 81510
the certification. 81511

The director of an agency may certify to the Director of 81512
Budget and Management the amount of expenses or revenues not 81513
allowed to be included in the Statewide Indirect Cost Allocation 81514
Plan under federal regulations, for any fund included in the 81515
Statewide Indirect Cost Allocation Plan, for which the federal 81516
government requires payment. If the Director of Budget and 81517
Management determines that an appropriation made to a state agency 81518
from a fund of the state is insufficient to pay the amount 81519
required by the federal government, the amount required for such 81520
purpose is hereby appropriated from the available receipts of such 81521
fund, up to the amount of the certification. 81522

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 81523

Notwithstanding any provision of law to the contrary, on or 81524
before the first day of September of each fiscal year, the 81525
Director of Budget and Management, in order to reduce the payment 81526
of adjustments to the federal government, as determined by the 81527
plan prepared under division (A) of section 126.12 of the Revised 81528
Code, may designate such funds as the Director considers necessary 81529
to retain their own interest earnings. 81530

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 81531

Pursuant to the plan for compliance with the Federal Cash 81532
Management Improvement Act required by section 131.36 of the 81533
Revised Code, the Director of Budget and Management may cancel and 81534
re-establish all or part of encumbrances in like amounts within 81535

the funds identified by the plan. The amounts necessary to 81536
re-establish all or part of encumbrances are hereby appropriated. 81537

Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 81538
INTEREST EARNED 81539

Notwithstanding any provision of law to the contrary, the 81540
Director of Budget and Management, through June 30, 2021, may 81541
transfer interest earned by any state fund to the General Revenue 81542
Fund. This section does not apply to funds whose source of revenue 81543
is restricted or protected by the Ohio Constitution, federal tax 81544
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 81545
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 81546

Section 509.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 81547
FROM NON-GRF FUNDS 81548

Notwithstanding any provision of law to the contrary, the 81549
Director of Budget and Management may transfer up to \$100,000,000 81550
cash, during the biennium ending June 30, 2021, from non-General 81551
Revenue Funds that are not constitutionally restricted to the 81552
General Revenue Fund. 81553

Section 509.50. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 81554

On October 1, 2019, or as soon as possible thereafter, the 81555
Director of Commerce and the Executive Director of the Board of 81556
Pharmacy shall consult with the Director of Budget and Management 81557
to determine a repayment schedule for the biennium ending June 30, 81558
2021, to fully repay transfers on behalf of each agency from the 81559
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 81560
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 81561
Department of Commerce and the Board of Pharmacy in accordance 81562
with this repayment schedule shall be credited to the General 81563
Revenue Fund. 81564

Section 512.10. GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO	81565
FUND	81566
Notwithstanding any provision of law to the contrary, in each	81567
fiscal year of the biennium ending June 30, 2021, the Director of	81568
Budget and Management may transfer up to \$10,400,000 cash from the	81569
General Revenue Fund to the Tourism Ohio Fund (Fund 5MJ0).	81570
Section 512.20. GENERAL REVENUE FUND TRANSFER TO STATEWIDE	81571
TREATMENT AND PREVENTION FUND	81572
Notwithstanding any provision of law to the contrary, in each	81573
fiscal year of the biennium ending June 30, 2021, the Director of	81574
Budget and Management may transfer up to \$5,000,000 cash from the	81575
General Revenue Fund to the Statewide Treatment and Prevention	81576
Fund (Fund 4750).	81577
Section 512.30. GENERAL REVENUE FUND TRANSFER TO STATEWIDE	81578
COMMUNITY POLICE RELATIONS FUND	81579
Notwithstanding any provision of law to the contrary, in	81580
fiscal year 2020, the Director of Budget and Management may	81581
transfer up to \$2,200,000 cash from the General Revenue Fund to	81582
the Statewide Community Police Relations Fund (Fund 5RS0).	81583
Section 512.40. GENERAL REVENUE FUND TRANSFER TO TARGETED	81584
ADDICTION PROGRAM FUND	81585
Notwithstanding any provision of law to the contrary, in each	81586
fiscal year of the biennium ending June 30, 2021, the Director of	81587
Budget and Management may transfer up to \$23,150,000 cash from the	81588
General Revenue Fund to the Targeted Addiction Program Fund (Fund	81589
5TZ0).	81590
Section 512.50. GENERAL REVENUE FUND TRANSFER TO PERSIAN	81591

GULF, AFGHANISTAN, IRAQ COMPENSATION FUND 81592

During fiscal year 2021, upon request of the Director of 81593
Veterans Services, the Director of Budget and Management may 81594
transfer up to \$500,000 cash from the General Revenue Fund to the 81595
Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041). 81596

Section 512.65. GENERAL REVENUE FUND TRANSFER TO TEXTBOOK AND 81597
INSTRUCTIONAL MATERIALS GRANTS FUND 81598

Notwithstanding any provision of law to the contrary, in each 81599
fiscal year of the biennium ending June 30, 2021, the Director of 81600
Budget and Management may transfer up to \$3,000,000 cash from the 81601
General Revenue Fund to the Textbook and Instructional Materials 81602
Grants Fund (Fund 5VQ0), which is hereby created in the state 81603
treasury. 81604

Section 512.70. GENERAL REVENUE FUND TRANSFER TO STUDENT 81605
WELLNESS AND SUCCESS FUND 81606

Notwithstanding any provision of law to the contrary, the 81607
Director of Budget and Management may transfer up to \$250,000,000 81608
cash in fiscal year 2020 and up to \$300,000,000 cash in fiscal 81609
year 2021 from the General Revenue Fund to the Student Wellness 81610
and Success Fund (Fund 5VS0), which is hereby created in the state 81611
treasury. 81612

Section 513.10. FISCAL YEAR 2019 GENERAL REVENUE FUND ENDING 81613
BALANCE 81614

Notwithstanding section 131.44 of the Revised Code, the 81615
Director of Budget and Management shall determine the surplus 81616
General Revenue Fund revenue that existed on June 30, 2019. 81617
Notwithstanding any provision of law to the contrary, \$285,000,000 81618
of the surplus shall remain in the General Revenue Fund through 81619

the end of the biennium ending June 30, 2021. The Director shall	81620
transfer cash, not to exceed the amount of the remaining surplus	81621
revenue from the General Revenue Fund in the following order:	81622
(A) Up to \$10,000,000 cash to the Targeted Addiction Program	81623
Fund (Fund 5TZ0);	81624
(B) Up to \$31,000,000 cash to the Statewide Treatment and	81625
Prevention Fund (Fund 4750);	81626
(C) Up to \$86,000,000 cash to the H2Ohio Fund (Fund 6H20);	81627
(D) Up to \$20,000,000 cash to the School Bus Purchase Fund	81628
(Fund 5VU0), which is hereby created in the state treasury;	81629
(E) Up to \$5,000,000 cash to the Books From Birth Fund (Fund	81630
5VJ0), which is hereby created in the state treasury;	81631
(F) Up to \$25,000,000 cash, subject to Controlling Board	81632
approval, to the State Park Fund (Fund 5120);	81633
(G) Up to \$25,000,000 cash to the Emergency Purposes Fund	81634
(Fund 5KM0);	81635
(H) Up to \$25,000,000 cash to the Disaster Services Fund	81636
(Fund 5E20);	81637
(I) Up to \$2,000,000 cash to the Ohio Public Health	81638
Priorities Fund (Fund L087);	81639
(J) Up to \$19,000,000 cash to the Tobacco Use Prevention Fund	81640
(Fund 5BX0);	81641
(K) Up to \$6,900,000 cash to the Economic Development	81642
Programs Fund (Fund 5JC0);	81643
(L) An amount of cash to the Budget Stabilization Fund (Fund	81644
7013) sufficient for the balance in Fund 7013 to equal 8.5% of the	81645
General Revenue Fund revenues of fsical year 2019;	81646
(M) Any remaining cash surplus to the H2Ohio Fund (Fund	81647
6H20).	81648

Section 513.20. FISCAL YEAR 2020 GENERAL REVENUE FUND ENDING 81649
BALANCE 81650

Notwithstanding section 131.44 of the Revised Code, the cash 81651
balance of the General Revenue Fund on June 30, 2020, shall remain 81652
in the General Revenue Fund. 81653

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 81654

Unless the agency and nuclear electric utility mutually agree 81655
to a higher amount by contract, the maximum amounts that may be 81656
assessed against nuclear electric utilities under division (B)(2) 81657
of section 4937.05 of the Revised Code and deposited into the 81658
specified funds are as follows: 81659

<u>Fund</u>	<u>User</u>	<u>FY 2020</u>	<u>FY 2021</u>	
Utility	Department of	\$ 97,610	\$ 101,130	81661
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,300,000	\$ 1,300,000	81662
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 276,500	\$ 278,500	81663
Safety Fund	Protection Agency			
(Fund 6440)				
Emergency	Department of	\$ 1,258,624	\$ 1,258,624	81664
Response Plan	Public Safety			
Fund (Fund 6570)				

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 81665

(A) On July 1, 2019, or as soon as possible thereafter, the 81666
Director of Budget and Management shall transfer the cash balance 81667
from each of the funds as indicated in the table below to the fund 81668

also indicated in the table below. Upon completion of each 81669
transfer and on the effective date of its repeal by this act, 81670
where applicable, the fund from which the cash balance was 81671
transferred is hereby abolished. 81672

User	Transfer from:		Transfer to:		
Agency	Fund	Fund Name	Fund	Fund Name	
AGR	5HP0	Livestock Care	4C90	Commercial Feed	81675
		Standards Board		Inspection/Lab	
AIR	7004	Advanced Energy	5M50	Advanced Energy Fund	81676
		Research and			
		Development Taxable			
		Fund			
AIR	7005	Advanced Energy	5M50	Advanced Energy Fund	81677
		Research and			
		Development			
BWC	8290	Long Term Care Loan	8260	Safety and Hygiene	81678
		Fund		Fund	
COM	5PA0	BUSTR Revolving Loan	6530	Underground Storage	81679
		Fund		Tank Administration	
DAS	4P30	DAS Information	1330	Information	81680
		Services		Technology	
DAS	5D70	Workforce	5EB0	OAKS Support	81681
		Development		Organization	
DEV	3DB0	Federal Stimulus	GRF	General Revenue Fund	81682
		Energy Efficiency			
		and Conservation			
DEV	5AD0	Job Development	5430	Unclaimed Funds	81683
		Initiatives		Trust	
DEV	5CG0	Alternative Fuel	5M50	Advanced Energy Fund	81684
		Transportation			
DEV	5MB0	Economic Development	5LN0	Liquor Operating	81685
		Support		Services Fund	
DEV	5NS0	Career Exploration	5JC0	Economic Development	81686

		Internship		Projects	
DNR	5CU0	Mine Safety	5290	Mining Regulation and Safety	81687
DNR	5MF0	Ohio Geology License Plate	5110	Geological Mapping	81688
DOH	6830	Employee Assistance Program	1250	Human Resources Services Fund	81689
DOT	5CF0	Rail Transload Facilities	4N40	Rail Development	81690
DPS	8500	Public Safety Investigative Unit Salvage and Exchange	5RH0	Ohio Investigative Unit Fund	81691
DRC	5UB0	Institution Addiction Treatment Services	GRF	General Revenue Fund	81692
DYS	3BH0	Federal Juvenile Justice Program FFY06	3V50	Juvenile Justice/Delinquency Prevention Fund	81693
DYS	3BT0	Federal Juvenile Justice Program FFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	81694
DYS	3BY0	Federal Juvenile Justice Program SFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	81695
DYS	3BZ0	Federal Juvenile Justice Program SFY08	3V50	Juvenile Justice/Delinquency Prevention Fund	81696
DYS	3CR0	Federal Juvenile Justice Program FFY10	3V50	Juvenile Justice/Delinquency Prevention Fund	81697
DYS	3FB0	Federal Juvenile Justice Program FFY11	3V50	Juvenile Justice/Delinquency Prevention Fund	81698

DYS	3FC0	Federal Juvenile Justice Program FFY12	3V50	Juvenile Justice/Delinquency Prevention Fund	81699
DYS	3GB0	Federal Juvenile Justice Program FFY13	3V50	Juvenile Justice/Delinquency Prevention Fund	81700
DYS	3V90	Federal Juvenile Justice Program FFY01	3V50	Juvenile Justice/Delinquency Prevention Fund	81701
DYS	3W00	Federal Juvenile Justice Program FFY02	3V50	Juvenile Justice/Delinquency Prevention Fund	81702
DYS	3Z80	Federal Juvenile Justice Program FFY04	3V50	Juvenile Justice/Delinquency Prevention Fund	81703
DYS	3Z90	Federal Juvenile Justice Program FFY05	3V50	Juvenile Justice/Delinquency Prevention Fund	81704
EDU	3DL0	Idea Preschool - Federal Stimulus	GRF	General Revenue Fund	81705
EDU	4D10	Ohio Prevention/Education Resource Center	6200	Education Grants	81706
EDU	5B10	Child Nutrition Services	GRF	General Revenue Fund	81707
EDU	5KY0	Community Schools Temporary Sponsorship	5KX0	Ohio School Sponsorship Program	81708
EDU	5RB0	Straight A Fund	6200	Educational Grants	81709
EDU	5T30	Gates Foundation Grants	6200	Educational Grants	81710
EDU	5UC0	Accountability/Report Cards	4L20	Teacher Certification	81711

EDU	5W20	Head Start Plus/Head Start	GRF	General Revenue Funds	81712
EDU	5X90	NGA Stem	6200	Educational Grants	81713
EDU	6210	Pre-School Foreign Language	6200	Educational Grants	81714
EPA	3560	Indirect Costs	GRF	General Revenue Fund	81715
EPA	3580	205-J Federal Planning	3BU0	Water Quality Protection	81716
EPA	3M50	HazMat Transportation Uniform Safety	GRF	General Revenue Fund	81717
INS	3EV0	Health Insurance Premium Rev	5540	Department of Insurance Operating	81718
INS	3EW0	Health Exchange Planning	5540	Department of Insurance Operating	81719
INS	3EX0	Consumer Assistance Grant	5540	Department of Insurance Operating	81720
INS	5AG0	Medical Liability	GRF	General Revenue Fund	81721
INS	5FZ0	Claims Processing Education	5540	Department of Insurance Operating	81722
JFS	5GC0	GOFBI/Family Stability	5RY0	Human Services Projects	81723
JFS	5HA0	Health Care Services Other	5RY0	Human Services Projects	81724
JFS	5S30	JFS Administration and Oversight	GRF	General Revenue Fund	81725
JSC	6A80	Supreme Court Admissions	4C80	Attorney Registration	81726
MCD	5AJ0	Money Follows the Person	5DL0	Medicaid Support and Recoveries	81727
MCD	5HA0	Health Care Services - Other	GRF	General Revenue Fund	81728
MCD	5KC0	Health Care Special	5DL0	Medicaid Support and	81729

		Activities		Recoveries	
OBM	3CM0	Medicaid Agency	3B10	Community Medicaid	81730
		Transition		Expansion	
OBM	7087	Settlement Agreement	GRF	General Revenue Fund	81731
		Fund			
PUB	3FF0	Capital Case	4070	County	81732
		Litigation		Representation	
PUB	3FX0	Wrongful Conviction	4070	County	81733
		Program		Representation	
PUB	3GJ0	Byrne Memorial Grant	4070	County	81734
				Representation	
TAX	7054	Loc Govt Prop Tax	GRF	General Revenue Fund	81735
		Replacement			
TAX	4K00	Beverage Tax	GRF	General Revenue Fund	81736
		Administrative			
TAX	5BQ0	Revenue Enhancement	2280	Revenue Enhancement	81737
TAX	5BW0	Tax Amnesty	GRF	General Revenue Fund	81738
		Promotion and			
		Administration			
TAX	QD20	OBG-Assessment	GRF	General Revenue Fund	81739
		Payments			
TOS	4N00	Treasury Education	6050	Treasurer of State's	81740
				Administration	
TOS	R044	Tax Holding	6050	Treasurer of State's	81741
				Administration	

(B) On July 1, 2019, or as soon as possible thereafter, the 81742
Director of Budget and Management shall cancel existing 81743
encumbrances against each appropriation item indicated in the 81744
table below and reestablish them against the appropriation item 81745
also indicated in the table below. The Director may cancel and 81746
reestablish other encumbrances as needed to properly close out the 81747
funds identified in division (A) of this section. The encumbrances 81748
reestablished under this section are hereby appropriated. 81749

Cancel existing encumbrances		Reestablish encumbrances against:		81750
against:				
Fund	Appropriation Item	Fund	Appropriation Item	81751
5CU0	725647 - Mine Safety	5290	725639 - Mining Regulation and Safety	81752
5MF0	725635 - Ohio Geology License Plate	5110	725646 - Ohio Geological Mapping	81753
5CF0	776667 - Rail Transload Facilities	4N40	776664 - Rail Transportation - Other	81754
3EV0	820610 - Health Insurance Premium Review	5540	820606 - Operating Expenses	81755
3EW0	820611 - Health Exchange Planning	5540	820606 - Operating Expenses	81756
3EX0	820612 - Consumer Assistance Grant	5540	820606 - Operating Expenses	81757
5AG0	820603 - Health Information Technology and Health Care Coverage and Quality Council	5540	820606 - Operating Expenses	81758
3FF0	019620 - Capital Case Litigation	4070	019604 - County Representation	81759
3FX0	019621 - Wrongful Conviction Program	4070	019604 - County Representation	81760
3GJ0	019622 - Byrne Memorial Grant	4070	019604 - County Representation	81761
6A80	005606 - Supreme Court Admissions	4C80	005605 - Attorney Services	81762
5AJ0	651631 - Money Follows the Person	5DL0	651639 - Medicaid Services - Recoveries	81763
(C) The following funds are hereby abolished on the effective				81764
date of their repeal by this act:				81765
User	Fund	Fund Name		81766
DNR	5260	Coal Mining Administration and Reclamation		81767

		Reserve	
DOH	5QH0	Dental Hygiene Resource Shortage Area	81768
DVS	A041	Veterans Compensation Series 2011	81769
DVS	B041	Veterans Compensation Series 2013	81770
EDU	3090	Neglected & Delinquent Education	81771
EDU	3660	Adult Basic Education	81772
EDU	3690	Vocational Education	81773
EDU	3720	Federal Drivers' Education Projects	81774
EDU	3730	Pupil Transportation Safety Program	81775
EDU	3760	Job Training Partnership Act	81776
EDU	3780	Math/Science Tech Investments	81777
EDU	5960	Ohio Career Information System	81778
EDU	7006	Education Improvement	81779
EDU	3E20	AIDS Education Project	81780
EDU	3AK0	State Homeland Security	81781
EDU	3AX0	Improving Health and Education Outcomes of Young People	81782
EDU	3BK0	Longitudinal Data Systems	81783
EDU	3BV0	Character Education	81784
EDU	3CF0	Foreign Language Assistance	81785
EDU	3CG0	Teacher Incentive	81786
EDU	3DC0	Federal Stimulus School Cafeteria Equipment	81787
EDU	3DJ0	Idea Part B - Federal Stimulus	81788
EDU	3DK0	Title I A - Federal Stimulus	81789
EDU	3EC0	Teacher Incentive - Federal Stimulus	81790
EDU	3EF0	National School Lunch Program Equipment	81791
EDU	3EK0	Advanced Placement	81792
EDU	3EL0	Even Start	81793
EDU	3EM0	Byrd Scholarship	81794
EDU	3EN0	State Data System - Federal Stimulus	81795
EDU	3ES0	Special Education Research	81796
EDU	3ET0	Ed Jobs	81797
EDU	3FD0	Race to the Top	81798

EDU	3FN0	Race to the Top - Early Learning Challenge Grant	81799
EDU	3GP0	School Climate Transformation	81800
EDU	3GQ0	Project Aware	81801
EDU	3GZ0	JAVITS Gifted and Talented Students Education	81802
EDU	3M10	ESEA Chapter Two	81803
EDU	3N70	School-to-Work	81804
EDU	3P90	SRRC/FRC Evaluation Project	81805
EDU	3R30	Goals 2000	81806
EDU	3S20	Tech Literacy Transfer	81807
EDU	3S70	Child Care School Age	81808
EDU	3T50	Coordinated School Health	81809
EDU	3T60	Class Size Reduction	81810
EDU	3U60	Provision 2&3 Grant	81811
EDU	3W60	TANF Education	81812
EDU	3X50	School Renovation Idea & Tech Program	81813
EDU	3Y40	Reading First	81814
EDU	3Z70	General Supervision Enhancement	81815
EDU	4M40	Emergency Svc Telecommunicator Training	81816
EDU	4Y50	Supplemental School Assistance	81817
EDU	4Z40	School District 1987 Reimburse	81818
EDU	5BB0	State Action for Education Leadership	81819
EDU	5F80	Instructional Materials Education	81820
EDU	5JA0	ARRA Compliance	81821
EDU	5X80	Jobs for Ohio Graduates	81822
EPA	3520	Wastewater Pollution	81823
EPA	3630	Construction Grant	81824
EPA	4910	Moving Expenses	81825
EPA	4990	Emergency Village Capital Improvements	81826
EPA	6020	Motor Vehicle Inspection/Maintenance	81827
EPA	6600	Infectious Waste Management	81828
EPA	6800	Emergency Plan & Community Right-to-Know Reserve	81829
EPA	3F40	Water Quality Management	81830
EPA	3J10	Urban Stormwater	81831

EPA	3J50	Maumee AOC Assessment	81832
EPA	3K20	Clean Water Act 106	81833
EPA	3K30	DOE Agreement in Principle	81834
EPA	3K40	DOD Base Realign/Closure Grant	81835
EPA	3K60	Remedial Action Plans	81836
EPA	3N10	Pollution Prevention Grants	81837
EPA	3S40	Performance Partnership Grants	81838
EPA	3T10	Rural Hardship Grant	81839
EPA	4C30	State Special Revenue Indirect	81840
EPA	4U70	Construction/Demolition Debris	81841
EPA	5DW0	Automotive Mercury Switch Program	81842
EPA	5N20	Dredge and Fill	81843
EPA	6A90	Construction/Demolition Debris Facility Oversight	81844
JFS	3W30	Adult Special Needs	81845
JFS	4J50	Home/Community Based Services/Aged	81846
JFS	4Z10	Health Care Compliance	81847
JFS	5BG0	Managed Care Assessment	81848
JFS	5KU0	Unemployment Insurance Support - Other Sources	81849
JFS	5Q90	Supplemental Inpatient Hospital	81850
JFS	R013	Forgery Collections	81851
MED	5LE0	Education and Patient Safety	81852
OOD	5L90	TANF/PCA Maintenance of Effort	81853
OOD	5QL0	Disability Determination Reimbursement	81854
PRX	3CT0	2008 Developing/Enhancing PMP	81855
PRX	3EB0	NASPER	81856
PRX	3EY0	Administration of the PMIX Hub	81857
PRX	3EZ0	NASPER 10	81858
SOS	3AH0	Election Reform/Health and Human Services	81859

Section 601.03. That Section 261.168 of Am. Sub. H.B. 49 of 81860
the 132nd General Assembly, as amended by Sub. H.B. 24 of the 81861
132nd General Assembly, be amended to read as follows: 81862

Sec. 261.168. MODIFICATIONS AND CAP FOR FISCAL YEARS ~~2019,~~ 81863
~~2020,~~ AND 2021 ICF/IID MEDICAID RATES UNDER THE FORMULA BEING 81864
PHASED OUT 81865

(A) As used in this section: 81866

(1) "Change of operator," "cost report year," "entering 81867
operator," "exiting operator," "ICF/IID," "ICF/IID services," 81868
"Medicaid days," "peer group 1-B," "peer group 2-B," "peer group 81869
3-B," "provider," and "provider agreement" have the same meanings 81870
as in section 5124.01 of the Revised Code. 81871

(2) "Formula being phased out" means the formula specified in 81872
division (C) of section 5124.15 of the Revised Code. 81873

(3) "Franchise permit fee" means the fee imposed by sections 81874
5168.60 to 5168.71 of the Revised Code. 81875

(B)(1) This section applies to each ICF/IID that is in peer 81876
group 1-B or peer group 2-B and to which either of the following, 81877
as applicable to a fiscal year, applies: 81878

~~(a) In the context of determining an ICF/IID's total Medicaid 81879
payment rate for fiscal year 2019 under the formula being phased 81880
out, either of the following is the case: 81881~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider 81882
agreement for the ICF/IID on June 30, 2018, and a valid Medicaid 81883
provider agreement for the ICF/IID during fiscal year 2019; 81884~~

~~(ii) The ICF/IID undergoes a change of operator that takes 81885
effect during fiscal year 2019, the exiting operator has a valid 81886
Medicaid provider agreement for the ICF/IID on the day immediately 81887
preceding the effective date of the change of operator, and the 81888
entering operator has a valid Medicaid provider agreement for the 81889
ICF/IID during fiscal year 2019. 81890~~

~~(b) In the context of determining an ICF/IID's total Medicaid 81891
payment rate for fiscal year 2020, either of the following is the 81892~~

case: 81893

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2019, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020; 81894 81895 81896

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2020, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020. 81897 81898 81899 81900 81901 81902

~~(e)~~(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2021, either of the following is the case: 81903 81904 81905

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2020, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021; 81906 81907 81908

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2021, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021. 81909 81910 81911 81912 81913 81914

(2) This section does not apply to either of the following: 81915

(a) An ICF/IID in peer group 3-B; 81916

(b) An ICF/IID for which the provider obtains an initial provider agreement during a fiscal year for which modifications to the formula being phased out are made under this section. 81917 81918 81919

(C) Notwithstanding Chapter 5124. of the Revised Code, the following modifications shall be made when determining under the formula being phased out the fiscal years ~~2019~~, 2020, and 2021 81920 81921 81922

total per Medicaid day payment rates for an ICF/IID to which this 81923
section applies: 81924

(1) The ICF/IID's efficiency incentive for capital costs, as 81925
determined under division (F) of section 5124.171 of the Revised 81926
Code, shall be reduced by 50%. 81927

(2) In place of the maximum cost per case-mix unit 81928
established for the ICF/IID's peer group under division (C) of 81929
section 5124.195 of the Revised Code, the ICF/IID's maximum costs 81930
per case-mix unit shall be the amount the Department determined 81931
for the ICF/IID's peer group for fiscal year 2016 in accordance 81932
with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 81933
131st General Assembly. 81934

(3) In place of the inflation adjustment otherwise calculated 81935
under division (D) of section 5124.195 of the Revised Code for the 81936
purpose of division (A)(1)(b) of that section, an inflation 81937
adjustment of 1.014 shall be used. 81938

(4) In place of the efficiency incentive otherwise calculated 81939
under division (B)(2) of section 5124.211 of the Revised Code, the 81940
ICF/IID's efficiency incentive for indirect care costs shall be 81941
the following: 81942

(a) In the case of an ICF/IID in peer group 1-B, not more 81943
than \$3.69; 81944

(b) In the case of an ICF/IID in peer group 2-B, not more 81945
than \$3.19. 81946

(5) In place of the maximum rate for indirect care costs 81947
established for the ICF/IID's peer group under division (C) of 81948
section 5124.211 of the Revised Code, the maximum rate for 81949
indirect care costs for the ICF/IID's peer group shall be an 81950
amount the Department shall determine in accordance with division 81951
(D) of this section. 81952

(6) In place of the inflation adjustment otherwise calculated 81953
under division ~~(D)~~(E)(1) of section 5124.211 of the Revised Code 81954
for the purpose of division (B)(1) of that section only, an 81955
inflation adjustment of 1.014 shall be used. 81956

(7) In place of the inflation adjustment otherwise made under 81957
section 5124.231 of the Revised Code, the ICF/IID's desk-reviewed, 81958
actual, allowable, per Medicaid day other protected costs, 81959
excluding the franchise permit fee, from the applicable cost 81960
report year shall be multiplied by 1.014. 81961

(D) In determining the amount of the maximum rate for 81962
indirect costs for the purpose of division (C)(5) of this section, 81963
the Department shall strive to the greatest extent possible to do 81964
both of the following: 81965

(1) Avoid rate reductions under division (E)~~(1)~~ of this 81966
section; 81967

(2) Have the amount so determined result in payment of all 81968
desk-reviewed, actual, allowable indirect care costs for the same 81969
percentage of Medicaid days for ICFs/IID in peer group 1-B as for 81970
ICFs/IID in peer group 2-B as of the first day of the fiscal year 81971
for which the determination is made, based on May Medicaid days 81972
from the calendar year in which the fiscal year begins. 81973

(E)~~(1)~~ If the mean total per Medicaid day rate for all 81974
ICFs/IID to which this section applies, as determined under 81975
division (C) of this section as of the first day of a fiscal year 81976
for which a rate is determined under this section and weighted by 81977
May Medicaid days from the calendar year in which the fiscal year 81978
begins, is ~~either greater than the amount determined under division~~ 81979
~~(E)(2) of this section \$290.10~~, the Department shall adjust, for 81980
the fiscal year for which the rate is determined, the total per 81981
Medicaid day rate for each ICF/IID to which this section applies 81982
by a percentage that is equal to the percentage by which the mean 81983

total per Medicaid day rate is greater ~~or less~~ than the amount 81984
~~determined under division (E)(2) of this section \$290.10.~~ 81985

~~(2) The amount to be used for the purpose of division (E)(1)~~ 81986
~~of this section shall be not less than \$290.10. The Department, in~~ 81987
~~its sole discretion, may use a larger amount for the purpose of~~ 81988
~~that division. In determining whether to use a larger amount, the~~ 81989
~~Department may consider any of the following:~~ 81990

~~(a) The reduction in the total Medicaid certified capacity of~~ 81991
~~all ICFs/IID that occurs in the fiscal year immediately preceding~~ 81992
~~the fiscal year for which the determination is made, and the~~ 81993
~~reduction that is projected to occur in the fiscal year for which~~ 81994
~~the determination is made, as a result of either of the following:~~ 81995

~~(i) A downsizing pursuant to a plan approved by the~~ 81996
~~Department under section 5123.042 of the Revised Code;~~ 81997

~~(ii) A conversion of beds to providing home and~~ 81998
~~community based services under the Individual Options waiver~~ 81999
~~pursuant to section 5124.60 or 5124.61 of the Revised Code.~~ 82000

~~(b) The increase in Medicaid payments made for ICF/IID~~ 82001
~~services provided during the fiscal year immediately preceding the~~ 82002
~~fiscal year for which the determination is made, and the increase~~ 82003
~~that is projected to occur in the fiscal year for which the~~ 82004
~~determination is made, as a result of the modifications to the~~ 82005
~~payment rates made under section 5124.101 of the Revised Code;~~ 82006

~~(c) The total reduction in the number of ICF/IID beds that~~ 82007
~~occurs pursuant to section 5124.67 of the Revised Code;~~ 82008

~~(d) Other factors the Department determines to be relevant.~~ 82009

(F) If the United States Centers for Medicare and Medicaid 82010
Services requires that the franchise permit fee be reduced or 82011
eliminated, the Department shall reduce the rate determined under 82012
this section as necessary to reflect the loss to the state of the 82013

revenue and federal financial participation generated from the 82014
franchise permit fee. 82015

Section 601.04. That existing Section 261.168 of Am. Sub. 82016
H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 82017
of the 132nd General Assembly, is hereby repealed. 82018

Section 601.05. Sections 601.03 and 601.04 of this act are 82019
exempt from the referendum under section 1d of Article II, Ohio 82020
Constitution, and take effect July 1, 2019. 82021

Section 601.10. That Sections 207.10 and 701.10 of H.B. 529 82022
of the 132nd General Assembly be amended to read as follows: 82023

Sec. 207.10. DEPARTMENT OF HIGHER EDUCATION AND STATE 82024
INSTITUTIONS OF HIGHER EDUCATION 82025

BOR DEPARTMENT OF HIGHER EDUCATION 82026

Higher Education Improvement Fund (Fund 7034) 82027

C23501 Ohio Supercomputer Center \$ 6,105,076 82028

C23516 Ohio Library and Information Network \$ 13,844,808 82029

C23524 Supplemental Renovations - Library \$ 447,000 82030

Depositories

C23529 Workforce Based Training and Equipment \$ ~~8,000,000~~ 82031

16,000,000

C23530 Technology Initiatives \$ 2,500,000 82032

C23532 OARnet \$ 10,203,116 82033

C23551 Ohio Innovation Exchange \$ 400,000 82034

C23560 HEI Critical Maintenance and Upgrades \$ 2,500,000 82035

C23563 Ohio Cyber Range \$ 1,000,000 82036

C23564 Ohio Aerospace Institute Improvements \$ 150,000 82037

TOTAL Higher Education Improvement Fund \$ ~~45,150,000~~ 82038

53,150,000

TOTAL ALL FUNDS \$ ~~45,150,000~~ 82039

53,150,000

RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 82040

Capital appropriations or reappropriations in this act made 82041
from appropriation item C23502, Research Facility Action and 82042
Investment Funds, shall be used for a program of grants to be 82043
administered by the Department of Higher Education to provide 82044
timely availability of capital facilities for research programs 82045
and research-oriented instructional programs at or involving 82046
state-supported and state-assisted institutions of higher 82047
education. 82048

WORKFORCE BASED TRAINING AND EQUIPMENT 82049

(A) Capital appropriations or reappropriations in this act 82050
made from appropriation item C23529, Workforce Based Training and 82051
Equipment, shall be used to support the Regionally Aligned 82052
Priorities in Developing Skills (RAPIDS) program in the Department 82053
of Higher Education. The purpose of the RAPIDS program is to 82054
support collaborative projects among higher education institutions 82055
to strengthen education and training opportunities that maximize 82056
workforce development efforts in defined areas of the state. 82057

(B) Capital funds appropriated or reappropriated for this 82058
purpose by the General Assembly shall be distributed by the 82059
Chancellor of Higher Education to Ohio regions or subsets of 82060
regions. Regions or subsets of regions may be defined by the 82061
state's economic development strategy. 82062

(C) The Chancellor shall award capital funds within the 82063
program using an application and review process, as developed by 82064
the Chancellor. In reviewing applications and making awards, 82065
priority shall be given to proposals that demonstrate: 82066

(1) Collaboration among and between state institutions of 82067
higher education, as defined in section 3345.011 of the Revised 82068
Code, Ohio Technical Centers, and other entities as determined to 82069

be appropriate by the Chancellor; 82070

(2) Evidence of meaningful business support and engagement; 82071

(3) Identification of targeted occupations and industries 82072
supported by data, which sources may include the Governor's Office 82073
of Workforce Transformation, OhioMeansJobs, labor market 82074
information from the Department of Job and Family Services, and 82075
lists of in-demand occupations; 82076

(4) Sustainability beyond the grant period with the 82077
opportunity to provide continued value and impact to the region. 82078

(D) In submitting proposals for consideration under the 82079
program, a state institution of higher education, as defined in 82080
section 3345.011 of the Revised Code, shall be the lead applicant 82081
and preference shall be given to proposals in which equipment and 82082
technology acquired by capital funds awarded under the program are 82083
owned by a state institution of higher education. If equipment, 82084
technology, or facilities acquired by capital funds awarded under 82085
the program will be owned by a separate governmental or nonprofit 82086
entity, the state institution of higher education shall enter into 82087
a joint use agreement with the entity, which shall be approved by 82088
the Chancellor. 82089

Sec. 701.10. OHIO ENTERPRISE DATA AND INFORMATION SYSTEM 82090
PROJECTS 82091

The enterprise data center solutions (EDCS) project is an 82092
information technology initiative that will expand and improve the 82093
state's cloud computing environment and support expansion of and 82094
upgrades to enterprise shared solutions. The Ohio Administrative 82095
Knowledge System (OAKS) is an enterprise resource planning system 82096
that replaced the state's central services infrastructure systems. 82097
The Department of Administrative Services may continue to acquire 82098
and implement EDCS, OAKS, and related information system projects, 82099

including, but not limited to, acquisition of the application 82100
hardware and software and the installation, implementation, and 82101
integration thereof. The Department of Administrative Services may 82102
enter into a lease-purchase agreement pursuant to Chapter 125. of 82103
the Revised Code as necessary to finance or refinance the 82104
projects. At the request of the Director of Administrative 82105
Services, the Office of Budget and Management shall make 82106
arrangements for the issuance of obligations, including 82107
fractionalized interests in public obligations as defined in 82108
division (N) of section 133.01 of the Revised Code, to finance the 82109
enterprise data and information system and OAKS projects, provided 82110
that not more than ~~\$29,594,850~~ \$51,094,850 shall be raised for 82111
this purpose. 82112

Section 601.11. That existing Sections 207.10 and 701.10 of 82113
H.B. 529 of the 132nd General Assembly are hereby repealed. 82114

Section 601.12. That Section 207.440 of H.B. 529 of the 132nd 82115
General Assembly, as amended by Am. Sub. S.B. 299 of the 132nd 82116
General Assembly, be amended to read as follows: 82117

Sec. 207.440. The Ohio Public Facilities Commission is hereby 82118
authorized to issue and sell, in accordance with Section 2n of 82119
Article VIII, Ohio Constitution, and Chapter 151. and particularly 82120
sections 151.01 and 151.04 of the Revised Code, original 82121
obligations in an aggregate principal amount not to exceed 82122
~~\$431,000,000~~ 439,000,000, in addition to the original issuance of 82123
obligations heretofore authorized by prior acts of the General 82124
Assembly. These authorized obligations shall be issued, subject to 82125
applicable constitutional and statutory limitations, as needed to 82126
provide sufficient moneys to the credit of the Higher Education 82127
Improvement Fund (Fund 7034) and the Higher Education Improvement 82128
Taxable Fund (Fund 7024) to pay costs of capital facilities for 82129

state-supported and state-assisted institutions of higher 82130
education. 82131

Section 601.13. That existing Section 207.440 of H.B. 529 of 82132
the 132nd General Assembly, as amended by Am. Sub. S.B. 299 of the 82133
132nd General Assembly, is hereby repealed. 82134

Section 601.20. That Sections 223.10 and 223.50 of H.B. 529 82135
of the 132nd General Assembly, as most recently amended by Am. 82136
Sub. H.B. 62 of the 133rd General Assembly, be amended to read as 82137
follows: 82138

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 82139

Oil and Gas Well Fund (Fund 5180) 82140

C725U6 Oil and Gas Facilities \$ 1,150,000 82141

TOTAL Oil and Gas Well Fund \$ 1,150,000 82142

Wildlife Fund (Fund 7015) 82143

C725B0 Access Development \$ ~~15,000,000~~ 82144
18,000,000

C725B6 Upgrade Underground Fuel Tanks \$ 460,000 82145

C725K9 Wildlife Area Building \$ 9,950,000 82146
Development/Renovation

C725L9 Dam Rehabilitation \$ 6,200,000 82147

TOTAL Wildlife Fund \$ ~~31,610,000~~ 82148
34,610,000

Administrative Building Fund (Fund 7026) 82149

C725D5 Fountain Square Building and Telephone \$ 2,000,000 82150
Improvement

C725N7 District Office Renovations \$ 2,455,343 82151

TOTAL Administrative Building Fund \$ 4,455,343 82152

Ohio Parks and Natural Resources Fund (Fund 7031) 82153

C72549	Facilities Development	\$	1,500,000	82154
C725E1	Local Parks Projects Statewide	\$	6,668,925	82155
C725E5	Project Planning	\$	1,147,700	82156
C725K0	State Park Renovations/Upgrading	\$	1,100,000	82157
C725M0	Dam Rehabilitation	\$	11,928,000	82158
C725N8	Operations Facilities Development	\$	1,000,000	82159
C725T3	Healthy Lake Erie Initiative	\$	20,000,000	82160
TOTAL Ohio Parks and Natural Resources Fund		\$	43,344,625	82161
Parks and Recreation Improvement Fund (Fund 7035)				82162
<u>C72513</u>	<u>Land Acquisition</u>	<u>\$</u>	<u>47,000,000</u>	82163
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	57,554,343	82164
C725C4	Muskingum River Lock and Dam	\$	6,800,000	82165
C725E2	Local Parks, Recreation, and Conservation Projects	\$	31,351,000	82166
C725E6	Project Planning	\$	4,082,793	82167
C725N6	Wastewater/Water Systems Upgrades	\$	8,955,000	82168
C725R3	State Parks Renovations/Upgrades	\$	8,640,000	82169
C725R4	Dam Rehabilitation - Parks	\$	33,125,000	82170
C725U5	The Banks	\$	2,000,000	82171
C725U7	Eagle Creek Watershed Flood Mitigation	\$	15,000,000	82172
TOTAL Parks and Recreation Improvement Fund		\$	167,508,136 <u>214,008,136</u>	82173
Clean Ohio Trail Fund (Fund 7061)				82174
C72514	Clean Ohio Trail Fund	\$	12,500,000	82175
TOTAL Clean Ohio Trail Fund		\$	12,500,000	82176
TOTAL ALL FUNDS		\$	260,568,104 <u>310,068,104</u>	82177
FEDERAL REIMBURSEMENT				82178
All reimbursements received from the federal government for				82179
any expenditures made pursuant to this section shall be deposited				82180
in the state treasury to the credit of the fund from which the				82181
expenditure originated.				82182

HEALTHY LAKE ERIE INITIATIVE 82183

Of the foregoing appropriation item C725T3, Healthy Lake Erie 82184
Initiative, \$10,000,000 shall be used to support projects that 82185
enhance efforts to reduce open lake disposal of dredged materials 82186
into Lake Erie by 2020. 82187

STATE PARKS RENOVATIONS/UPGRADES 82188

Of the foregoing appropriation item C725R3, State Parks 82189
Renovations/Upgrades, up to \$500,000 shall be used to make repairs 82190
to the Kenny Road dock on North Bass Island in Ottawa County. 82191

EAGLE CREEK WATERSHED FLOOD MITIGATION 82192

The foregoing appropriation item C725U7, Eagle Creek 82193
Watershed Flood Mitigation, shall be used to support the Eagle 82194
Creek Watershed Flood Mitigation Project in Hancock County, 82195
provided that there are local matching funds committed to the 82196
project of not less than twenty per cent of the total project 82197
cost. 82198

Sec. 223.50. The Treasurer of State is hereby authorized to 82199
issue and sell, in accordance with Section 2i of Article VIII, 82200
Ohio Constitution, and Chapter 154. of the Revised Code, 82201
particularly section 154.22, and other applicable sections of the 82202
Revised Code, original obligations in an aggregate principal 82203
amount not to exceed ~~\$134,500,000~~ \$181,000,000, in addition to the 82204
original issuance of obligations heretofore authorized by prior 82205
acts of the General Assembly. These authorized obligations shall 82206
be issued, subject to applicable constitutional and statutory 82207
limitations, as needed to provide sufficient moneys to the credit 82208
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 82209
the costs of capital facilities for parks and recreation purposes. 82210

Section 601.21. That existing Sections 223.10 and 223.50 of 82211
H.B. 529 of the 132nd General Assembly, as most recently amended 82212

by Am. Sub. H.B. 62 of the 133rd General Assembly, are hereby 82213
repealed. 82214

Section 601.22. That Sections 125.10 and 125.11 of Am. Sub. 82215
H.B. 59 of the 130th General Assembly, as most recently amended by 82216
Am. Sub. H.B. 49 of the 132nd General Assembly, be amended to read 82217
as follows: 82218

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 82219
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 82220
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 82221
repealed, effective October 16, ~~2019~~ 2021. 82222

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 82223
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 82224
Code are hereby repealed, effective October 1, ~~2019~~ 2021. 82225

Section 601.23. That existing Sections 125.10 and 125.11 of 82226
Am. Sub. H.B. 59 of the 130th General Assembly, as most recently 82227
amended by Am. Sub. H.B. 49 of the 132nd General Assembly, are 82228
hereby repealed. 82229

Section 603.10. That Section 205.10 of Am. Sub. H.B. 62 of 82230
the 133rd General Assembly be amended to read as follows: 82231

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 82232

General Revenue Fund 82233

GRF	761408	Highway Patrol	\$	0	\$	35,000,000	82234
Operating Expenses							
TOTAL GRF	General Revenue Fund		\$	0	\$	35,000,000	82235
Highway Safety Fund Group 82236							
5TM0	761401	Public Safety	\$	1,595,800	\$	1,598,300	82237

		Facilities Lease				
		Rental Bond Payments				
5TM0	762321	Operating Expense -	\$	108,178,738	\$	111,822,673 82238
		BMV				
5TM0	762636	Financial	\$	5,463,977	\$	5,540,059 82239
		Responsibility				
		Compliance				
5TM0	762637	Local Immobilization	\$	200,000	\$	200,000 82240
		Reimbursement				
5TM0	764321	Operating Expense -	\$	345,534,531	\$	349,339,662 82241
		Highway Patrol				<u>314,339,662</u>
5TM0	764605	Motor Carrier	\$	4,283,940	\$	4,308,088 82242
		Enforcement Expenses				
5TM0	769636	Administrative	\$	48,326,950	\$	49,020,261 82243
		Expenses - Highway				
		Purposes				
8370	764602	Turnpike Policing	\$	12,720,330	\$	12,840,263 82244
83C0	764630	Contraband,	\$	1,210,917	\$	1,213,407 82245
		Forfeiture, and Other				
83F0	764657	Law Enforcement	\$	6,903,824	\$	6,441,735 82246
		Automated Data System				
83G0	764633	OMVI	\$	593,518	\$	596,799 82247
		Enforcement/Education				
83M0	765624	Operating - EMS	\$	5,281,688	\$	5,521,843 82248
				<u>4,850,688</u>		<u>5,020,843</u>
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000 82249
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094 82250
8400	764617	Security and	\$	15,333,469	\$	15,469,782 82251
		Investigations				
8400	764626	State Fairgrounds	\$	1,263,762	\$	1,276,143 82252
		Police Force				
8460	761625	Motorcycle Safety	\$	3,823,000	\$	3,823,000 82253
		Education				

8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027	82254
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	82255
TOTAL HSF Highway Safety Fund Group			\$	584,493,868 <u>584,062,868</u>	\$	592,807,136 <u>557,306,136</u>	82256
Dedicated Purpose Fund Group							82257
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	82258
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	82259
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000	82260
TOTAL DPF Dedicated Purpose Fund Group			\$	2,274,000	\$	2,274,000	82261
Fiduciary Fund Group							82262
5J90	761678	Federal Salvage/GSA	\$	750,000	\$	750,000	82263
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000	82264
TOTAL FID Fiduciary Fund Group			\$	3,450,000	\$	3,450,000	82265
Holding Account Fund Group							82266
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	82267
R052	762623	Security Deposits	\$	50,000	\$	50,000	82268
TOTAL HLD Holding Account Fund Group			\$	1,935,000	\$	1,935,000	82269
Federal Fund Group							82270
3DU0	762628	BMV Grants	\$	1,150,000	\$	1,150,000	82271
3GR0	764693	Highway Patrol Justice Contraband	\$	1,230,549	\$	1,234,258	82272

3GS0	764694	Highway Patrol	\$	21,000	\$	21,000	82273
		Treasury Contraband					
3GU0	761610	Information and	\$	300,000	\$	300,000	82274
		Education Grant					
3GU0	764608	Fatality Analysis	\$	175,000	\$	175,000	82275
		Report System Grant					
3GU0	764610	Highway Safety	\$	4,036,721	\$	4,071,387	82276
		Programs Grant					
3GU0	764659	Motor Carrier Safety	\$	5,755,900	\$	5,816,116	82277
		Assistance Program					
		Grant					
3GU0	765610	EMS Grants	\$	225,000	\$	225,000	82278
3GV0	761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000	82279
		Plan Grants					
TOTAL FED	Federal Fund Group		\$	43,094,170	\$	43,192,761	82280
TOTAL ALL BUDGET FUND GROUPS			\$	635,247,038	\$	678,658,897	82281
				<u>634,816,038</u>		<u>643,157,897</u>	

Section 603.11. That existing Section 205.10 of Am. Sub. H.B. 82283
62 of the 133rd General Assembly is hereby repealed. 82284

Section 701.10. Notwithstanding any provision of the Revised 82285
Code to the contrary, designees of the Office of Budget and 82286
Management and the Department of Administrative Services jointly 82287
shall review agency functions and programs and determine if any 82288
overlap or duplicative functions exist and shall collaborate with 82289
affected agencies in the course of their review. The designees 82290
shall determine the cost-effectiveness of the programming in terms 82291
of administrative and operational costs, including facilities, 82292
personnel, technology, supplies, contracts, and services. 82293
Following review and not later than January 1, 2020, the Directors 82294
of Budget and Management and Administrative Services jointly shall 82295
determine, in consultation with the affected agencies, the 82296

functions that may be consolidated within and across state 82297
departments, with particular emphasis on facilities utilization, 82298
laboratory testing facility consolidation, and field or regional 82299
office operation consolidation. The determination also may include 82300
other functions, programs, and services that would reduce costs 82301
and improve services and would be suitable for operation within 82302
the Office of Budget and Management's Shared Services Center. 82303

Should the consolidation of functions result in consolidation 82304
within the Shared Services Center or otherwise impact any employee 82305
not subject to Chapter 4117. of the Revised Code, the Director of 82306
Administrative Services may assign, reassign, classify, 82307
reclassify, transfer, reduce, promote, or demote any employee so 82308
transferred. Any employment records and actions, including 82309
personnel actions, disciplinary actions, performance improvement 82310
plans, and performance evaluations transfer with the employee. 82311
These employees are subject to the policies, procedures, and work 82312
rules of the agency to which they are transferred. The Director of 82313
Administrative Services also may transfer all equipment and assets 82314
relating to the program or function that is being consolidated to 82315
the department that is to be responsible for the functions after 82316
consolidation occurs. 82317

On or after the effective date of the respective 82318
consolidation of functions and notwithstanding any provision of 82319
law to the contrary, the Director of Budget and Management may 82320
make budget changes made necessary by this section, including 82321
cancelling encumbrances and reestablishing them as encumbrances of 82322
the department that is to be responsible for the functions after 82323
consolidation occurs. Any reestablished encumbrances are hereby 82324
appropriated. 82325

Section 701.20. On the effective date of this act, or as soon 82326
as possible thereafter, the Director of Budget and Management 82327

shall transfer the cash balance from all money collected under 82328
sections 718.80 to 718.95 of the Revised Code, if any, in the 82329
municipal income tax fund to the municipal net profit tax fund. 82330

Section 701.30. COORDINATION OF BENEFITS 82331

The Development Services Agency and the Department of Job and 82332
Family Services may collaborate to coordinate benefits available 82333
to eligible Ohioans. By evaluating current procedures and working 82334
toward a goal of developing a single application for eligible 82335
customers, the agencies shall work to produce new efficiencies and 82336
prevent duplication of efforts. 82337

Section 701.40. RECOVERY HOUSING PILOT PROGRAM 82338

The Department of Mental Health and Addiction Services shall 82339
work with the Development Services Agency to develop a pilot 82340
program in partnership with rural Ohio counties hard hit by the 82341
opioid epidemic to enhance funding availability for recovery 82342
housing. This partnership may include local OhioMeansJobs and Job 82343
and Family Services entities to develop workforce job training and 82344
employer participation for those individuals participating in 82345
recovery housing programs. 82346

Section 701.50. DEPARTMENT OF EDUCATION PERFORMANCE AUDIT 82347

The Auditor of State, in consultation with the Joint 82348
Education Oversight Committee, shall conduct a performance audit 82349
of selected offices or programs within the Department of 82350
Education. The audit shall be completed by October 1, 2020. 82351

Section 715.10. Except for an applicant for a nonresident 82352
youth hunting license who shall pay nine dollars for an annual 82353
license as specified in section 1533.10 of the Revised Code, an 82354
applicant for a hunting or fishing license who is not a resident 82355

of a reciprocal state, and a nonresident applicant for a deer 82356
permit shall pay the annual fee for each license or permit through 82357
December 31, 2019, in accordance with the fee schedule established 82358
in Section 715.11 of H.B. 49 of the 132nd General Assembly. 82359

Section 733.10. If a city, local, or exempted village school 82360
district experienced an increase in the taxable value of all 82361
utility tangible personal property subject to taxation by the 82362
district between tax years 2017 and 2018 and, as a result, the 82363
Department of Education deducted funds from the district under 82364
division (B) of section 3317.028 of the Revised Code, as it 82365
existed prior to the effective date of this section, the 82366
Department, during the fiscal year that begins after that 82367
effective date, shall credit the deducted amount to the district. 82368

Section 733.20. FAFSA COMPLETION PROGRAM 82369

(A) As used in this section, "eligible district" means any 82370
educational service center or city, exempted village, local, or 82371
joint vocational school district. 82372

(B) The Department of Education shall establish a program to 82373
award grants to eligible districts for the purposes of organizing 82374
activities to encourage and assist students in grade twelve with 82375
completing the Free Application for Federal Student Aid. The 82376
program shall operate in fiscal years 2020 and 2021. 82377

(C) In each fiscal year in which the program operates, the 82378
Department shall solicit, review, and approve proposals from 82379
eligible districts. The Department shall award a grant to each 82380
eligible district with an approved proposal, except that, if the 82381
funds appropriated by the General Assembly for the program are 82382
insufficient, the Department shall prioritize awarding grants to 82383
lower wealth eligible districts. Each award shall be up to five 82384
thousand dollars and each eligible district with an approved 82385

proposal shall receive one award per fiscal year. 82386

(D) The Department shall adopt guidelines and procedures for 82387
the program, including all of the following: 82388

(1) A process in which the Department shall solicit, review, 82389
and approve proposals submitted by eligible districts, as well as 82390
a timeline for that process; 82391

(2) Criteria for approving a proposal submitted by an 82392
eligible district, including both of the following: 82393

(a) A requirement that the eligible district work with a 82394
public or private community partner; 82395

(b) A requirement that the proposal include at least one 82396
activity such as a training session, a fair, or another event that 82397
actively engages students. 82398

(3) A metric to gauge the wealth of eligible districts. 82399

Section 733.30. (A) Notwithstanding anything in the Revised 82400
Code to the contrary, the Superintendent of Public Instruction 82401
shall not establish any new academic distress commission, as 82402
prescribed by section 3302.10 of the Revised Code, for any school 82403
district between the effective date of this section and June 30, 82404
2021. 82405

(B) This section does not affect an academic distress 82406
commission established prior to the effective date of this 82407
section. 82408

Section 737.10. On or after July 1, 2019, the Department of 82409
Health may establish a Substance Use Disorder Professional Loan 82410
Repayment Program. Under the Program, the Department may agree to 82411
repay all or part of the principal or interest of government or 82412
other educational loans taken by professionals providing treatment 82413
and other related services to individuals with substance use 82414

disorders. A professional participating in the Program must commit 82415
to serving in an area of the state with limited access to 82416
addiction treatment and related services. 82417

Section 737.11. On or after July 1, 2019, the Department of 82418
Health may establish a program under which a physician providing 82419
medication-assisted treatment to individuals with substance use 82420
disorders in a health resource shortage area may be eligible for 82421
financial assistance from the Department. Eligible physicians are 82422
those participating in the Physician Loan Repayment Program as 82423
described in section 3702.75 of the Revised Code. 82424

Section 739.10. Sections 3902.50 and 3902.51 of the Revised 82425
Code shall apply to health benefit plans, as defined in section 82426
3922.01 of the Revised Code, delivered, issued for delivery, 82427
modified, or renewed on or after the effective date of those 82428
sections. 82429

Section 747.20. A license or certificate of registration 82430
issued under Chapter 4757. of the Revised Code that is in effect 82431
on the effective date of this section shall continue in effect 82432
until the first biennial renewal date established by the 82433
Counselor, Social Worker, and Marriage and Family Therapist Board 82434
pursuant to sections 4757.10 and 4757.32 of the Revised Code, as 82435
amended by this act. No license or certificate of registration in 82436
effect on the effective date of this section is valid for more 82437
than three years after the effective date of this section. 82438

Section 747.30. As used in this section, "authorizing 82439
statute" means a Revised Code section or provision of a Revised 82440
Code section that is cited in the Ohio Administrative Code as the 82441
statute that authorizes the adoption of a rule. 82442

The Board of Executives of Long-Term Services and Supports is 82443
not required to amend any rule for the sole purpose of updating 82444
the citation in the Ohio Administrative Code to the rule's 82445
authorizing statute to reflect that this act renumbers the 82446
authorizing statute or relocates it to another Revised Code 82447
section. Such citations shall be updated as the Board amends the 82448
rules for other purposes. 82449

Section 747.40. CONVERSION AND RENAMING OF CERTIFICATES 82450
ISSUED BY THE STATE MEDICAL BOARD 82451

(A) The repeal by this act of section 4731.296 of the Revised 82452
Code does not invalidate a telemedicine certificate that was 82453
issued under that section if the certificate is valid on the 82454
effective date of this section. As soon as practicable, the State 82455
Medical Board shall convert all such telemedicine certificates to 82456
licenses, as if they were issued under section 4731.14 of the 82457
Revised Code. Once a telemedicine certificate is converted, the 82458
holder is subject to all requirements and privileges attendant to 82459
a license issued under section 4731.14 of the Revised Code, 82460
including continuing medical education requirements. 82461

(B) The Board may take any action it considers necessary to 82462
rename the certificates issued under Chapters 4731., 4760., 4762., 82463
and 4774. of the Revised Code as licenses, as provided by the 82464
amendments made by this act to those chapters. 82465

Section 751.10. REDUCTION IN MEMBERSHIP OF CITIZEN'S ADVISORY 82466
COUNCILS 82467

The amendment made by this act to section 5123.092 of the 82468
Revised Code providing for a reduction in citizen's advisory 82469
council membership does not affect the members holding office on 82470
the effective date of this section. The reduction shall be 82471
implemented by not filling vacancies that correspond with the 82472

changes made by this act to council membership. 82473

Section 751.20. (A) There is established the Health and Human 82474
Services Efficiencies and Alignment Study Committee. The Committee 82475
shall examine the alignment and administrative efficiencies within 82476
the state's health and human services agencies. 82477

(B) The Committee shall include the following members: 82478

(1) The chairperson of the Finance Subcommittee on Health and 82479
Human Services of the House of Representatives; 82480

(2) The chairperson of the Aging and Long Term Care Committee 82481
of the House of Representatives; 82482

(3) The chairperson of the Finance Subcommittee on Health and 82483
Medicaid Subcommittee of the Senate; 82484

(4) The chairperson of the Health, Human Services and 82485
Medicaid Committee of the Senate; 82486

(5) The Director of Medicaid or the Director's designee; 82487

(6) The Director of Health or the Director's designee; 82488

(7) The Director of Job and Family Services or the Director's 82489
designee; 82490

(8) The Director of Developmental Disabilities or the 82491
Director's designee; 82492

(9) The Director of Mental Health and Addiction Services or 82493
the Director's designee; 82494

(10) The Director of Aging or the Director's designee; 82495

(11) The Director of Recovery Ohio or the Director's 82496
designee; 82497

(12) The Director of the Governor's Office of Children 82498
Initiatives or the Director's designee; 82499

(13) The Director of Innovate Ohio or the Director's 82500

designee. 82501

(C) The Speaker of the House of Representatives shall appoint 82502
one of the members described in divisions (B)(1) and (2) of this 82503
section as the Committee's co-chairperson and the President of the 82504
Senate shall appoint one of the members described in divisions 82505
(B)(3) and (4) of this section as the other co-chairperson. The 82506
Speaker and President shall appoint members to the Committee not 82507
later than thirty days after the effective date of this section. 82508

(D) Members of the Committee shall serve without compensation 82509
or reimbursement, except to the extent that serving on the 82510
Committee is part of their usual job duties. 82511

(E) In conducting the examination required by division (A) of 82512
this section, the Committee shall do all of the following: 82513

(1) Identify areas of administrative duplication among 82514
services and programs provided by the state's health and human 82515
services agencies; 82516

(2) Recommend administrative efficiencies and alignment 82517
opportunities among services and programs; 82518

(3) Assess how data could be aligned among the services and 82519
programs, such as eligibility requirements across programs, 82520
application processes, and assessments, and how the data can be 82521
accessed by partners working within and across programs; 82522

(4) Invite stakeholder participation in the Committee's work. 82523

(F) The Committee shall complete a report not later than 82524
December 31, 2020. The report shall include the Committee's 82525
recommendations regarding costs, benefits, and policies. The 82526
Committee shall submit the report to the Governor and General 82527
Assembly. The report also shall be made available to the public. 82528

(G) After submitting its report, the Committee shall cease to 82529
exist. 82530

Section 751.30. CHALLENGES TO HEALTH CARE COST ESTIMATE	82531
STATUTE	82532
Any member of the General Assembly may intervene in	82533
litigation that challenges section 5162.80 of the Revised Code.	82534
Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM	82535
There is hereby established in the Highway Operating Fund	82536
(Fund 7002), used by the Department of Transportation, a Diesel	82537
Emissions Reduction Grant Program. The Director of Environmental	82538
Protection shall administer the program and shall solicit,	82539
evaluate, score, and select projects submitted by public and	82540
private entities that are eligible for the federal Congestion	82541
Mitigation and Air Quality (CMAQ) Program. The Director of	82542
Transportation shall process Federal Highway	82543
Administration-approved projects as recommended by the Director of	82544
Environmental Protection.	82545
In addition to the allowable expenditures set forth in	82546
section 122.861 of the Revised Code, Diesel Emissions Reduction	82547
Grant Program funds also may be used to fund projects involving	82548
the purchase or use of hybrid and alternative fuel vehicles that	82549
are allowed under guidance developed by the Federal Highway	82550
Administration for the CMAQ Program.	82551
Public entities eligible to receive funds under section	82552
122.861 of the Revised Code and CMAQ shall be reimbursed from	82553
moneys in Fund 7002 designated for the Department of	82554
Transportation's Diesel Emissions Reduction Grant Program.	82555
Private entities eligible to receive funds under section	82556
122.861 of the Revised Code and CMAQ shall be reimbursed, at the	82557
direction of the local public agency sponsor and upon approval of	82558
the Department of Transportation, through direct payments. These	82559
reimbursements shall be made from moneys in Fund 7002 designated	82560

for the Department of Transportation's Diesel Emissions Reduction 82561
Grant Program. Total expenditures from Fund 7002 for the Diesel 82562
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 82563
both fiscal year 2020 and fiscal year 2021. 82564

Any allocations under this section represent CMAQ program 82565
moneys within the Department of Transportation for use by the 82566
Diesel Emissions Reduction Grant Program by the Environmental 82567
Protection Agency. These allocations shall not reduce the amount 82568
of such moneys designated for metropolitan planning organizations. 82569

The Director of Environmental Protection, in consultation 82570
with the Director of Transportation, shall develop guidance for 82571
the distribution of funds and for the administration of the Diesel 82572
Emissions Reduction Grant Program. The guidance shall include a 82573
method of prioritization for projects, acceptable technologies, 82574
and procedures for awarding grants. 82575

Section 757.10. The amendment or enactment by this act of 82576
sections 3742.50, 5747.08, and 5747.26 and division (A)(15) of 82577
section 5747.98 of the Revised Code applies to taxable years 82578
beginning on or after January 1, 2020. 82579

Section 757.20. The amendment or enactment by this act of 82580
sections 5709.40, 5709.41, 5709.51, 5709.73, and 5709.78 of the 82581
Revised Code concerning the extension of certain tax increment 82582
financing property tax exemptions applies to resolutions or 82583
ordinances adopted under any of those sections for an exemption 82584
that is in effect for the tax year that includes or begins after 82585
the effective date of those amendments and enactments. 82586

Section 757.23. Section 3959.20 of the Revised Code as 82587
enacted by this act applies to contracts for pharmacy services and 82588
to health benefit plans, as defined in section 3922.01 of the 82589
Revised Code, entered into or amended on or after the effective 82590

date of this act. 82591

Section 757.30. BUSINESS INCENTIVE TAX CREDITS 82592

In order to facilitate an understanding of business incentive 82593
tax credits, as defined in section 107.036 of the Revised Code, 82594
the following table provides an estimate of the amount of credits 82595
that may be authorized in each fiscal year of the 2020-2021 82596
biennium, an estimate of the credits expected to be claimed in 82597
each fiscal year of that biennium, and an estimate of the amount 82598
of credits authorized that will remain outstanding at the end of 82599
that biennium. In totality, this table provides an estimate of the 82600
state revenue forgone due to business incentive tax credits in the 82601
2020-2021 biennium and future biennia. 82602

Biennial Business Incentive Tax Credit Estimates 82603

Estimate of total value	Estimate of tax	Expected	82605
of tax credits	credits issued/claimed	Outstanding	
authorized		credits	

(All figures in 82606
thousands of dollars)

						82607
Tax	FY 2020	FY 2021	FY 2020	FY 2021	End of	82608
Credit					Biennium	

82609

Job	\$105,000	\$105,000	\$109,000	\$105,000	\$700,000	82610
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Creation

Tax

Credit*

82611

Job	\$ 0	\$ 0	\$44,818	\$42,985	\$153,161	82612
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Retention

Tax

Credit

82613

Historic	\$60,000	\$60,000	\$65,000	\$70,000	\$175,000	82614
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Preservation

Tax

Credit

82615

Motion	\$40,000	\$40,000	\$50,000	\$45,000	\$95,000	82616
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Picture

Tax

Credit

82617

New	\$10,000	\$10,000	\$9,282	\$9,667	\$48,038	82618
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Markets

Tax

Credit

82619

R&D Loan	\$1,500	\$1,500	\$2,606	\$2,100	\$12,525	82620
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Tax

Credit

82621

InvestOhio	\$4,000	\$3,500	\$2,500	\$2,000	\$4,500	82622
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Tax

Credit

82623

Ohio	\$0	\$0	\$0	\$0	\$45,000	82624
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Rural

Business

82625

Estimate	\$220,500	\$220,000	\$283,206	\$276,751	\$1,233,224	82626
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Total

*The Job Creation Tax Credit (JCTC) estimate of credits	82627
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outstanding is not just for tax credit certificates already	82628
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issued, but also for the estimated potential value of certificates 82629
to be issued under the program through 2035 when looking at the 82630
existing portfolio of approved and active incentives. The estimate 82631
assumes that the companies receiving credits will continue to meet 82632
the performance objectives required to continue receiving the 82633
credit. 82634

Section 757.40. (A) As used in this section: 82635

(1) "Certificate owner" and "qualified rehabilitation 82636
expenditures" have the same meanings as in section 149.311 of the 82637
Revised Code. 82638

(2) "Taxpayer," "tax period," "excluded person," "combined 82639
taxpayer," and "consolidated elected taxpayer," have the same 82640
meanings as in section 5751.01 of the Revised Code. 82641

(3) "Pass-through entity" has the same meaning as in section 82642
5733.04 of the Revised Code. 82643

(B) A taxpayer that is the certificate owner of a 82644
rehabilitation tax credit certificate issued under section 149.311 82645
of the Revised Code may claim a credit against the tax levied by 82646
section 5751.02 of the Revised Code for tax periods ending on or 82647
before June 30, 2021, provided that the taxpayer is unable to 82648
claim the credit under section 5725.151, 5725.34, 5726.52, 82649
5729.17, or 5747.76 of the Revised Code. 82650

The credit shall equal the lesser of twenty-five per cent of 82651
the dollar amount of the qualified rehabilitation expenditures 82652
indicated on the certificate or five million dollars. The credit 82653
shall be claimed for the calendar year specified in the 82654
certificate and after the credits authorized in divisions (A)(1) 82655
to (4) of section 5751.98 of the Revised Code, but before the 82656
credits authorized in divisions (A)(5) to (7) of that section. 82657

If the credit allowed for any calendar year exceeds the tax 82658

otherwise due under section 5751.02 of the Revised Code, after 82659
allowing for any other credits preceding the credit in the order 82660
prescribed by this section, the excess shall be refunded to the 82661
taxpayer. However, if any amount of the credit is refunded, the 82662
sum of the amount refunded and the amount applied to reduce the 82663
tax otherwise due for that year shall not exceed three million 82664
dollars. The taxpayer may carry forward any balance of the credit 82665
in excess of the amount claimed for that year for not more than 82666
five calendar years after the calendar year specified in the 82667
certificate, and shall deduct any amount claimed in any such year 82668
from the amount claimed in an ensuing year. 82669

A person that is an excluded person may file a return under 82670
section 5751.051 of the Revised Code for the purpose of claiming 82671
the credit authorized in this section. 82672

If the certificate owner is a pass-through entity, the credit 82673
may not be allocated among the entity's owners in proportions or 82674
amounts as the owners mutually agree unless either the owners are 82675
part of the same combined or consolidated elected taxpayer as the 82676
pass-through entity or the director of development services issued 82677
the certificate in the name of the pass-through entity's owners in 82678
the agreed-upon proportions or amounts. If the credit is allocated 82679
among those owners, an owner may claim the credit authorized in 82680
this section only if that owner is a corporation or an association 82681
taxed as a corporation for federal income tax purposes and is not 82682
a corporation that has made an election under Subchapter S of 82683
Chapter 1 of Subtitle A of the Internal Revenue Code. 82684

The credit authorized in this section may be claimed only on 82685
the basis of a rehabilitation tax credit certificate with an 82686
effective date after December 31, 2013, but before June 30, 2021. 82687

A person claiming a credit under this section shall retain 82688
the rehabilitation tax credit certificate for four years following 82689
the end of the latest calendar year in which the credit was 82690

applied, and shall make the certificate available for inspection 82691
by the tax commissioner upon request. 82692

Section 757.50. The amendment by this act of sections 82693
5733.40, 5733.41, and 5747.41 of the Revised Code applies to 82694
qualifying taxable years, as defined by section 5733.40 of the 82695
Revised Code, beginning on or after January 1, 2019. 82696

Section 757.60. The amendment by this act of section 5739.01 82697
of the Revised Code applies on and after the first day of the 82698
first month that begins after the effective date of that 82699
amendment. 82700

Section 757.70. The amendment by this act of section 5747.10 82701
of the Revised Code applies to federal adjustments with a final 82702
determination date of October 1, 2019, or thereafter. 82703

Section 757.80. The amendment or enactment by this act of 82704
sections 5741.01, 5741.04, 5741.05, 5741.11, 5741.13, and 5741.17 82705
of the Revised Code applies on and after July 1, 2019. 82706

Section 757.90. The amendment by this act of section 5709.17 82707
of the Revised Code applies to tax year 2019 and every tax year 82708
thereafter. 82709

Section 757.100. The amendment or enactment by this act of 82710
sections 319.302, 323.155, and 323.16 of the Revised Code applies 82711
to tax year 2019 and thereafter. 82712

Section 757.110. The amendment by this act of section 5726.04 82713
of the Revised Code applies to tax years beginning on or after 82714
January 1, 2020. 82715

Section 757.120. The enactment by this act of section 5747.73 82716

of the Revised Code applies to taxable years ending on or after 82717
the effective date of that enactment. 82718

Section 757.130. The amendment by this act of section 82719
5739.011 of the Revised Code applies on and after the first day of 82720
the first month that begins after the effective date of that 82721
amendment. 82722

Section 757.140. The amendment by this act of sections 82723
122.175, 5739.01, 5739.02, 5739.025, 5739.03, and 5739.05 of the 82724
Revised Code applies on and after October 1, 2019. 82725

The amendment or repeal by this act of sections 5747.01, 82726
5747.02, 5747.29, and 5747.65 and existing divisions (A)(5) and 82727
(26) of section 5747.98 of the Revised Code applies to taxable 82728
years beginning on or after January 1, 2019. 82729

Section 757.150. (A) The amendment by this act of section 82730
323.151 of the Revised Code applies to section 323.152 of the 82731
Revised Code for tax year 2019 and every tax year thereafter and 82732
to section 4503.065 of the Revised Code for tax year 2020 and 82733
every tax year thereafter. 82734

(B) The amendment by this act of sections 5747.01, 5747.02, 82735
5747.022, 5747.025, 5747.05, 5747.054, 5747.055, and 5748.01 of 82736
the Revised Code applies to taxable years beginning on or after 82737
January 1, 2019. 82738

Section 757.160. The Tax Commissioner shall not make 82739
adjustments in 2019 to the income amounts in divisions (A)(2) and 82740
(3) of section 5747.02 of the Revised Code, as otherwise required 82741
by division (A)(5) of that section. 82742

Section 806.10. SEVERABILITY 82743

The items of law contained in this act, and their 82744

applications, are severable. If any item of law contained in this 82745
act, or if any application of any item of law contained in this 82746
act, is held invalid, the invalidity does not affect other items 82747
of law contained in this act and their applications that can be 82748
given effect without the invalid item of law or application. 82749

Section 809.10. NO EFFECT AFTER END OF BIENNIUM 82750

An item of law, other than an amending, enacting, or 82751
repealing clause, that composes the whole or part of an uncodified 82752
section contained in this act has no effect after June 30, 2021, 82753
unless its context clearly indicates otherwise. 82754

Section 812.10. SUBJECT TO REFERENDUM 82755

Except as otherwise provided in this act, the amendment, 82756
enactment, or repeal by this act of a section is subject to the 82757
referendum under Ohio Constitution, Article II, section 1c and 82758
therefore takes effect on the ninety-first day after this act is 82759
filed with the Secretary of State or, if a later effective date is 82760
specified below, on that date. 82761

Section 812.20. The amendment by this act of sections 122.85, 82762
321.24, 718.83, 718.85, 718.90, 4301.43, 5741.01, 5741.04, 82763
5741.05, 5741.11, 5741.13, 5741.17, 5745.05, and 5751.02 of the 82764
Revised Code is exempt from the referendum under section 1d of 82765
Article II, Ohio Constitution, and therefore takes effect 82766
immediately when this act becomes law. 82767

Section 812.23. Sections of this act prefixed with numbers in 82768
the 200s, 300s, 400s, and 500s (except the 501s) are exempt from 82769
the referendum under Ohio Constitution, Article II, Section 1d, 82770
and therefore take immediate effect when this act becomes law. 82771

Section 815.10. The General Assembly, applying the principle 82772

stated in division (B) of section 1.52 of the Revised Code that 82773
amendments are to be harmonized if reasonably capable of 82774
simultaneous operation, finds that the following sections, 82775
presented in this act as composites of the sections as amended by 82776
the acts indicated, are the resulting versions of the sections in 82777
effect prior to the effective date of the sections as presented in 82778
this act: 82779

Section 109.572 of the Revised Code as amended by Am. Sub. 82780
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 82781
229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd 82782
General Assembly. 82783

Section 149.43 of the Revised Code as amended by Am. Sub. 82784
H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B. 341, 82785
Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub. S.B. 229, 82786
all of the 132nd General Assembly. 82787

Section 321.24 of the Revised Code as amended by both Sub. 82788
S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 82789
128th General Assembly. 82790

Section 1739.05 of the Revised Code as amended by Sub. H.B. 82791
156, Sub. S.B. 259, and Sub. S.B. 265, all of the 132nd General 82792
Assembly. 82793

Section 2925.01 of the Revised Code as amended by Am. Sub. 82794
H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. 82795
Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General 82796
Assembly. 82797

Section 2929.13 of the Revised Code as amended by Sub. H.B. 82798
63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and Am. Sub. 82799
S.B. 201, all of the 132nd General Assembly. 82800

Section 2929.15 of the Revised Code as amended by both Am. 82801
Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly. 82802

Section 3301.0711 of the Revised Code as amended by both Sub.	82803
H.B. 21 and Am. Sub. S.B. 216 of the 132nd General Assembly.	82804
Section 3302.03 of the Revised Code as amended by Sub. H.B.	82805
318 and Am. Sub. S.B. 216 of the 132nd General Assembly.	82806
Section 3314.08 of the Revised Code as amended by Sub. H.B.	82807
87 and Am. Sub. S.B. 216 of the 132nd General Assembly.	82808
Section 3317.03 of the Revised Code as amended by Sub. H.B.	82809
113 and Sub. H.B. 158 of the 131st General Assembly.	82810
Section 3328.24 of the Revised Code as amended by both Am.	82811
Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly.	82812
Section 4730.14 of the Revised Code as amended by both Sub.	82813
S.B. 110 and Am. Sub. H.B. 64 of the 131st General Assembly.	82814
Section 4730.25 of the Revised Code as amended by Am. Sub.	82815
H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am.	82816
Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General Assembly.	82817
Section 4735.09 of the Revised Code as amended by both Sub.	82818
H.B. 113 and Am. H.B. 532 of the 131st General Assembly.	82819
Section 5162.01 of the Revised Code as amended by both Sub.	82820
H.B. 89 and Sub. S.B. 332 of the 131st General Assembly.	82821
Section 5709.40 of the Revised Code as amended by both Am.	82822
Sub. S.B. 257 of the 131st General Assembly and Sub. H.B. 69 of	82823
the 132nd General Assembly.	82824
Section 5709.41 of the Revised Code as amended by both Am.	82825
Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly.	82826